Portabello Road area, walking the streets, talking, standing on street corners, working terribly hard until he and the lads from the area built up their own cafe—it wasn't really to sell coffee."

And Pat's mother who attended his funeral said this of the people she met in Ballymurphy "I met with exquisite courtesy . . . The mother of the young shot boy who was buried a few hours before my son, is a deeply rooted Catholic while I am a humanist. But we met on common ground of grief and pity for the waste of promising young lives, including the unhappiness and corruption of young English soldiers—many must be ashamed of their role."

"She is now back in London trying to persuade the Labour Party politicians and trade unionists to support her over the issue. With her she brings the broom her son used to wave the white flag and the mark of the bullet on it.

Her immediate task, she says, is to get the white flag recognised by the army. For, as she points out, the priest shot last week, Father Mullen, was killed as he bent over a dying man to administer the last rites. The priest was carrying a white flag.

EMPLOYMENT

She adds: "It is not a policy of ruthless oppression or a course in religious toleration that is necessary in Ballymurphy. It is a need for employment, for hope for a life with some stability and opportunity for young people to work constructively. Forty-seven per cent of the men are out of work, and many have not had a job for years—some young people have not even had a job. The estate is steeped in poverty and sorrow. It is a political and social solution not a military one, which is needed."

SENATE—*Friday, October 8, 1971*

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. ELLENDER).

PRAYER

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

Almighty and everlasting God, in whom we live and move and have our being, we thank Thee for Thy providence which has watched over us and brought us to this new day. Direct us now in the work of this day as we fulfill our several vocations. Supplement our limited wisdom by divine wisdom. To our natural power add Thy supernatural power. Give us grace to be considerate and patient with others, obedient to conscience, teachable as little children, and trustful as the saints of old. According to our abilities help us to do good to all men that this Nation and the world may be well served. Guard us amid all dangers and watch over us in our journeying.

In Thy holy name we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, October 7, 1971, be dispensed with.

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

ORDER FOR ADJOURNMENT UNTIL TUESDAY, OCTOBER 12, 1971

Mr. MANSFIELD. Mr. President, has an order been entered that when the Senate adjourns today it adjourn to meet at 12 o'clock noon on Tuesday next?

The PRESIDENT pro tempore. No.

Mr. MANSFIELD. I make that unanimous-consent request at this time.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination on the Executive Calendar under Federal Power Commission.

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

The PRESIDENT pro tempore. The nomination on the Executive Calendar, under Federal Power Commission, will be stated.

FEDERAL POWER COMMISSION

The second assistant legislative clerk read the nomination of Rush Moody, Jr., of Texas, to be a member of the Federal Power Commission for the term of 5 years expiring June 22, 1976.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed; and, without objection, the President will be immediately notified of the confirmation of this nomination.

LEGISLATIVE SESSION

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

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

THE UNITED STATES AND NATO; TROOP REDUCTION—XI

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD set No. XI of the commentaries, columns, articles, and editorials relative to the U.S. troop position in Europe in relation to NATO.

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

[From the Miles City (Mont.) Star, Sept. 5, 1971]

REDUCE FORCES IN EUROPE

Now that East and West are beginning to resolve some of their differences over Berlin, the way may have been opened for talks on another tough issue—the reduction of troops in Europe.

The West German government focused attention on the troop question by indicating it will propose guidelines for mutual and balanced troop cuts for discussion at a forthcoming conference of the North Atlantic Treaty Organization (NATO).

The idea of military disengagement in Central Europe certainly has a lot more going for it now—as the West German interest implies—than it did just a few short months ago when Senate majority leader Mike Mansfield called for a unilateral cutback of American troop strength in Europe from 300,000 to 150,000.

At that time, the Berlin question—which has contributed so often in the past to a heightening of East-West tensions—was considered a major sticking point.

It is appropriate that the initiative for the troop reduction talks should come from Bonn, which in the past has opposed reduction of the U.S. military presence in Europe.

The fact is that all the nations involved could gain from an end to the costly troop concentrations in Europe. A balanced mutual reduction of these forces—looking ahead to the day perhaps when the need for such forces could be eliminated altogether—would release sizable resources and funds for peaceful purposes.

In our own case, the cost of maintaining American troops in Europe has been more than a dutiful, expensive burden. It has also contributed to our balance of payments difficulties, has weakened the dollar abroad, and, as a consequence, has helped bring on monetary crises of the sort we are now grappling with.

The Soviet Union's leaders—notably Communist party chief Leonid Brezhnev and Premier Alexei Kosygin—have expressed interest in mutual reduction of NATO and Warsaw Pact nation forces.

It would clearly be to our advantage and that of our NATO allies to test out fully the intentions of Moscow on military disengagement.

[From the Portland Oregonian, Sept. 19, 1971]

MAKING THE DOLLAR—NATO CLOSES EYES TO U.S. TROOP CUTS

(By Gerry Pratt)

BRUSSELS.—The people of the North Atlantic Treaty Organization, generals and diplomats, Italians, Germans and Americans, British and French—yes the French are evident though their troops are not—live in a world of their own.

And like people of any world, the world of arts, or journalism or science, they have developed their own language and the habit of speaking almost exclusively to one another in words and abbreviations and ideas belonging almost exclusively to NATO.

So it comes as a shock to an outsider to hear them suggest that it would be impossible for the Europeans to take up any slack in the NATO forces because of the booming prosperity and tight budgets of the European member countries. Yet that is exactly what one German general attached to

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

NATO told 10 inquiring reporters from America in this current briefing session.

NATO officials are speaking out because one American voice, that of Sen. Mike Mansfield, D-Mont., has cracked their closed circuit conversations. Mansfield introduced a resolution in the Senate calling for the reduction of 100,000 American troops from the NATO forces in Europe. He was defeated but now is expected to bring in a second resolution calling for the reduction of between 35,000 and 50,000 American soldiers in the NATO force.

Mansfield has been suggesting a pullback in the United States NATO contribution since France pulled out all of her troops in 1968 and drummed the NATO headquarters out of France.

Now, for perhaps the first time in the nearly 25-year history of the North Atlantic Treaty, the NATO officials are concerned about the unfair balance of the burden of this European defense system assigned to the American taxpayer. They admit this stating: "The U.S. is in Europe for its own interest. Europe has taken advantage of this and has sat back and grown wealthy."

GERMAN POWER FEARED

Yet that admission does not leave any room in their thinking to justify a unilateral U.S. withdrawal. NATO spokesmen—and they insist you promise to identify them only as spokesmen or "source" will also admit that should the Americans pull out 100,000 men, the European countries, probably chiefly Germany, could replace those troops with men of their own.

"Most would come from Germany," a NATO source says. "And Europe would be nervous and unhappy about Germany assuming that much responsibility and power in Europe." The alternative, of course, would be for the other European nations to make contributions of additional forces proportionate to what Germany contributes. But this, the NATO sources claim, the European nations are not prepared to do.

One German general frankly put it this way: "Our German economy is already in a labor shortage era. We are importing 2.4 million workers into Germany to fill the jobs. And our government budgets are very hard pressed to keep up our domestic works programs. It would seem almost impossible to convince either our politicians or our people to increase our NATO strength. Germany is reluctant to raise an army in the first place. We have just reduced our service requirement (draft) from 18 months to 15 months, which will put more pressure on our recruiting forces."

One military spokesman with the NATO forces, smoking a package of imported Havana cigars, appeared to be lecturing a recalcitrant friend, suggesting: "Mansfield is way out of line. There is an element of truth in what he says, but his timing is all wrong." His theory is that the United States must keep all of its troops committed as a bargaining point with the Russians over possible "Mutual Balance Force Reduction" talks. These are talking points being investigated by NATO sources with the Russians. "But if you commit any unilateral withdrawal now," he insists, "you will have given up your bargaining position."

PULLOUT HINTS SHUNNED

What NATO apparently fails to have heard in any of the American suggestions over a withdrawal was put to a top spokesman for the organization by a representative from a black newspaper in Cleveland. After listening to the NATO general outline the difficulties facing the German nations, the American pointed out we have 6 million unemployed at home. More important, we have a tax revolt. Schools in Ohio have not opened this fall because taxpayers refuse to pass extended budgets. Our young people have also grown their hair longer and are balking at military service.

And while the extemporaneous outburst startled the briefing officer, he apparently was unable to grasp that American voters will decide whether or not to support a Mansfield proposal and a reduction of European forces as a gut issue tied to jobs and America's economic well being. So far, at least, with their attitude toward America's international payment problems and their own financial and military support of NATO, the Europeans either don't hear or don't believe what they do hear coming from the United States.

[From the St. Louis Post-Dispatch, Sept. 25, 1971]

SECURITY IN EUROPE

It would be a mistake to interpret Chancellor Willy Brandt's recently concluded visit to the Soviet Union as merely a nervous reaction to President Nixon's China policy. The West German leader's Ostpolitik predates Washington's new look toward the East and, judging from the communique issued in Moscow and Bonn, restoration of military normalcy in Europe may be no longer be an illusion.

In return for Mr. Brandt's pledge to "accelerate" efforts to arrange for a European security conference—long sought by the Soviets—Communist Party Chairman Leonid I. Brezhnev went further than ever toward meeting Western demands that reduction of military forces in Europe must be balanced and mutual. Such an all-European conference, the communique observed, should be held "with the United States and Canada" participating. Moreover, in endorsing "normalization" of relations between the two Germanys, the Soviets may no longer be insisting on formal West German recognition of East Germany.

Obviously a lot more needs to be done before the actual convocation of a conference between the Warsaw Pact and NATO nations. The Soviet-West German nonaggression treaty, signed on Aug. 12, 1970, and a parallel agreement between Bonn and Warsaw, would have to be ratified. The Big Four agreement on Berlin, signed on Sept. 3, would have to be followed by concrete progress at the implementation talks between East and West Germany. But considering what has been accomplished in the past 20 months, the end of the tunnel may be in sight, 26 years after the end of World War II.

Although the Soviet Union has long favored a European security conference, it had previously insisted on the reduction of "foreign armed forces in the territory of European states," which was interpreted in the West as a unilateral U.S. pullout. In response, NATO foreign ministers on May 27, 1970, invited Warsaw Pact nations to explore "mutual and balanced" reduction of forces. Secretary of State Rogers stated then that the next logical step "is to study progress achieved in the various East-West negotiations."

Such progress, from agreement on Berlin to the nonaggression treaties, SALT and the Brandt-Brezhnev communique, can now be tangibly measured. It may be appropriate to reissue the invitation, for the time has come to begin exploring, through preliminary multilateral contracts between NATO and Warsaw nations, the possibility and necessity of holding an all-European security conference.

[From the Washington (D.C.) Daily News, Aug. 17, 1971]

FOREIGN REACTION

President Nixon's momentous decisions indirectly to devalue the dollar and to put a brake on imports (thru a 10 per cent tax) have some of our foreign friends in a tizzy, temporarily at least.

Dispatches from London, Tokyo and Hong Kong reported "shock and amazement" in money circles. Foreign exchange and gold markets were closed in most countries to "assess" the new situation. The Tokyo market was beset by "massive confusion."

The Japanese were especially alarmed by the tax on imports because they fear a loss of Japanese exports to the United States which last year ran almost to $6 billion.

But the moves Mr. Nixon has just made long have been urged on the United States by foreign officials concerned about our chronic balance of payments deficit and continued inflation. The President is trying to correct both ailments.

While devaluation is a new experience for the dollar, other countries repeatedly have adjusted their currencies when it was necessary.

And, as the noted Chicago economist, Milton Friedman, observed, Mr. Nixon's action simply makes, "explicit what has been, in fact, implicit anyway." The official value of the dollar overseas obviously was not the true value, in relation to other currencies.

Britain, France, Germany and Italy all have devalued. Since World War II the British pound has dropped from $4.03 to $2.40. The French franc is down 79 per cent from its postwar rating, Italy's lira 64 per cent.

Britain also, at one point when the pound was under attack and the balance of payments running a high deficit, clapped a temporary tax on imports—removing it when the situation was corrected, as Mr. Nixon proposes to do.

The United States never would have been in this position if it had not donated billions of dollars toward Europe's postwar recovery, if it had not spent more billions beefing up Europe's military defenses. Japan also benefited in this fashion.

The United States now is not asking for any handouts in return; it simply is taking steps to protect its dollar, overcome its unemployment and get its economy in order. Japan and Europe should have no trouble understanding this type of prudence—even delayed as it is—despite the relatively slight sacrifices Mr. Nixon's program will exact from them.

[From the Los Angeles (Calif.) Times, Sept. 28, 1971]

SOCIETY'S PROBLEMS JOIN THE ARMY

(By Robert J. Donovan)

SHAPE, BELGIUM.—In a time of unusual troubles among American military forces in NATO and around the world Gen. Andrew J. Goodpaster, supreme allied commander, Europe, makes several points to put the problem in perspective.

"It is," he said in an interview, "a denigration of American fighting forces to picture them as a low-spirited rabble who would not be effective in carrying out their missions.

"American forces are experiencing the same kind of problems that are troubling society in general these days. To name three of them, there are drug abuse, racial unrest and erosion of discipline, which is bound up with morale.

"We have problems and we recognize them and we are hard at work on them, but no one should get the notion that these problems are of such a dimension as to result in the inability of the units to perform their mission.

"There is no doubt whatsoever that our forces, if confronted with a real emergency, would function very, very effectively.

"The proof of that is to go out to the units, all of them—Army, Navy, Air Force, Marine Corps. They know their jobs. The NCOs and the officers are handling them well and the men are responding.

"Only a few weeks ago I completed my latest visits to units of all the services in Europe and the Mediterranean area. I talked with men in the ranks, with noncommis-

sioned officers, with junior officers and commanders and their staffs, and there are no finer units in the world today."

Goodpaster, a West Pointer with a Ph.D. from Princeton, is not only a soldier with wide experience in the field and in staff work, but as defense liaison officer and staff secretary to the late President Dwight D. Eisenhower was a figure of considerable influence in the White House during the Eisenhower Administration.

What about the drug problem among American troops in Europe?

"We have comprehensive, intensive programs under way," he said, "but neither my commanders nor I can be satisfied with the degree of control over the problem we have yet attained. We believe our program sound.

"It starts with the education of younger members of the service and more senior personnel, officers and NCOs. They are instructed in the nature of the drug problem and its dangers. We still have a lot to do here.

"Enforcement of the law to curtail drug traffic is the second phase. In particular we are going after the pushers. Another phase is the identification and rehabilitation of addicts, which includes a policy of immunity for those who voluntarily enter the rehabilitation program."

As for racial trouble, Goodpaster holds that the military has long been in the vanguard in providing fair treatment and equal opportunity for all races, though he acknowledges that the situation is hardly perfect. The intensification of hostile attitudes, as he put it, has not bypassed Europe, and instances of unfair practices have occurred that add fuel to such attitudes.

"We also recognize that some of our younger men bring with them a generalized sense of injustice and discrimination," Goodpaster said. "Certain of our programs aim at moving from the realm of emotions to action that will eliminate every vestige of racial discrimination we can find. We are stressing fair treatment. We are stressing the need to be specific, to bring problems in, and we are stressing the need for communication and mutual respect."

What about discipline?

"There has been a sense of uneasiness that exists within the units. Young officers and rightly want to know whether standards of discipline are being maintained. They ask, if we set and require the highest standards, will we be backed up? The answer is that where these are the standards of proper performance the responsible leaders and commanders are going to be backed up.

"There is a kind of change of style in the modes of leadership; more explanation to the troops for the reasons of things is required, more effort to communicate and more effort to let the troops know they are going to get a fair deal."

According to Goodpaster, the morale situation was particularly bad several months ago when, in the course of the cutback in Army strength generally, NATO units were often left short-handed. This situation has now improved.

Antimilitary sentiment that has grown out of the Vietnam war and other issues troubles him a great deal.

"For young officers and enlisted men on whom our services depend today and who must be the leaders of tomorrow the antimilitary sentiment is deeply disturbing," he said.

"Indeed, it is causing the loss of men we need very badly. This could affect the morale of our armed forces in many ways. It would be a sad thing if in preoccupation with domestic problems, serious as they may be, we were to cast away our own security. Without this security how can the country dedicate itself to the task of solving its internal problems?"

Does he fear that the ending of so-called Mickey Mouse regulations will impair Army traditions?

"No, sir. A great deal of harassment has been eliminated, and more can be done. Harassment for harassment's sake is not one of the traditions of the Army. We have had our most effective Army when we have been able to strip that away and concentrate on performance of the missions."

Goodpaster believes that the Army's best tradition is that of professionalism, and he is confident this tradition is withstanding the forces of change. In fact professionalism—"effective performance of an important military mission"—is, in his view, the aspect of the military with the greatest appeal to contemporary youth and the most important ingredient nowadays in military morale.

[From the Los Angeles (Calif.) Times, Sept. 30, 1971]

ALLIES APPEAR READY TO TURN ON UNITED STATES—AND NOBODY WILL BE THE WINNER

(By Robert S. Elegant)

HEIDELBERG.—The Economist of London is normally sympathetic to the United States. It is, therefore, shocking to read in a report from Washington on the economic crisis the off-hand observation that someday the United States "may awake to the discovery that it is not only detested but distrusted abroad."

The shock is more acute if one happens to be in Heidelberg, headquarters of the U.S. 7th Army which represents a very expensive American investment in the defense of Western Europe. It is even more pointed when that headquarters is preoccupied with Operation Reforger III which will airlift some 12,000 troops to Germany and demonstrate American readiness to reinforce 4⅓ U.S. divisions stationed in Western Europe.

Reforger III will cost between $5 million and $10 million, depending upon which accountants do the calculating. The cost of Reforger is, however, a bagatelle beside the billions the United States spends every year to fulfill its commitments to the North Atlantic Treaty Organization.

IT'S TIME FOR THE U.S. TO ASK SOME INTROSPECTIVE QUESTIONS

The coincidental timing of Reforger and the Economist's comment, which reflects the general trend of European thinking, raises many vexing questions. When our friends ever so casually remark that they detest and distrust us, it is certainly time to ask: What have we accomplished through our tremendous investment in economic and military aid? Was it worth the great human and economic cost? Is it still worth the cost?

Answering those comprehensive questions with fairness and balance would require tens of thousands of words—and the answers might still be incomplete. The natural human reaction to indiscriminate abuse is, instead, to retreat into isolation, crying: "You need us more than we need you. A pox on all your houses."

But we cannot allow ourselves the emotional satisfaction of withdrawing into our shell. Although other nations may need us more than we need them, we still need them.

Considering less sweeping questions may illuminate the American dilemma created by our rapidly changing relations with other nations: Are we really detested and despised? Why? Does it really matter?

After 20 years abroad, one becomes inured to the undeniable fact that America, generally, is not liked, nor are Americans en masse, though many Americans are much liked individually. Detestation, distrust, even hatred of the United States are not new. Vehement expression of those feelings is not new. It is new to hear such feelings so widely expressed, with presumed friends like the Economist joining the chorus.

No more than anyone loves a cop does anyone love a rich uncle. The respect tendered to his face is complemented by gibes behind his back—as long as he is open-handed. But his nieces and nephews openly vent their resentment when he stops dispensing gifts. He is mocked when he confesses that he is no longer as rich as he was.

Most of the non-Communist world was already weary of its economic and military dependence on the United States well before the present economic crisis broke. Still, the current wave of denunciation of the United States has risen not because we were reasonably generous and remarkably powerful, but because we can no longer be quite so generous.

Although they resented American patronage, Western European nations and Japan were conditioned to that patronage. It is not remarkable that nations which have long resented their dependence upon the United States are now angry because we are no longer capable of buying their goods at their own prices, while simultaneously assuming much of the responsibility for their defense.

Basically, foreign nations want us to continue doing what we have done for more than two decades. They would mute their cries of discontent, though still cherishing their resentments, if we met two conditions. They want us to continue to absorb a remarkable 14.4% of the non-Communist world's exports and to guarantee their safety amid the perils of a nuclear world.

Since we cannot or, as they suspect, will not, even the normally cool-headed are indulging in violent recrimination. They now fear great upheavals in their previously secure and comfortable lives.

WE CANNOT IGNORE OUR ERRORS AND BLAME OTHER NATIONS

The unseemly vehemence of outcries against the United States does not excuse American mistakes. It was in our own interest to nurture Western Europe and Japan. It was equally in our interest to see that we did not become significantly poorer or less powerful by so doing.

Finally, does it matter that we are not only "detested but distrusted abroad?" The answer is, unfortunately, yes.

It does not matter that we have won opprobrium rather than gratitude by our exertions. It does matter that the violent reaction against the United States threatens the structure of the non-Communist community. The threat is not the largest dissipated Communist menace, but disruption of all existing relationships—with no workable alternate pattern yet discernible.

If our presumed friends are moved by detestation and distrust to retaliate against us, they will hurt themselves. They will also hurt us.

[From Military Review, September 1971]

CONGRESS AND PRESIDENT: NATO TROOP-REDUCTION CONFLICT

(By Stanley L. Harrison)

U.S. forces in Europe will be reduced in number. No one, on either side of the Atlantic, should disillusion himself otherwise. How the U.S. forces will be pared, and when the U.S. presence will shrink on the Continent, are the questions without answer at this time. Settlement of these issues, however, goes straight to the heart of a fundamental controversy involving the Constitution itself. Basically, the conflict involves Congress and the President, but the ramifications inherent in the struggle have considerable impact on the foreign affairs of the Nation and, inevitably, on the role of the North Atlantic Treaty Organization.

NATO's Foreign Ministers, meeting in Rome in May 1970, reaffirmed earlier declarations inviting the Soviet Union and other countries of Eastern Europe to join in discussions

of "mutual and balanced force reductions." Efforts toward this goal have been made from time to time with overtures from both sides of the Iron Curtain. Indeed, in several instances, diplomatic negotiations of a unilateral nature surfaced—again as often from the East as from the West—but these abortive beginnings have not yet generated any sustained followthrough.*

DISCUSSION GUIDELINES

By collective affirmation of their intention to entertain the subject, NATO's leaders hoped to channel any such future efforts through the alliance itself. Realistically, any real troop-reduction basis must fall under alliance auspices. Unilateral decisions of this type—the Canadian reductions, for example—have proved to be negative in consequence for NATO. Therefore, the NATO position was receptive to a force reduction. Not until the Rome meetings of 1970, however, did the alliance act to spell out the guidelines for exploratory discussions. Four considerations to this end were elaborated:

Reductions should be compatible with the "vital security interests of the alliance and should not operate to the military disadvantage of either side" with regard to "geographical and other considerations."

Reductions should be reciprocal and phased and balanced as to "scope and timing."

Reductions should include "stationed and indigenous forces and their weapons systems."

Finally, there must be "adequate verification and controls" in order to assure the observance of agreements by all parties.

DECLARATION OF INTENT

Thus, it should be clear that NATO, speaking through its biannual meeting of Foreign Ministers, sought a relaxation of tensions through a beginning of negotiations leading to force reductions. In truth, declaratory policy of this type often fails of fruition. Most governments—and NATO shares the characteristic—often say one thing and do something else. But NATO's Ministers had opened the door and invited their opposite numbers in the East to begin discussion. Little of substance has been done in the year after the declaration of intent.

Significantly, when the North Atlantic Council met in Ministerial session in Brussels in December 1970, the report of the NATO Defense Planning Committee was promulgated as a decade-long look at the alliance. The report, "Alliance Defense for the Seventies," stated that NATO's approach to security would be dual-based on the concepts of defense and *detente*. While NATO continued to hold a door open to begin negotiations leading to the reduction of forces on a mutual basis, the alliance affirmed its resolve to maintain a "sufficient level of conventional and nuclear strength for defense as well as deterrence." Only from this solid foundation did NATO feel confident that it could then proceed toward an era of negotiation.

AUGMENT ALLIANCE FORCES

More importantly, President Richard M. Nixon, in his message to the council at the opening of the session, stated in part:

We have agreed that NATO's conventional forces must not only be maintained, but in certain key areas, strengthened. Given a similar approach by our allies, the United States will maintain and improve its own forces in Europe and will not reduce them unless there is a reciprocal action from our adversaries. We will continue to talk with our NATO allies with regard to how we can meet our responsibilities together.

President Nixon, who has, over the years, indicated his support of a strong NATO, seemed to stress here the renewed need to augment alliance forces. At the same time, he identified one of the basic areas of US discontent with the alliance: the need for a genuine mutuality of effort and responsibilities by the European allies. This theme was one the US Senate has repeatedly voiced.

Europe's failure to devote an equal share of the defense burden sharing for the alliance has vexed Congress since the early days of NATO. Increasingly, since the United States abandoned the posture of isolationism for a global role, Congress has sought to assert its role in the foreign policy area.

Accordingly, with the introduction of the first modern alliance with Europe, Congress made clear its intention that the United States would not be saddled with the lion's share of the defense task, particularly with regard to supplying men. For this reason, one of the early aims of NATO was a division of labor that clearly put the manpower portion of defense on the several European allies. Under this arrangement, the United States was to be responsible for air and naval units in the alliance.

POLITICAL VEHICLE

During the Senate hearings conducted by the Foreign Relations Committee in 1948, prior to ratification of the North Atlantic Treaty, this concept was spelled out in great detail by the spokesmen for the administration. Then Secretary of State Dean Acheson was asked if the United States expected to supply more than a token force. His answer was a "clear and absolute no." Moreover, the thrust of the administrative spokesmen—including those of the Departments of State and Defense and the Joint Chiefs of Staff—was that NATO was primarily a political vehicle.

Undoubtedly, it was initially. Hopes and aspirations to this end failed. In part, military aspects assumed larger proportions because of the Korean Conflict and the potential threat that the same kind of outbreak could occur in Europe. Whatever the reasons, the effect was to alert opponents in the US Senate that control of the US military presence was beyond legislative power.

Accordingly, in 1951, when the question of sending additional ground troops to Europe arose, the Senate erupted in a vigorous controversy. Debate, that at times was bitter, began at the outset of the 82d Congress. Senator Robert A. Taft (Republican-Ohio), Chairman of the Republican Policy Committee, launched a partisan attack on the administration and accused it of making foreign policy "without consulting Congress or the people." Senator Taft, it will be remembered, had fought against the ratification of the north Atlantic Treaty itself. But his opposition to adding to the US defense burden under its alliance commitments was couched in constitutional terms and as a Presidential infringement of Congress' role:

. . . the President has no power to send American troops to fight in Europe in a war between the members of the Atlantic Pact and Soviet Russia. Without authority he [President Truman] involved us in the Korean War. Without authority he apparently is now adopting a similar policy in Europe. . . .

The Senate floor leader, Kenneth S. Wherry (Republican-Nebraska), led the Republican forces toward a resolution that demanded no US ground troops be sent to Europe "pending determination of Congress of a policy on that matter." In the House of Representatives, a similar resolution was introduced to "avoid commitment of the United States by executive order in . . . wars in distant parts of the world without knowledge and consent of Congress."

Thus, in both Houses of Congress, members of the legislative branch fought to affirm the principle of the right for the Congress—and not the President alone—to make the decisions to send US troops abroad. Throughout the debate that was ignited over this issue, it was clear that much of the opposition to the President was biased and based on partisan politics. But much of the argument was aimed at what many in the Senate considered highhanded abuse of the use of the Commander in Chief clause of the Constitution and a reaction against a shift in emphasis in the alliance responsibilities.

SENATE RESOLUTIONS

Extensive debate emerged during the process that finalized the Senate action. Eventually, the Joint Committees concerned—the Foreign Relations and Armed Services groups—emerged with a pair of resolutions that endeavored to give Congress a stronger voice in the decision-making process of foreign affairs. The first was Senate Resolution 99, a simple resolution that required only Senate approval. The second, Senate Concurrent Resolution 18, required approval of the House of Representatives, as well as the Senate in order to pass.

Both the simple and concurrent resolutions carried declarations of the same fundamental thrust. Each expressed the sense of the lawmakers that the President should send additional forces overseas to Europe in order that the United States contribute its "fair share of the forces needed" by NATO. But language added to the second affirmed that the major contribution to the NATO forces be made by the Europeans themselves.

The Senate passed both—by a rollcall of 62 to 21 and 45 to 41, respectively. Subsequently, the concurrent resolution failed to pass the House, and an effort to incorporate the language into the pending Selective Service Act also failed in the House.

As passed by the Senate, the resolution expressed the sense of the Senate that: the NATO partners furnish the major contribution to alliance defense forces: that four U.S. divisions should be sent to bolster NATO, but ". . . that no ground troops in addition to such four divisions should be sent to Western Europe . . . without further Congressional approval"; and that the President should seek the approval of Congress before any future action.

RESOLUTION DISREGARDED

The President had no public comment on the Senate action. Significantly, no subsequent President of either political party has paid the slightest heed to Senate Resolution 99. Troops went to Europe when and where the U.S. President decided. European forces, moreover, never met the NATO force goals established by the alliance. After the exhaustive effort of the "Great Debate" in the early 1950's, little was heard from the legislators until the mid-1960's.

By the waning years of the 1960's, congressional concern with the entire thrust of U.S. foreign policy had sharpened into an active discontent. To a degree, unrest with the increasing role of the U.S. involvement with Southeast Asia gave rise to the criticism, but discontent with NATO surfaced as well. Concern for the continued balance-of-payments problem, domestic inflation, and a general outlook that domestic priorities should prevail contributed to the general disenchantment of the U.S. role abroad.

Within the alliance itself, however, a number of issues served to plague Congress: the continued lagging effort by the European allies toward a fair share, the general lack of appreciation of the response by the United States in the Berlin crisis, the continued

* NATO Foreign Ministers meeting in Lisbon in June 1971 considered the latest offer of discussions put forth by Soviet Party Chief Leonid I. Brezhnev a month earlier. The Ministers agreed to sound out Moscow further and to meet later in the year in Brussels to consider additional steps.—Editor.

wrangling over NATO strategy, the failure of the nuclear-armed multilateral force, and the withdrawal by France from the military sphere of the alliance. All combined to generate in Congress a feeling of resentment or at least restlessness toward the alliance function.

Basically, the alliance was not functioning as the formulators had promised it would once it was underway, and many in Congress felt the President was simply going it alone more often than not. Congress wished to be consulted more in the operations of the alliance.

MANSFIELD'S RESOLUTION

The lack of European troop contributions was the one issue that disturbed Congress perhaps more than any other single issue. It was an issue that disturbed the American people as well. Therefore, not surprisingly, in 1967, Senator Mike Mansfield (Democrat-Montana) introduced a resolution to express the "sense of the Senate that a substantial reduction of US forces permanently stationed in Europe can be made. . . ." To do so, affirmed Mansfield, would not impair the US commitments under its alliance agreements.

Senator Mansfield's challenge to the President's prerogatives was questioned by Senator Jacob K. Javits (Republican-New York) on several points, and Javits moved his own resolution. Within a matter of weeks, then, the Senate had two resolutions with a substantial number of cosponsors affirming some degree of support for each. In the previous year, Senator Mansfield had submitted a similar resolution, but had let it die without any action. But now the Senate was serious and moved to consider both amendments and resolutions through the extended hearings that Senator Javits sought in order thoroughly to sound the issue of troops in Europe.

PARTISAN POLITICS

Again, as in the past, the Mansfield-Javits differences could be traced to partisan politics, but underlying the Mansfield maneuver was a direct challenge to the constitutional issue. While there were substantial numbers of supporters, staunch defenders of NATO, like Senator Henry M. Jackson (Democrat-Washington), sought to continue the *status quo* in the interests of a viable strategy that lent itself to options with the US presence. Senators Mansfield and Javits and their supporters did not advocate any abandonment of alliance commitments, however. Nowhere in the Senate did such sentiment emerge. Very simply, Senator Mansfield sought a reduced US presence and a greater share of the burden by the European partners.

Despite the rhetoric and promise of extended debate, the hearings were short-lived, ending in less than two days of testimony. As a matter of fact, earlier hearings held in the House Committee of Foreign Affairs and the Senate Subcommittee of Senator Jackson's group on National Security and International Operations of the Committee on Government Operations had done a great deal more. From the standpoint of the Senate, the timing could not have been worse for the final report. In the interval between the hearings and the final report, the Soviets invaded Czechoslovakia with a lightning swiftness that left the West gasping. Clearly, this was no time to cut US forces. The report said as much. Neither resolution passed the Senate.

By December 1969, Mansfield had again introduced an identical resolution. Again, as in 1966, he failed to push it and it died.

But in 1970, the allies had promised to increase substantially their national forces in NATO, and this was the theme echoed by Mr. Nixon in his report to the Congress, *U.S. Foreign Policy for the 1971's: A New Strategy for Peace.*

Through this period, the basic mix of forces in NATO did not change substantially, however. Moreover, US defense expenditures entering the international balance of payments for Fiscal Year 1970 totaled 1,731 million dollars, compared to 1,586 million dollars for Fiscal Year 1969. As early as February 1971, Senator Mansfield had voiced his sentiment that the time was again ripe for a resolution or an amendment "in an appropriate bill" to effect the changes that he had been long seeking. In May, the concern prompted by the freeing of the German mark motivated Senator Mansfield to move with a maneuver that caught friend and foe off guard.

During the Senate consideration of House Bill 6531 to amend the Military Selective Services Act, Mr. Mansfield proposed an amendment. Essentially, his amendment called for an end to appropriations to support any military forces in Europe by the United States in excess of 150,000 troops after December 1971. His move came like a bombshell.

In the first place, his effort came during debate of a live bill. By this maneuver, his amendment would require immediate action. Unlike the previous resolutions, this afforded no opportunity for extensive delaying tactics. Second, the Senate evidenced a clear mood of rebellion toward Presidential direction, especially in the conduct of foreign affairs. Passage of the National Commitments Resolution in June 1968, the repeal of the Gulf of Tonkin Resolution, and similar actions by the Senate were assertions of legislative concern that could not be brushed aside. In addition, Senator Mansfield had a number of new supporters.

Clearly, the White House was alarmed by the Mansfield move. Early in the debate, it looked as though Senator Mansfield's amendment would pass. But the Presidential forces moved to delay the vote for a week and used the intervening days to advantage. Amid the outpouring of debates that followed, in the Senate, a number of alternative amendments were introduced by both friend and foe alike. These served to splinter the Mansfield thrust.

SHOWDOWN FIGHT

Nevertheless, the President moved with alacrity to summon an impressive array of support. Some 24 former high-ranking public servants identified with NATO came to his aid in the showdown fight with the Senate: Dean Acheson and Dean Rusk, former Secretaries of State; six former Under Secretaries of State; four former Supreme Allied Commanders in Europe; and four former US Ambassadors to NATO. Also supporting the President were two former Presidents: Lyndon B. Johnson and Harry S Truman. The clash between the President and Congress was not partisan in nature. The President, like virtually every one of his predecessors, fought to retain a high degree of control and direction over foreign policy.

One development that aided in this effort came from an unlikely source. Amid the Senate debate and the press discussion, Soviet leader Leonid I. Brezhnev offered to negotiate a mutual reduction of forces in Europe. The statement from Tbilisi—which obviously came from the deliberations of the 24th Soviet Congress in March—had nothing whatsoever to do with the Mansfield move. Nevertheless, the effect it caused led to jubilation in the White House. Clearly, with the United States and the USSR poised on the point of serious negotiations, it was not the time for the Senate to attempt to impose unilateral restraints on the US President.

Both the President and Senator Mansfield were adamant against any form of compromise. Each professed a desire to see a straight up-and-down vote on the Mansfield amendment, come what may. Before the amendment itself was voted on, a number of substitute and perfecting amendments were contested and defeated. The President saw his view prevail in the final 63 to 36 vote against the Mansfield amendment.

CONSTITUTIONAL ISSUES

Undoubtedly, the primary factor that contributed to the Mansfield defeat was the desire by most of the Senators to uphold the Presidential right to negotiate without any confining strings attached. To do so now, many Senators felt, could hamper the US role in its dealings with the Soviet Union and even within NATO. Essentially, the contest was waged on the constitutional issue of President and Congress. This, of course, is an issue that has been with the Nation since its founding nearly 200 years ago.

Indeed, in the waning hours of the debate, Mr. Mansfield put the issue to the Senate in its constitutional terms:

. . . the President may disagree with the proposed approach . . . but the responsibility is in the Congress at this time. The responsibility to decide on troop reductions rests with the Senate at this point and not with . . . the Executive Branch. The Executive Branch should no more presume to direct us in this matter than we should presume to direct the President in conducting negotiations. . . .

Here, Mr. Mansfield was once again calling the Senate to task to do its proper job as he saw the work at hand. All too often in the past, Congress has yielded its powers and prerogatives to the President. There have been periods in U.S. history when Congress has been the dominant partner, but more often than not—and particularly in periods of crisis—the President has prevailed.

PANDORA'S BOX

Powers for Congress in the field of foreign affairs are enumerated primarily in Article I, Section 8, of the Constitution. This section empowers Congress to act in some 18 different fields, particularly in its fiscal and judicial functions and its power to declare war and to provide and maintain an army. This powerful section concludes with the famous grant of power:

. . . to make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof.

Historian Charles A. Beard has termed it a "Pandora's box of wonders."

Despite the legislative power, the constitutional grant given the executive is immense. Under the power in Article II, Sections 2 and 3, the Presidential role in foreign relations has continued with minor exceptions to expand since the Nation's founding. A combination of custom, court decisions, strong national executives, and Congress, itself, has contributed to this growth of power.

Edward S. Corwin put the issue succinctly:

What the Constitution does, and all that it does [emphasis in original] is to confer upon the President certain powers capable of affecting our foreign relations, and certain other powers of the same general nature upon the Senate, and still other such powers upon Congress; but which of these organs shall have the decisive and final voice in determining the course of the American nation is left for events to resolve.

CONGRESS IS SUPREME

Both branches of Government share a divided power; that is clear. And events do decide the course of action taken. For example, all students of American Government are familiar with the famous case *United States v. Curtiss Wright Export Corporation* (1936), the landmark assertion for the primacy of the President in foreign affairs.

Indeed, there is much the President can do if Congress does not act or if there is an emergency. But when Congress acts, it is supreme. This is the essential and often neglected lesson to be learned from the more recent *Youngstown Sheet & Tube Company v. Sawyer* (1952). In this case, the Supreme Court ruled against a Presidential power play.

The essential point, of course, is that power in foreign affairs is shared—or should be shared—according to the law of the land. Congress, and particularly the Senate, is out to regain its fair share of the power. Basically, this is the contest that underlies the congressional effort to direct NATO affairs with regard to the US troop levels. While the President prevailed in this most recent instance, the impact is likely to be far-reaching.

Many observers in Washington feel that, while Mr. Nixon won the battle, Mr. Mansfield has perhaps won the war. That is to say, Congress has given the President all that he wanted for the moment. He is free to negotiate on the issue of reduced US forces in Europe without any strings. But the Senate is skeptical and awaits timely action from the President while it bides its time. Moreover, Mr. Mansfield has given clear warning that he is not through with the issue.

Senate efforts to force the President's hand toward a unilateral US troop reduction succeeded in prodding NATO to an unusual degree. Further, the action served to remind the governments of Europe—and, indeed, many domestic areas of influence as well—that Congress can assert quite a formidable role when it chooses to do so.

ITALIAN DECISION

Reports in the world press signaled the dismay within NATO nations when they heard of the Mansfield move. A number of key people acted to head off votes supporting a move that many feared would endanger the alliance itself. One nation, Italy, according to press reports, responded by deciding to speed up its contributions to an extra one billion dollars worth of improvements to alliance infrastructure. In a key meeting with 12 Senators assembled in secret session, Under Secretary of State U. Alexis Johnson is reported to have pointed out the Italian decision as proof that at least one NATO ally was willing to help relieve the United States of some financial burdens.

While this development undoubtedly contributed to the ultimate defeat of the Mansfield amendment, it is precisely this type of added support that Senator Mansfield and others were calling for in the first place.

During the June Foreign Ministers meeting of NATO in Lisbon, US Secretary of State William P. Rogers called for an alliance response to the Soviet move for troop-reduction talks to be held on a country-to-country basis to "determine whether common ground exists." All NATO nations joined in egreement except France. In the communique issued at the close of the meetings, NATO made clear the intention to move "as soon as may be practical to negotiation."

Despite the implicit promise in these statements, it is clear that NATO cannot undertake the merest beginnings of exploratory talks until the fall Ministerial meetings. Unofficially, US officials indicate that a timetable could be advanced if the preliminary sessions hold promise of serious negotiations, but, at the same time, they indicate that they hold no expectations of this development.

LISBON DEVELOPMENTS

Two dangers arise from the developments—or lack of developments—of the Lisbon meetings. First, the inaction by NATO as an entity can provide Moscow with the ingredients for a cheap propaganda victory. Based on its past statements, NATO has been trying for better than three years to bring the matter to discussion; and despite the intransigence of the Kremlin leaders, they are on record for the same process. For NATO to delay now with a casual approach lays the alliance open to challenge.

Second, NATO's delaying tactics will fuel Senate critics and add to the Mansfield drive to cut US forces unilaterally. Many in the Senate who opposed the Mansfield move emphasized their concern. Initial efforts to support the President may give way to a desire to move toward a satisfactory agreement from a Senate view.

As former Vice President Hubert H. Humphrey stated in the wake of the Mansfield defeat:

. . . the Senate has shown the ugly side of its disposition on this issue. If something doesn't happen now, we'll have a renewal of this business in another six months or so.

Senator Javits added that he thought that the administration "had gotten the message." These statements must be heeded.

TOTAL OPPOSITION

Each of the amendments was defeated in convincing fashion, to be sure. But the victory margin should not be misleading to those who would now ignore what the Senate tallies indicate. The cumulative arithmetic should not obscure the total opposition present.

For example, fully 58 Senators indicated, by one or another of their votes, a dissatisfaction with the *status quo* of NATO Europe. No NATO nation or, indeed, no one in the executive branch, from the President on down, should similarly ignore the clear warnings that are evident in that total. Thus far, the pace adopted appears far too leisurely for the present mood of the US Senate.

Thus, it is apparent that troop cuts will come. Pessimists point out that it may take 10 years or more for NATO to accomplish the reductions—given the parliamentary pace of the alliance, perhaps so. In the light of the angry mood in the U.S. Senate, however, unless something concrete is proposed, action will come a lot sooner and in a fashion that may stun the casual observer.

Crucial questions arise with regard to mutual and balanced force reductions. Key committees and *ad hoc* groups within and beyond NATO have devoted long months of study to some of the more important of these questions. For instance, what are the real advantages for the USSR to agree to mutual force cuts, if any? Obviously, there are advantages beyond the crass propaganda values to be derived. Problems abound. There are few precise formulations that yield a ready answer on the weapons mix to be employed. How will the mathematical troop-for-troop equations be attacked? Will there be some means for considering geographic and distance factors, and if so, to what extent?

It is to be hoped that NATO has some ready answers to these and other related issues that will be raised in response to exploratory talks about troop reductions. Since the exploratory talks mature into more meaningful discussions, it is to be expected that the issues themselves will grow more complicated. Problems are bound to multiply. There are no soft and easy solutions. The primary challenge to NATO, at this point at least, is to demonstrate a clear intent to get on with the serious work of beginning discussions that may lead to answers. Without a demonstrated willingness to do this much, the alternatives to the alliance can be serious.

Lacking hard beginnings within NATO, however, the alternatives with the United States itself present far more immediate and critical problems. Congress is aroused and bent on recapture of what it considers to be its rightful place in the decision-making process for foreign policy. The White House must take prudent heed of the storm clouds that are gathering in Congress. Overlooked during the hectic days of debate on the Mansfield amendment was the action taken by the powerful Chairman of the Armed Services Committee, John C. Stennis (Democrat, Mississippi). Mr. Stennis, who helped to defeat the Mansfield amendment, was moved himself to introduce a bill that would prohibit the President from committing US troops to future wars without congressional consent except for emergency periods of no more than 30 days.

Conflict between President and Congress is deep-rooted in the constitutional issues of the Nation. It is an old problem that has been with US politics and political parties for a long time. Nonetheless, it may center on the modern issue of NATO and troops in Europe before any appreciable changes occur in the relationship between Capitol Hill and the White House. The consequences will be felt on both sides of the Atlantic for a long time to come.

[From the Washington Star, Oct. 5, 1971]

NATO To Explore Troop Cut Talks

(By Andrew Borowiec)

Brussels.—The Western allies will move one small and careful step forward this week in their effort to reduce tension in Europe.

The step will be taken when the North Atlantic Treaty Organization appoints an official "explorer" charged with starting preliminary negotations with the Soviet-controlled Warsaw pact on troop reductions on the old continent.

The ultimate objective still sounds utopian—a "mutual and balanced reduction of forces" by the two blocs. There are serious doubts that the goal can be reached before many years and some allies are even skeptical about the advisability of the whole concept.

For a variety of reasons—military, political and economic—NATO appears determined to press for such negotiations. A special session of NATO deputy foreign ministers which opens today is expected to name outgoing Secretary General Manlio Brosio as its roving envoy to begin exploratory talks.

DIPLOMATIC NUANCE

NATO sources stressed that Brosio would not speak for the alliance as such for the group of nations forming it. It is a diplomatic nuance which simply points out that the West is careful not to plunge head on into premature and ill-prepared negotiations.

The deputy foreign ministers rank—or officials of the equivalent rank—will also discuss the envoys' intinerary and his method of approach.

His mission stems from the spring NATO ministerial conference in Lisbon which decided to "move as soon as may be practical to negotiations on a mutual and balanced forces reduction in Europe."

A series of statements on world disarmament by Soviet leaders in recent months was viewed by NATO as an encouraging sign. Preliminary contacts conducted by half a dozen NATO members with Warsaw Pact nations on a bilateral basis further indicated that the Russians were anxious to talk in more concrete terms.

ERA OF PROBING

But it is being stressed here that the whole process is still facing an era of exploration rather than that of real bargaining.

Significantly, while a number of European allies are extremely cautious, the United States appears more anxious to press ahead with detente moves.

Undersecretary of State John Irwin, on his arrival in Brussels yesterday, said:

We expect that the initiative undertaken at Lisbon last June will be reinforced and that we can continue to move forward with

this important attempt to reduce tensions in the European area.

A STABLE BALANCE

"Our ultimate objective is to achieve a stable military balance in Europe at lower levels of forces, without jeopardizing the vital security of the alliance."

There is a view at NATO that such talks might eventually turn into bilateral negotiations between the two superpowers, similar to the Strategic Arms Limitation Talks (SALT) alternating between Vienna and Helsinki. This would be received favorably by those allies which do not wish to cut their already meager military establishments.

At the same time, countries like Britain and France are warning about total uncertainty of Soviet intentions. Britain is particularly sensitive after the recent discovery of the massive Soviet spy ring which led to the expulsion of 105 diplomats and trade officials.

France, on the other hand, wants no foreign power to dictate the size of its armed forces while also fearing that a Europe weakened military would become a mere toy at the mercy of the Soviet Union.

FRANCE RELUCTANT

Although France is participating in this week's conference, it is not expected to join in any of its decisions.

Some allies also feel that domestic pressures are the main reasons for America's anxiety to press on with the moves. The complaint is somewhat parodoxical. While wanting to assert its power and cut its reliance on the United States, Western Europe is terrified at the prospect of any reduction in America's military commitment.

NATO, many Europeans argue, is already outnumbered and outgunned by Soviet and satellite divisions deployed on the Eastern side of the Iron Curtain. It will be virtually impossible to determine how and on what basis to start reducing the opposing armies, each with a different organization, weapons and logistics system and with even more different strategic concepts.

Those in favor of the reduction of forces claim that unlike nuclear disarmament, conventional troop cuts are not irreparable. More men can always be mobilized at a short notice, they say.

All such arguments concern a more distant future. For the time being most allies appear agreed that appointing an "explorer" is in no way binding. On the contrary, it is bound to stimulate the movement toward detente.

BROSIO SEEN AS NATO ENVOY TO VISIT EAST BLOC

(By John M. Goshko)

BRUSSELS, October 5.—The NATO alliance today began debating the choice of an "explorer" to visit Warsaw Pact capitals and sound out the Communist bloc's views on the possibility of military force reductions in Europe.

Sources here said there was a "consensus" among the participating governments that the mission should be entrusted to Manlio Brosio, who stepped down last week as NATO secretary general. The choice is expected to become official when the two-day meeting ends Wednesday.

Brosio's mission will mark the next big step in the movement toward negotiations on mutual and balanced force reductions—a concept that could lead toward substantial dismantling of the enormous NATO and Warsaw Pact military machines now facing each other across the Iron Curtain in Central Europe.

A British participant said that "the present meeting itself has a narrow focus—to appoint the explorer and establish his mandate. But it opens the way to a potentially broad new area in East-West relations and the movement toward a European detente."

Under Secretary of State John N. Irwin, the U.S. representative at the meeting, in his speech today stressed the need for more work on resolving the differences between the NATO members and achieving a unified approach.

U.S. sources said Irwin reaffirmed President Nixon's pledge to NATO last December not to reduce American forces in Europe without compensatory reductions from the Communist side.

But, he added the reminder that Mr. Nixon's promise was contingent on the idea that the European NATO members would take steps to increase the overall effectiveness of NATO defenses.

To this end, Irwin told the meeting that the Nixon administration hoped the NATO members will apply at least some of the savings that might result from force reductions both to overall NATO improvements and to increasing the efficiency of their respective armed forces.

Progress toward troop cut negotiations is especially important to the Nixon administration, which has come under heavy congressional pressure to find ways of reducing the expensive U.S. troop commitment in Europe.

Last May, the administration was able to ward off a troop-cutting legislative amendment offered by Senate Majority Leader Mike Mansfield (D-Mont.) only because Soviet party leader Leonid I. Brezhnev unexpectedly offered to discuss mutual reductions with the West.

At the spring meeting of the NATO foreign ministers in Lisbon, the alliance responded to Brezhnev by expressing its "intention to move as soon as may be practical to negotiations." It also was decided in Lisbon to convene a meeting of high-level officials from member countries in the fall to decide on an "explorer." This is the stage that began here today.

Underlying the delay between the Lisbon declaration and the present meeting was NATO's desire to buy time in an effort to determine how the proposed talks fitted into the larger framework of East-West detente negotiations.

In particular, the NATO allies were waiting to see what progress was made in the four-power Berlin negotiations. The basic Berlin agreement was signed last month, and East and West Germany are now working out the practical steps necessary for its implementation—a process expected to be completed by the end of this year.

With the Berlin agreement on the way to an apparent successful conclusion, NATO now is under pressure to begin movement on exploring force reduction talks and a European security conference. In fact, one of the issues still to be resolved is whether the troop reductions and the security conference should be linked or regarded as separate ventures.

The Soviet Union, the original proponent of the security conference, has been ambiguous on this point thus far. And, within NATO itself, there is disagreement about whether they should be combined or pursued separately.

In addition, the West feels that "balanced" reductions must involve a so-called "assymmetrical" formula that would see Warsaw Pact forces thinned out in greater number than those of NATO.

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

DREAM OF AN ATLANTIC EUROPE

(By Graham Hovey)

In heady New Frontier rhetoric it was the Grand Design. The Economist of London called it "Euro-Atlantis." It was the dream of a unifying, integrating Western Europe, including Britain, linked indissolubly to the United States and Canada under the umbrella of an Atlantic Alliance and Community.

It was from that position of solidarity, strength and prosperity that the West then would strive to negotiate detente in Europe with the Soviet Union and its allies: disarmament, trade, cultural exchanges, travel, general relaxation.

Is anything left of the "Euro-Atlantis" dream? Even to recall it in an America beset with domestic crises, weary of foreign commitments and hooked on revisionist history is to invite the charge that one is trying to revive the cold war. European statesmen this autumn debate not "Euro-Atlantis" but whether the United States any longer has a policy for Europe.

President Nixon may view his emergency economic measures as means for countering a "growing and disturbing isolationism," but to Europeans these actions, taken without consultation, represent not only a sop to isolationist and protectionist forces but a declaration of economic war on America's allies.

Typical of European reaction is the recent comment of the respected Frankfurther Allgmeine in West Germany that "one should no longer talk so much about Atlantic partnership, to which so many fine speeches were devoted in the past, now that Nixon has obviously declared the end of the partnership."

If Mr. Nixon has not actually declared the end of the partnership, Europeans consider that Senator Mike Mansfield has, with his recent blast at NATO as a cold war relic, "overstaffed, overmanned and overfinanced by the United States." They note that on the recent trip that produced his caustic report on NATO, the majority leader felt no need to visit Germany, now as always the crux of East-West relations in Europe.

What has changed in Europe that would justify Mr. Mansfield's charge that NATO is overmanned? Because of its worries about China, its own economy and the effectiveness of its grip on its Warsaw Pact partners, the Soviet Union may now be prepared to negotiate substantial agreements with the West. But Moscow clearly intends to do this from strength.

A Soviet military thrust into Western Europe remains one of the least likely of events; but Russia c ntinues to build its armed might in every category and every area. While the United States has cut its forces in Europe by a quarter over the last four years, the number of Soviet divisions in other Warsaw Pact countries has gone up from 26 to 31.

Europeans fear that the Nixon Administration will soon be forced to accept Mr. Mansfield's proposal to cut the remaining American forces in Europe by half. If that happens, they say, why bother even to try to negotiate mutual and balanced force reductions in Europe with the Soviet side? Why should Moscow pay a price for something it can get for nothing merely by waiting?

If that happens, something else is probable. West Germany's Defense Minister, Helmut Schmidt, wrote last year that an American pullout might cause "a psychological landslide and impel a despondent Western Europe toward its first major reorientation since the end of World War II." He has not changed that prognosis.

Incidentally, in reference to Mr. Mansfield's doubt that any of the allies are willing to assume a greater share of the common NATO burden, Mr. Schmidt has pushed through a reluctant Cabinet an 11 per cent boost in West Germany's defense budget for 1972. The price he had to pay for the increase was to cut the draft term for Germans from eighteen to fifteen months.

Mr. Schmidt knows that if the United States abolishes the draft it probably will be impossible for him to maintain it in a pros-

perous West Germany, which has far more jobs than workers to fill them. In fact, if Washington abolishes the draft it will soon disappear in most of the other NATO countries.

To point out these things is not to revive the cold war or to argue that Europe has not changed. It is simply to suggest that the West, now as always, will have a better chance to negotiate the changes it seeks in its relationships wih Russia and Eastern Europe if it remains united than if its members go their separate ways to talk to Mr. Brezhnev and company.

"The values and the way of life—in a word, the civilization—of the West depend on the ability of America and West Europe to work closely together in weaving a new fabric of international affairs," Prof. Zbigniew Brzezinski wrote in Foreign Affairs a year ago.

There are Europeans this autumn who still believe that. What they would like is some evidence that someone in Washington still believes it.

[From the Washington Star, Oct. 6, 1971]

TROOP-CUT TALKS DEBATED BY NATO

(By Milt Freudenheim)

BRUSSELS.—The United States and its major allies argued today over how to open negotiations with Moscow on reducing the 1.6 million allied and Communist military forces in Central Europe.

High officials of 14 North Atlantic Treaty Organization nations agreed that Manlio Brosio, veteran Italian diplomat, should begin exploratory talks with the Russians this month.

The argument is over what Brosio should say and how he should reply to Soviet questions about where, how and when negotiations should begin.

KEY QUESTIONS UNSETTLED

U.S. officials concede that basic questions remain undecided four months after NATO foreign ministers ordered preparations started for talks on mutual and balanced force reductions.

Undersecretary of State John Irwin told the allies (with France observing but not participating) that the United States wants the force cuts kept separate from the all-Europe security conference the Communists have been promoting.

He reminded them of pressure in Congress for cuts in U.S. units in NATO, but repeated Nixon administration promises to reject these pressures as long as the Europeans keep improving their NATO share.

Meeting West German insistence that cuts should include Central European as well as U.S. and Soviet forces, Irwin said Washington would expect any money savings by the Germans to go into other NATO budgets.

NEW DEVICES SOUGHT

Funds saved on reducing manpower should be spent on NATO programs for improved early warning systems, aircraft shelters, regional communications, etc., Irwin said.

Britain, West Germany and Italy all proposed making the mutual reduction issue an item for the all-Europe conference of 30 countries, which the allies have agreed will be held after the new agreement is signed on the rights of West Berlin.

The European allies don't agree with Washington on the urgency of reducing NATO forces, but most of them see mutual reduction as the lesser evil in the face of likely American reductions sooner or later.

[From the New York Times, Oct. 4, 1971]

NATO MEETING ON PROPOSALS FOR EAST-WEST TROOP REDUCTION

(By Bernard Weinraub)

BRUSSELS, October 5.—The North Atlantic Alliance began crucial talks today on proposals to negotiate East-West troop cuts in Europe.

The two-day meeting of Deputy Foreign Ministers of North Atlantic Treaty Organization countries was called to consider the first concrete moves toward talks with the Soviet Union and its Warsaw Pact allies on mutual troop reductions.

The closed meeting, at NATO headquarters outside Brussels, was considered especially significant in light of last month's four-power agreement on the status of Berlin.

In the past, Atlantic alliance ministers have maintained that the Berlin issue was an impediment to East-West talks and that a settlement would spur progress toward what is called here mutual and balanced force reductions.

Although the ministers of the 15 countries were silent about today's meeting, it became clear that an undercurrent of disagreement remained among certain members.

UNITED STATES SEEKING CUTBACKS

The United States delegation, led by John N. Irwin 2d, was known to be pressing hard for troop reductions. This move would serve as the equivalent in conventional arms of the United States-Soviet talks on the limitation of strategic arms, involving nuclear weapons. Those talks are to resume next month in Vienna.

This evening, following today's talks, American officials made it clear that the United States objective was "to seek a stable military balance at a lower level of forces."

The officials said that Mr. Irwin told the ministers that the United States would agree on a reduction of forces only if "no net advantage" were gained by the Warsaw Pact nations. The security of the Atlantic alliance, the officials emphasized, should not be diminished at any stage.

Even if forces were reduced, the United States said, the funds saved should be spent on "alliance improvements," including aircraft shelters and communications equipment.

The Americans emphasized, however, that reduction of forces would not take place without reciprocal action by the Soviet Union and the Warsaw Pact.

The British are cool to troop reductions, principally on the ground that any significant military cuts would upset the European balance of power and severely weaken NATO's strength. The British insist that a mutual reduction of forces would leave the Western alliance outgunned.

The recent British crackdown, in which 90 Soviet diplomats and other officials were expelled and 15 others were denied re-entry permits, was also known to leave Britain wary of Soviet intentions and uneasy about immediate negotiations. All 105 were accused of spying.

What especially worries several European countries is that Atlantic alliance troops have been reduced over the last five years, while the Warsaw Pact has expanded its forces. The Warsaw Pact now maintains 58 military divisions, totaling 855,000 men and 13,650 tanks, in East Germany, Poland and Czechoslovakia.

The Western forces in West Germany and Denmark consist of 26 divisions with a total of 703,000 men and a maximum of 6,600 tanks. These totals take into account two French divisions that are outside NATO's integrated military setup.

France, which withdrew from the integrated military command in 1966, attended today's meetings. But she does not support an approach to the Warsaw Pact because such strategy represents bloc-to-bloc diplomacy, which offends France's sense of national independence.

MANDATE FOR BROSIO

One of the ministers' main tasks will be to work out an exact mandate for Manlio Brosio, the former Secretary General, who will serve as the alliance's "explorer" in talks with the Warsaw Pact countries.

Mr. Brosio is expected to visit the Soviet Union at the end of the month to discuss what types of arms should be negotiated, how many countries should participate in the talks and where they should be held. The NATO position on these details is to be worked out in the current meeting.

Mr. Brosio, Secretary General for seven years, was succeeded last week by Dr. Joseph M. A. H. Luns, Foreign Minister of the Netherlands for more than 19 years.

One of the principal concerns of West Germany and Britain is the possibility of a precipitate move scaling down the balance of military power in Central Europe. Atlantic alliance officials say that a one-to-one ratio reduction in forces would clearly leave the West outflanked because of Soviet superiority in troops, tanks and aircraft.

[From the New York Times, Oct. 7, 1971]

NATO SENDING AIDE ON SOVIET MISSION

(By Bernard Weinraub)

BRUSSELS, Oct. 6.—The North Atlantic alliance today assigned its former Secretary General, Manlio Brosio, to visit the Soviet Union and explore the possibility of East-West troop cuts in Europe.

Today's move, at the conclusion of a special two-day meeting, is expected to lead to the first discussions between the North Atlantic Treaty Organization as a whole and the Soviet Union and the Warsaw Pact nations.

This evening, N.A.T.O.'s new Secretary General, Dr. Joseph M.A.H. Luns, the former Dutch Foreign Minister, said at a news conference that Mr. Brosio's "task will be to explore, and to explain the views of allied countries" on the principles for mutual and balanced force reductions and on the question of a forum for eventual negotiation.

SOUNDING OUT PROCESS

Mr. Luns said that Mr. Brosio would "sound out" the Russians "with regard to their intentions . . . and seek their reactions to the ideas expressed."

Fourteen of the fifteen NATO nations approved the mission. France contends the bloc-to-bloc diplomacy being undertaken by the alliance impinges on French sovereignty.

Mr. Luns said the NATO initiative was "proof" of the desire of the 14 nations "to determine, as soon as possible, whether common ground exists for negotiations on mutual and balanced force reductions.

"These governments," he said, "hope that their move will meet with a clear, positive and speedy response.

Mr. Luns said that Mr. Brosio and a technical team of four or five men would leave "as soon as possible between now and Nov. 10 or 15.

"This is exploratory," he emphasized. "What the 14 countries wish to avoid is to give an impression that he will be coming on a take-it-or-leave-it basis. We have no preconditions on this mission."

CENTRAL EUROPE FIRST

Mr. Brosio is expected to return from his mission in time to report to the NATO ministerial conference here on Dec. 8–10. The United States Secretary of State, William P. Rogers, and Secretary of Defense Melvin R. Laird, are expected to attend.

Toward year's end Mr. Brosio is expected to visit some Warsaw Pact nations in Eastern Europe.

Dr. Luns declined to discuss what troop reduction proposals, if any, Mr. Brosio would place before the Soviet Union. "This is very confidential," he said.

Dr. Luns added: "We are thinking of Central Europe first" in troop reductions.

The Secretary General sought repeatedly to blunt reports that the Atlantic Alliance was split over troop reductions. Other diplomats, however, said there were sharp divisions.

The United States has spurred the drive for troop reductions, leaving Britain, West Germany, Italy and other nations uneasy. Several allies indicated that the reduction of armed forces was sought by the Nixon Administration because of Congressional pressure and the 1972 Presidential election.

Britain feels that troop cuts would create a military imbalance favoring the Soviet Union. Joseph Godber, the Minister of State at the Foreign Office, said that Britain was "not negative" to force reductions but warned about the serious and complex difficulties of negotiating for them.

INCREASED PRESSURE FEARED

During the two-day meeting, the Mediterranean members of the alliance—Italy, Greece and Turkey—expressed concern that reducing the number of troops in Central Europe could lead to increased pressure by the Warsaw Pact nations on the Mediterranean area.

Italy said that such reductions should not allow the Soviet Union to bolster its fleet in the Mediterranean.

West Germany also expressed reluctance about a cut, saying that serious negotiations should not begin before talks with East Germany on Berlin are at or near completion.

Virtually all the allies, including the United States, emphasized the extreme difficulty of cutting forces.

[From the Washington Star, Oct. 10, 1971]

NATO Feelings Mixed on Mission to Moscow

(By Andrew Borowiec)

Brussels.—There are no illusions in the headquarters of the North Atlantic Treaty Organization.

No undue hopes are being voiced after the appointment of NATO's former Secretary-General Manilo Brosio as special envoy to Russia in search of troop cuts in Europe.

The atmosphere after this far-reaching step is that of skepticism mixed with an underlying desire to create a more solid basis for detente.

Brosio's trip to Moscow, set for some time in November, will not eliminate the fear of military confrontation between the two power blocs. But it may set in motion a process eventually capable of creating some form of co-existence between the reduced forces of NATO and its Communist counterpart, the Warsaw Pact.

This is the distant goal of what is known as mutual and balanced forces reductions (MBFR), NATO's contribution to the spirit of detente now sweeping Europe.

MANY OBSTACLES

There is no guarantee that Russia will be an easy and accommodating negotiator—quite to the contrary. There are countless unanswered questions and formidable obstacles, centering around geography, strategy, logistics and finally on the crucial word balance.

There are charges that the whole operation is merely a smokescreen for an American decision reached long ago to start military disengagement in Europe.

There also is a deep conviction shared by many Europeans that the Soviet Union will not commit itself to any action which does not foster its interests on the European continent.

These interests, according to many European analysts, are to create a militarily weakened Europe without the American defensive shield, a Europe that would be an easy subject to Russia's wishes and pressures.

Another school of thought in the drab, functional NATO complex outside Brussels maintains that the whole concept of MBFR is a basically harmless exercise. Elimination of two or even four army divisions in central Europe would not drastically change NATO's military posture, the argument goes. Any serious conflict with the Soviet bloc is bound to provoke an American nuclear riposte anyway. If a cut in NATO's ground forces helps to relax tensions, why not try it, optimists argue.

It now appears certain that the United States is determined to do all it can to achieve MBFR, even if the Russians insist on symmetrical cuts meaning one Allied for one Soviet soldier.

But at this state NATO does not appear to have analyzed to what extent such an operation would be harmful.

Members of the American delegation insist that nothing is being changed in strategy guidelines adopted last year. The United States itself is planning to replace its Pershing tactical missiles with new ones and introduce new types of attack aircraft. The other Allies also are being urged to modernize and improve their forces.

NATO's objective is to maintain its preparedness while seeking troop-cut negotiations. The operation is being launched as a joint venture by the alliance with American officials insisting steadfastly that no bilateral talks with the Soviet Union are envisaged on this subject.

Much stock is being put in the good will so far demonstrated by the Soviet Union. Such demonstrations include the Berlin agreement—yet to be finalized—and several encouraging speeches by top Soviet leaders.

The Russians, some analysts say, want to secure the status quo in Europe. They are under considerable pressure from their satellites to ease military expenditures and concentrate more on proverbial butter rather than on cannons.

All this does not change the fact that Russia is engaged in power politics, that it intends to profit from any weaknesses—economic and military—of the Western world to advance its own interests.

NATO's task—and on this issue all Allies are in agreement—is to make sure that the West's interests are not sacrificed while the cause of peace and detente is enhanced.

The decision to send Brosio to Moscow was adopted by a special two-day session of NATO deputy foreign ministers which ended yesterday. Originally Brosio was scheduled to travel also to other East European capitals but finally Moscow emerged as the only possibility to permit the former secretary-general to report to the NATO Ministerial Council in December.

The council then will decide how to pursue its MBFR policy.

NO PRECONDITIONS

Brosio thus has two months to plan his trip, co-ordinate it with the Russians, select a technical staff of four or five persons and carry out his first exploratory mission.

His mandate appears to be a comprehensive one although no details have been spelled out to newsmen.

There are no pre-conditions, NATO's new secretary general, Joseph Luns, told a press conference.

NATO would like Brosio to bring back as many details as possible, sources said, but it is expected that most likely he will return with generalities.

Hampering somewhat his negotiating position is the fact that Brosio will not represent the alliance as such but the fourteen nations interested in the MBFR (France is abstaining). To laymen, it is a confusing technicality but it carries an important connotation in diplomacy.

If Brosios' mission succeeds, more concrete talks would emerge, coupled with his trips to other Communist capitals in Central Europe.

The Central European theater appears as the most likely target if and when MBFR talks get off the ground. Thus Brosio would travel to East Germany, Poland and Czechoslovakia. The East German trip undoubtedly would cause diplomatic complications because of that country's ostracism by most Western governments.

But if the current negotiations between the two Germanys succeed, if some sort of modus vivendi is established between Bonn and Pankow, a lot could change.

The fact remains that the stage has been set for major and far-reaching moves on the old continent. The next few months will show whether there is going to be reciprocal action on the other side of the Iron Curtain.

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But if the current negotiations between the two Germany's succeed, if some sort of modus vivendi is established between Bonn and Pankow, a lot could change.

Senator MIKE MANSFIELD,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MANSFIELD: I would like to bring to your attention the outrageous automobile insurance rates men stationed in the German Federal Republic are forced to pay.

A man like myself, 32 years old, married and having an unblemished 15 year driving record, is paying $227.00 per year for liability insurance.

In the two years I have served in Germany I have seen the rates climb from an already exorbitant $132.00 to the present rates. An increase of some 75%.

A large part of this increase took place effective 1 January 71 when rates were "adjusted" in accord with an agreement between U.S. Army Europe and German government officials. These changes, in effect, raised my rates by $50.00 and lowered those of men in grades E–3 through E–5 a like amount.

At first glance this may seem equitable, but considering the following facts covering Air Force personel assigned to the 17th Air Force in Germany. Men in the 20–24 year age group, in grade E–4, were involved in 50% of the accidents reported. Men in grade E–5 were accountable for 23.2% and men in grade E–3 12.5%. Men in grades E–6 and E–7 combined accounted for 10.6%.

It hardly seems fair for me, and others my age and grade to be subsidizing the premiums of the very men who have driven the rates so high. We have allowed more drivers of this high accident group to buy and operate autos by reducing the insurance premiums. The accident rate in 17th Air Force has increased terribly since Jan. 1. Deaths and injuries caused by these drivers has been increasing despite rigorous programs to combat them.

We are told that one reasons for the high rates is the fact that all U.S. drivers are considered in one group and charged accordingly. I suggest that we develop subgroups to put the burden of payment where it belongs.

If the United States continues to station men in Germany, and I'm sure we will, the U.S. Government must do something to force a fair system to protect those men. In my opinion we are being exploited by the German insurance companys, if not by the German government.

Thank you for your attention to this matter. Any assistance you may offer in improving the situation would be appreciated by the men stationed in Germany.

Yours truly,

———.

BILLINGS, MONT., SALUTES MR. BASEBALL

Mr. MANSFIELD. Mr. President, tomorrow, millions of Americans will be preoccupied with one of the greatest sports events, the world's series. The people of Montana will have a special interest as one of the outstanding pitchers of the Baltimore Orioles is a Billings, Mont., man, Dave McNally.

As Dave McNally said at the "Ed Bayne Day" dinner held at Billings on September 26 of this year:

If it wasn't for Ed Bayne, I wouldn't be in the big leagues today. He's been like a father to me.

Ed Bayne is the man who has coached 20 Montana State Legion champion baseball teams in the past 22 years. Ed Bayne is the man who refers to himself as "the luckiest man in the world."

The city of Billings over the years has had an unusual interest and has given great support to local sports. Ed Bayne is Mr. Baseball to the people of Montana. Just recently the city of Billings celebrated "Ed Bayne Day." Many old friends, ex-players, admirers, and civic leaders turned out to pay tribute to his many years of service to baseball and the young people of Montana's largest city. It was with deep regret that I personally was unable to be in Billings for "Ed Bayne Day" to show my personal appreciation for what Ed has done and for his many contributions which he has made to our State. In view of the fact that I was among the missing on that momentous occasion, I wish to take this opportunity to publicly add my congratulations to Ed Bayne and his wife, Marcie. The Baynes will be in the East for the world's series as a part of the recognition to him for his many years of service to baseball.

Mr. President, I ask unanimous consent to have an article from the Billings Gazette of September 27, 1971, printed in the RECORD.

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

BILLINGS SALUTES MR. BASEBALL: ED BAYNE

(By Norm Clarke)

"I'm the luckiest fellow in the world."

The words came from Ed Bayne as Billings fans gathered Sunday to honor the longtime American Legion baseball coach who has devoted two decades to the community.

Sunday was "Ed Bayne Day" and old friends, ex-players, admirers and civic leaders turned out to pay tribute for his unwavering service to youth and baseball.

Fans joined in a parade up 27th Street, an awards "jamboree" at Eastern Montana College's gym, and a banquet at the Northern Hotel to share Bayne's "happiest hour."

Dave McNally, the former freckle-faced batboy for the Billings Mustangs who emerged from Bayne's "baseball school" to gain pitching fame with the Baltimore Orioles, sent his regards via taped phone conversation.

"If it wasn't for Ed Bayne, I wouldn't be in the big leagues today," said the 28-year-old Montanan who recently became the first American League pitcher in 32 years to win 20 games or more for four consecutive seasons.

"He's been like a father to me," added the star lefthander whose pitching was instrumental in 1960's national runnerup finish in the Little World Series Legion finals.

McNally's mother Beth, a Yellowstone County welfare department worker, told the crowd at EMC: "I've played the game of life with Ed Bayne and he's been a tremendous partner."

Bayne was showered with gifts in appreciation of his never-wavering efforts.

Among them were:

An all-expenses paid trip to the 1971 World Series;

A highlight film of Royals games;

A lifetime pass by an area theater chain.

Many of his former players, including hitting standout Pete Cochrane, who was a member of three straight Billings clubs which qualified for the national finals; former pitchers Les Rohr (No. 1 draft choice of the New York Mets in 1965) and John Hilts, who signed with the Baltimore Orioles and now assists Bayne as a pitching coach, recounted memories of yesteryear.

Past and present coaching colleagues Bill Osborne. Rex Welton, Joe Pirtz, Les Smith and Lyle Wilson, among others, were in attendance.

"I'm the luckiest fellow in the world." Bayne told the gathering at EMC. "To be able to work with youth is an honor. They're the most beautiful people in the world," said the 54-year-old Billings native who has been actively involved in many forms of athletics since a teen-ager.

More than 250 Billings and area players have received scholarships through Bayne's efforts and 12 have signed professional contracts, one of whom is already headed for Baseball's prestigious Hall of Fame. A photo of Dave McNally and his bat has been installed in the covered shrine for his grand slam home run against Cincinnati in last year's World Series.

Bayne has been head coach or assistant of 20 state Legion championship teams in the past 22 years. Since taking over as head coach in 1952, his Billings teams have won 18 titles in 20 years, including regional runnerup finishes the past two seasons.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Georgia (Mr. TALMADGE) is now recognized for not to exceed 15 minutes.

(The remarks of Mr. TALMADGE when he introduced Senate Joint Resolution 165 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order there will now be a period for the transaction of routine morning business limited to 30 minutes, with a 3-minute limitation on statements by each Senator.

QUORUM CALL

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

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

The second assistant legislative clerk proceeded to call the roll.

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

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

(The remarks of Mr. TUNNEY when he introduced S. 2676 and S. 2677 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

QUORUM CALL

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

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

The second assistant legislative clerk proceeded to call the roll.

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

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORT ON APPROPRIATION FOR "CONTINGENCIES, DEFENSE"

A letter from the Secretary of Defense, reporting, pursuant to law, on the appropriation for "Contingencies, Defense", for the fiscal year 1971; to the Committee on Appropriations.

PROPOSED TRANSFER OF MOTOR LAUNCH

A letter from the Assistant Secretary of the Navy, reporting, pursuant to law, on the proposed transfer of a motor launch to the Maine Port Authority, Portland, Maine; to the Committee on Armed Services.

PROPOSED AMENDMENT OF TARIFF ACT OF 1930

A letter from the Acting Secretary of the Treasury, transmitting a draft of proposed legislation to amend the Tariff Act of 1930, as amended, to effect certain administrative reforms (with accompanying papers); to the Committee on Finance.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

Resolutions of the Commonwealth of Massachusetts; to the Committee on Finance:

"RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ESTABLISH FAIR TRADE QUOTAS IN THE ELECTRICAL, ELECTRONICS, HYDRAULIC-DIESEL, MACHINE, AND OPTICAL INDUSTRIES

"Whereas, The electrical, electronics, hydraulic-diesel, machine and optical industries are important to the economy and to employment opportunity in our commonwealth; and

"Whereas, Thousands of well-paying jobs have been lost as a result of unrestricted imports in these industries; and

"Whereas, Official complaints filed with United States Government Agencies in these industries demonstrate that foreign manufacturers, aided and abetted by their governments, are using unfair and illegal trade practices, such as dumping and export subsidies, to penetrate the United States market; and

"Whereas, American manufacturers in increasing numbers are shutting down operations and entire plants in ours and other States and are running away to distant lands to take advantage of starvation wages paid abroad, leading to large scale loss of jobs here; and

"Whereas, A substantial number of those being thrown out of work have been underemployed and unemployed workers, previously trained for good-paying jobs and now have no choice but to go back on welfare; therefore be it

"Resolved, That the Massachusetts House of Representatives respectfully urges the Congress of the United States to establish fair trade quotas in the electrical, electronics, hydraulic-diesel, machine and optical industries; and be it further

"Resolved, That the Massachusetts House of Representatives respectfully urges the United States Treasury Department and the United States Tariff Commission to speed up procedures relating to the assessment of penalties in cases involving illegal dumping and subsidization of exports by foreign manufacturers; and be it further

"Resolved, That copies of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, the presiding officer of each branch of Congress, to the members thereof from the Commonwealth, the Treasurer of the United States and to the United States Tariff Commission.

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. TUNNEY (for himself, Mr. WILLIAMS, Mr. BROOKE, Mr. KENNEDY, Mr. ANDERSON, Mr. BAYH, Mr. BENNETT, Mr. BENTSEN, Mr. CASE, Mr. CRANSTON, Mr. EAGLETON, Mr. GRIFFIN, Mr. HARRIS, Mr. HART, Mr. HARTKE, Mr. HUMPHREY, Mr. INOUYE, Mr. JACKSON, Mr. JAVITS, Mr. MAGNUSON, Mr. METCALF, Mr. MONDALE, Mr. MOSS, Mr. MUSKIE, Mr. PASTORE, Mr. PERCY, Mr. RIBICOFF, Mr. ROTH, Mr. SCHWEIKER, Mr. TAFT, and Mr. THURMOND):

S. 2676. A bill to provide for the prevention of sickle cell anemia. Referred to the Committee on Labor and Public Welfare.

By Mr. TUNNEY (for himself, Mr. EAGLETON, Mr. BUCKLEY, Mr. INOUYE, and Mr. WEICKER):

S. 2677. A bill to authorize programs in the District of Columbia to combat and control the disease known as sickle cell anemia. Referred to the Committee on the District of Columbia.

By Mr. BURDICK:

S. 2678. 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. BENNETT (for himself and Mr. SPARKMAN):

S. 2679. A bill to extend the period within which certain Federal credit unions must obtain insurance of member accounts in accordance with title II of the Federal Credit Union Act. Referred to the Committee on Banking, Housing, and Urban Affairs.

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

S. 2680. A bill to designate certain lands in the State of California as wilderness. Referred to the Committee on Interior and Insular Affairs.

By Mr. TALMADGE:

S.J. Res. 165. Joint resolution proposing an amendment to the Constitution of the United States prohibiting involuntary busing of students. Referred to the Committee on the Judiciary.

By Mr. PERCY (for himself and Mr. STEVENS):

S.J. Res. 166. Joint resolution recognizing the State of Illinois and the city of Chicago as hosts in 1992 of the official quincentennial celebration of the discovery of America. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TUNNEY (for himself, Mr. WILLIAMS, Mr. BROOKE, Mr. KENNEDY, Mr. ANDERSON, Mr. BAYH, Mr. BENNETT, Mr. BENTSEN, Mr. CASE, Mr. CRANSTON, Mr. EAGLETON, Mr. GRIFFIN, Mr. HARRIS, Mr. HART, Mr. HARTKE, Mr. HUMPHREY, Mr. INOUYE, Mr. JACKSON, Mr. JAVITS, Mr. MAGNUSON, Mr. METCALF, Mr. MONDALE, Mr. MOSS, Mr. MUSKIE, Mr. PASTORE, Mr. PERCY, Mr. RIBICOFF, Mr. ROTH, Mr. SCHWEIKER, Mr. TAFT, and Mr. THURMOND):

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S. 2677. A bill to authorize programs in the District of Columbia to combat and control the disease known as sickle cell anemia. Referred to the Committee on the District of Columbia.

NATIONAL SICKLE CELL ANEMIA PREVENTION ACT

Mr. TUNNEY. Mr. President, sickle cell anemia is a deadly tragedy to thousands of black families in this country. I think it is time that we as a nation make a commitment to end that tragedy. Thus, I am pleased to introduce today legislation to create a national program for the prevention of sickle cell anemia. Regretably, there is no cure for this disease and none on the horizon. But we can begin to offer the opportunity to learn the nature and risks of the disease. And we can

persist and strengthen research to combat the disease. I am honored to be joined in that endeavor by 30 of my colleagues in the Senate from both parties.

We are introducing two bills today: The first, S. 2676 will create a national program for research, screening, counseling, and public education concerning sickle cell anemia. The second bill, S. 2677 will authorize a pilot program against sickle cell anemia in the District of Columbia. I think it is particularly appropriate to begin here in Washington, a city which is both the Nation's Capital and the city with the largest percentage of black persons in the entire Nation.

Joining me in introducing this legislation are the distinguished chairman of the Labor and Public Welfare Committee (Mr. WILLIAMS), my able colleague the junior Senator from Massachusetts (Mr. BROOKE), and the very capable chairman of the Health Subcommittee (Mr. KENNEDY). Also joining as sponsors are Mr. ANDERSON, Mr. BAYH, Mr. BENNETT, Mr. BENTSEN, Mr. CASE, Mr. CRANSTON, Mr. EAGLETON, Mr. GRIFFIN, Mr. HARRIS, Mr. HART, Mr. HARTKE, Mr. HUMPHREY, Mr. INOUYE, Mr. JACKSON, Mr. JAVITS, Mr. MAGNUSON, Mr. METCALF, Mr. MONDALE, Mr. MOSS, Mr. MUSKIE, Mr. PASTORE, Mr. PERCY, Mr. RIBICOFF, Mr. ROTH, Mr. SCHWEIKER, Mr. TAFT, and Mr. THURMOND.

The distinguished chairman of the District of Columbia Committee, (Mr. EAGLETON) and three of my colleagues on that committee are joining to introduce the pilot program for the District of Columbia.

Identical bills will be introduced in the House by a broad group including 11 members of the Black Caucus led by Delegate WALTER FAUNTROY. Included among the House sponsors are Representatives CHISHOLM, CLAY, CONYERS, DELLUMS, DIGGS, HAWKINS, METCALFE, MITCHELL, RANGEL, and STOKES.

Mr. President, more than 10 years after sickle cell anemia was identified as the tragic killer that it is, we are finally beginning to become aware of its terrible toll. It is a blood disease resulting from the inheritance of a genetic factor relating to the so-called sickle cell "trait." It is a painful deadly disease. It kills over half its victims before the age of 20. Few survive beyond the age of 40 and most are crippled long before death.

The disease strikes approximately one of every 500 black persons. Medical researchers estimate that over 2 million Americans carry the so-called sickle cell "trait." These persons are generally not in danger of the disease itself, but the children of parents who both carry the trait run a high risk of inheriting the disease.

Yet, when compared with other serious diseases, sickle cell has received only minimal attention and research. Compared with the frequency of occurrence of these other diseases, the neglect of sickle cell anemia is readily apparent. Sickle cell occurs in roughly one of every 500 births of black children. Cystic fibrosis, a disease that affects primarily white persons, occurs with a frequency of one in 2,940. For muscular dystrophy the frequency is one in 5,000 and for phenylketonuria—commonly known as PKU—one in 10,000 births.

In 1967, there were an estimated 1,155 new cases of sickle cell anemia, 1,206 of cystic fibrosis, 813 of muscular distrophy, and 350 PKU. Yet, in 1968, volunteer organizations raised $1.9 million for cystic fibrosis, $7.9 million for muscular dystrophy, but only $50,000 for sickle cell research. Until very recently, Federal research efforts were similarly meager. National Institutes of Health grants for many less common hereditary diseases have long far exceeded those for sickle cell anemia.

Dr. Roland B. Scott, for example, has spent 20 years in the field of sickle cell disease, is chairman of the Department of Pediatrics and director of the Sickle Cell Center at Howard University; and yet has never received a cent in Federal grants for sickle cell research.

Fortunately, through the persistent efforts of dedicated researchers such as Dr. Scott and Dr. Angela Ferguson, of Howard University, we are now beginning to become aware of the nature of the disease and the need for support.

The neglect is all the more apparent when one realizes that the so-called PKU disease occurs only among white persons and is 20 times less frequent in occurrence among white than sickle cell is among blacks. And yet for years, hospitals have routinely administered the PKU test to warn white parents of the presence of that disease. If we had made the same effort for sickle cell anemia, perhaps many fewer black parents would have suffered the tragedy of a crippled young child doomed to an early death.

There is still no nationwide volunteer organization devoted to sickle cell anemia, but groups in many cities throughout the country are now active and increasing in effectiveness. In Los Angeles, there is the Sickle Cell Disease Research Foundation, led by a distinguished California physician, Dr. Elmer Anderson. I am pleased to have had the opportunity to work with Dr. Anderson in developing this legislation. I also had the opportunity 2 weeks ago to participate in a 2-day conference in Los Angeles on sickle cell anemia and to speak with many of the participants in that conference.

In addition to the Los Angeles foundation, in New York there is the Sickle Cell Disease Research Foundation; in Washington, D.C., the Association for Research and Sickle Cell Anemia; in Memphis, Tenn., the National Sickle Cell Anemia Foundation; in Richmond, Va., the Virginia Sickle Cell Awareness program—VaSCAP—and similar groups in other cities throughout the country. A group of black professional athletes has formed the Black Athletes Foundation to further education and research on sickle cell amenia. Its president is Willie Stargell, the Pittsburgh Pirates' outfielder.

Researchers such as Dr. Robert Nalbandian of Blodgett Memorial Hospital in Grand Rapids, Mich.; Dr. Paul Wolf of Stanford University; Dr. Makio Murayama at the National Institutes of Health in Bethesda, and many others are engaged in efforts to prevent the painful sickle cell crisis, reduce hospitalization and chronic care and confer a full life span on sickle cell anemics.

There is, however, much research which remains to be done. There is still no cure for sickle cell disease and it would be cruel for us today to promise one. Thus, the bill which we introduce today will provide new impetus and support for continuing and expanding research efforts.

In addition to research, however, there is a tremendous need to provide education of the public on the nature and inheritance of sickle cell disease and to offer all persons the opportunity to learn if they carry the trait. As Dr. Robert Scott recently wrote in the journal of the AMA:

> Health professionals have generally failed to recognize sickle cell anemia as a major community health concern, and consequently the public has been poorly informed. A recent survey revealed that only three out of ten adult Negroes had ever heard of the illness.

In cities with large black populations according to Dr. Scott, sickle cell disease is not just another significant health problem, it is one of the more prevalent health problems. In Washington, D.C., for example, where the black population is 68 percent, sickle cell anemia far exceeds other serious childhood diseases. And at present, seven out of the 10 largest cities in the Nation have more than 30 percent black population.

The need then is not only for expanded research. We must offer to every person the opportunity to learn that the disease exists, how it is caused and the risks, of its occurrence. We must offer the opportunity to obtain a voluntary test for the sickle cell trait at appropriate locations throughout black communities. We must provide the chance for every person to learn if he or she has the trait and put an end to the tragic unawareness which can be shattered by the birth of a child with sickle cell anemia.

THE NATIONAL SICKLE CELL ANEMIA PREVENTION ACT

The bills which we introduce today will for the first time provide a coordinated effort by the Federal Government for the prevention and treatment of the disease. S. 2676, the National Sickle Cell Anemia Prevention Act has four basic provisions:

First, a coordinated Federal grant program of $25 million per year for 3 years for research, voluntary screening, and counseling and public education; second, a demonstration grant program of $5 million per year for 3 years for the development of centers for research and research training in sickle cell anemia; third, a requirement that the Department of Defense implement a policy to provide voluntary screening, counseling, treatment, and education concerning the disease for servicemen, civilian employees, and inductees; and fourth, similar programs by other Federal agencies which provide direct health care for persons eligible in such agencies; namely, the Veterans' Administration and the Public Health Service.

It is the purpose of this bill to provide a coordinated effort against sickle cell disease as a major health problem and provide the means to combat it. Thus, a primary purpose of the bill in addition to research, is to provide funds for the creation of community screening and counseling programs.

VOLUNTARY SCREENING

A simple and inexpensive test to detect the sickle cell trait has been available for many years. Only rarely, however, have individuals had the opportunity to know in advance of marriage or in advance of childbearing that they were trait carriers. Hence, parents usually learn they carry the trait only after they find to their sorrow that a child is born with the disease.

In order to screen, on a voluntary basis, as many people as possible, this bill would provide funds, for example, for school districts to screen their students. Such screening could supplement other school health service programs such as physical examinations, eye testing programs, and immunizations. Neighborhood health centers, clinics, hospitals, and mobile health units would be able regularly to include the sickle cell test.

Using such screening, Dr. Joseph Bellizzi, supervising physician for the Hartford, Conn., school system recently directed a major program which offered screening to 3,456 black children of high school age, finding 301 carriers of the trait and four cases of sickle cell anemia. Screening programs such as this can offer the first opportunity for persons to learn whether they carry the trait and what the risks and dangers are for their children. Similarly, parents who learn that one of their children has the trait would be able to seek similar tests for themselves and their other children.

VOLUNTARY COUNSELING

For persons who learn through screening that they possess the trait, the bill provides funding for voluntary counseling services to gain information on the disease and the risks involved. Thus, possbly for the first time, a person with the trait can learn beforehand the chances that his children might have the disease and what it will mean for their lives.

PUBLIC EDUCATION

Finally, the bill provides funds for programs to educate the public about the nature of sickle cell anemia and the inheritance of the sickle cell trait. As Dr. Scott points out, few people know what the disease is or how to learn whether they have the trait.

Fortunately, a number of public spirited organizations including radio and TV stations, are beginning such education programs. Thus, for example, in Hartford, Conn., station WTIC began a drive to do something about sickle cell disease. They ran a public education type program on sickle cell anemia and then began a campaign to raise money for research at the Sickle Cell Anemia Center at Howard. As a result of the station's efforts, $34,000 was raised for the center. I have a copy of WTIC's editorial which I will submit for inclusion in the RECORD at a later point.

Similarly here in Washington, TV station WRC conducted a five-part series on sickle cell anemia, a major and most impressive commitment of time and effort by that station. The importance of such programs and the importance of screening programs was given most dramatic emphasis when the station's reporter took the test for sickle cell for the first time and learned that she had the trait.

This bill will provide funds to conduct similar public education programs toward the goal that all people may be informed about the disease and its risks and have the opportunity to seek the sickle cell test.

DEMONSTRATION FUNDS

A second major thrust of the bill is demonstration funds for the development of centers for research, screening, counseling or treatment. Funds would be available to public and nonprofit private institutions such as medical schools, hospitals, and foundations. A principal focus of this provision is to provide funds for centers such as the very fine one at Howard University founded by Dr. Roland Scott. Funds under this provision are intended in particular to provide the opportunity for institutions such as Howard and hospitals which serve large black communities to establish major programs against sickle cell disease.

PROGRAMS IN THE MILITARY

In addition to grant programs, however, the bill also focuses heavily on the need and opportunity in the Armed Forces and other Federal agencies which provide health care, to offer screening counseling and, where appropriate, treatment for sickle cell anemia. It requires the Secretary of Defense to implement a policy to offer servicemen—and their dependents—civilian employees of the Department, and persons examined at induction centers the opportunity to learn if they carry the trait by screening tests at no cost to the individual. It provides that such a program should include the opportunity for voluntary counseling for persons who have the trait and education of personnel regarding the availability and cost-free nature of such services.

Programs such as those provided in the bill are particularly important in the Military Establishment because of the opportunity to reach large numbers of young people. In addition, it is particularly important for those who may have the trait to learn that fact in order to avoid certain high-stress duties, such as high altitude flying, which may be dangerous to those with the trait.

Using one screening method, the director of the Blood Transfusion Division of the Army Research Institute at Fort Knox, Ky., has screened over 5,000 recruits in the past 18 months. Approximately 200 persons learned they had the trait. If such screening were widely available, events such as the tragic deaths of four recruits with the trait at Fort Bliss, Tex., last year might have been avoided.

Although persons with the trait are generally not in danger, in some instances of high-stress activity some such persons can develop severe complications.

Thus, the programs required by the bill would allow anyone connected with the military to have the opportunity to learn if he or she has the trait.

Other sections of the bill provide the same opportunity for screening counseling and treatment in the Veterans' Administration and the Public Health Service.

VOLUNTARY PARTICIPATION AND CONFIDENTIALITY

Finally, the bill contains strict requirements to assure the voluntary nature of all programs funded or conducted pursuant to the National Sickle Cell Anemia Prevention Act and provides for protection of individual privacy by strict requirements of confidentiality. Thus, participation in screening or counseling programs carried out under the act would be entirely voluntary. In addition, test results would be held confidential. Both of these provisions are particularly important, I believe, in order to avoid any misinterpretation of the basic purpose of programs under this bill. It would be indeed tragic if any person should gain the impression of racial prejudice or discrimination as a result of these programs. Lest there be any doubt on that score, we have included the very strict provisions I have just described. This bill would coerce no one. Instead, it would affirm the dignity of individuals by providing the facts needed for free and informed choices.

Mr. President, it is my belief that this bill will make a major contribution to the prevention and treatment of sickle cell disease. Some efforts are already underway. In this year's budget, approximately $6 million are earmarked in the budget of the National Institutes of Health for sickle cell research. A few months ago, the Senate adopted Senator KENNEDY's amendment to add $6 million in new funds for research. Although it was not included in the final HEW bill, it indicated the deep feeling in the Senate to act against sickle cell. In addition, a National Advisory Committee on Sickle Cell Disease has been recently appointed by the Secretary of Health, Education, and Welfare.

The programs created by this bill will build upon those efforts. The advice of the National Advisory Committee will undoubtedly be a major factor in implementing the programs under this bill. I am hopeful, therefore, that we will move swiftly to enact this legislation.

EFFORTS IN THE NATION'S CAPITAL

Mr. President, in addition to the National Sickle Cell Anemia Prevention Act, I am also introducing a bill to establish a pilot program against sickle cell anemia in the District of Columbia. I can think of no more appropriate place to begin the fight against sickle cell anemia than here in the District: it is the Nation's Capital, and it is also the city with the largest percentage of black population in the country.

In addition, the District is a city where efforts are already underway but are suffering from terrible lack of funds. At

this very moment, the city's Health Services Administration is seeking to include sickle cell screening in a city program to test young children for lead poisoning. Because they are unable to find $20,000 to include sickle cell tests, the program has not yet been launched. It is particularly tragic because this program would require no new staff, it would use an existing program and simply add more testing.

For this reason, this second bill which we are introducing today is most appropriate and necessary. It will authorize direct appropriations to the District government to establish and run screening, counseling and public education programs of all types. For example, such services could be provided at neighborhood health centers, schools, hospitals, day-care centers, family planning clinics, and other locations throughout the community.

In addition, in order to assure that funds will be available for such programs, the bill authorizes grants by the Secretary of Health, Education, and Welfare to the District government for such purposes. Finally, to aid in the very excellent work being done at Howard University and to encourage similar work at other institutions in the District, the bill authorizes grants to such institutions for research, screening, counseling, or treatment programs.

It is my belief that the programs authorized by this bill here in Washington could well serve as a national model for similar programs in other cities throughout the country. As chairman of the Public Health Subcommittee of the District of Columbia Committee, I intend to place high priority on enactment of this legislation. I am, therefore, particularly pleased that a bipartisan majority of the District Committee are joining as prime sponsors of this bill.

CONCLUSION

Mr. President, both of these bills—the National Sickle Cell Anemia Prevention Act and its District of Columbia counterpart—offer to the Congress the opportunity to demonstrate tangibly our commitment to the health and welfare of all Americans. As I stated earlier, sickle cell anemia for many years has been the victim of tremendous neglect. That time must come to an end. No longer should black Americans be forced to wonder over the cause of that neglect. We must offer, without coercion of free choice, an end of the burden of uncertainty among black Americans who do not know whether they suffer from this disease or carry the sickle cell trait. And we must persist in research.

Mr. President, I ask unanimous consent that S. 2676 and S. 2677 be printed in the RECORD at this point, together with a section-by-section analysis of S. 2677; copies of the transcript of the recent WRC television series; an editorial by television station WTIC in Hartford, Conn.; and a group of articles which I am submitting, dealing with sickle cell anemia.

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

S. 2676

A bill to provide for the prevention of sickle cell anemia

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

SHORT TITLE

SECTION 1. This Act shall be cited as the "National Sickle Cell Anemia Prevention Act."

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. (a) The Congress hereby finds and declares—

(1) that sickle cell anemia is a disease resulting from the inheritance of a genetic factor relating to the sickle cell trait which afflicts a large number of American citizens, primarily among the black population of the United States;

(2) that the disease is a deadly and tragic burden which strikes approximately one of every 500 black children, and that less than half of those children who contract the disease survive beyond the age of twenty; and

(3) that efforts to prevent sickle cell anemia must be directed toward increased research in the cause and treatment of the disease, and the education, screening and counseling of carriers of the sickle cell trait;

(4) that simple and inexpensive screening tests have been devised which will identify those who have the disease or carry the trait;

(5) that programs to prevent sickle cell anemia must be based entirely upon the voluntary cooperation of the individuals involved;

(6) that the attainment of better methods of prevention, diagnosis, and treatment of sickle cell anemia deserve the highest priority,

(b) In order to preserve and protect the health and welfare of all citizens, it is the purpose of this Act to establish a national program for the prevention and treatment of sickle cell anemia.

AMENDMENTS TO PUBLIC HEALTH SERVICE ACT

SEC. 3. (a) Section 1 of the Public Health Service Act is amended by striking out "Titles I to X" and inserting in lieu thereof "Titles I to XI".

(b) The Act of July 1, 1944 (58 Stat. 682), as amended, is amended by renumbering title XI (as in effect prior to the enactment of this Act) as title XII, and by renumbering sections 1101 through 1114 (as in effect prior to the enactment of this Act) and references thereto, as sections 1201 and 1214, respectively.

(c) The Public Health Service Act is further amended by adding after title X the following new title:

"TITLE XI—SICKLE CELL ANEMIA PREVENTION PROGRAM

"GRANTS FOR SICKLE CELL SCREENING AND COUNSELING PROGRAMS

"SEC. 1101. (a) The Secretary is authorized to make grants to and enter into contracts with public and nonprofit private entities to assist in the establishment and operation of voluntary sickle cell anemia screening and counseling programs and to assist in developing and making available information and educational materials relating to sickle cell anemia to all persons requesting such information or materials, and to inform the public generally about the nature of sickle cell anemia and the sickle cell trait.

"(b) In making grants and contracts under this section the Secretary shall take into account the number of persons to be served, the extent to which such screening and counseling is needed on a local basis, the relative need of the applicant, and its capacity to make rapid and effective use of such assistance.

"(c) For the purpose of making payments pursuant to grants and contracts under this section, there are authorized to be appropriated $25,000,000 for the fiscal year ending June 30, 1973; $25,000,000 for the fiscal year ending June 30, 1974; and $25,000,000 for the fiscal year ending June 30, 1975.

"DEMONSTRATION GRANTS

"SEC. 1102. (a) In order to promote research in the diagnosis, treatment, and prevention of sickle cell anemia, development of programs to educate the public regarding the nature and inheritance of the sickle cell trait and sickle cell anemia, and the development of centers for research, testing, counseling, prevention, or treatment of sickle cell anemia the Secretary is authorized to make grants to public or nonprofit private entities and to enter into contracts with public or private entities and individuals for projects for research and research training in such fields.

"(b) For the purpose of making payments pursuant to grants and contracts under this section there are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1973; $5,000,000 for the fiscal year ending June 30, 1974; and $5,000,000 for the fiscal year ending June 30, 1975.

"VOLUNTARY PARTICIPATION

"SEC. 1103. The participation by any individual in any program or portion thereof under this title (whether by grant or contract) shall be wholly voluntary and shall not be a prerequisite to eligibility for or receipt of any other service or assistance from or to participation in, any other program.

"APPLICATIONS

"SEC. 1104. A grant under this title may be made upon application to the Secretary at such time, in such manner, containing and accompanied by such information as the Secretary deems necessary. Each application shall—

"(1) provide that the programs and activities for which assistance under this title is sought will be administered by or under the supervision of the applicant;

"(2) describe with particularity the programs and activities for which assistance is sought;

"(3) provide for strict confidentiality of all test results, medical records and other information regarding screening, counselling or treatment of any person treated, except for (A) such information as the patient (or his guardian) consents to be released; or (B) statistical data compiled without reference to the identity of any such patient;

"(4) provide for appropriate consultation with community representatives in the development and operation of any program funded under this title;

"(5) set forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this title; and

"(6) provide for making such reports in such form and containing such information as the Secretary may reasonably require.

"PUBLIC HEALTH SERVICE FACILITIES

"SEC. 1105. The Secretary shall establish a program within the Public Health Service to provide for voluntary sickle cell anemia screening, counselling, and treatment. Such program shall be made available through facilities of the Public Health Service to any eligible person requesting screening, counselling, or treatment, and shall include notification of all eligible persons of the availability and voluntary nature of such programs.

"REPORTS

"SEC. 1106. (a) The Secretary shall prepare and submit to the President for transmittal to the Congress on or before April 1 of each year a comprehensive report on the administration of this title.

"(b) The report required by this section shall contain such recommendations for additional legislation as the Secretary deems necessary."

PROTECTION OF ARMED FORCES PERSONNEL

SEC. 4. (a) The Secretary of Defense is authorized and directed to promulgate rules and regulations to provide for screening and counselling of members of the Armed Forces (including their dependents), civilian employees of the Department of Defense, and persons examined at Armed Forces examining and entrance stations, for the sickle cell trait and sickle cell anemia.

(b) Such rules and regulations shall provide for

(1) voluntary screening for the sickle cell trait for persons described in subsection (a) who request such a test, at no cost to such person;

(2) communication to such person described in subsection (a) of the results of such test;

(3) voluntary referral of individuals determined to possess a positive trait to an appropriate military or civilian counselling or treatment agency;

(4) notification to persons described in subsection (a) of the cost-free and voluntary nature of the screening and referral programs implemented pursuant to this section;

(5) education of persons described in subsection (a) regarding the nature and inheritance of the sickle cell trait and sickle cell anemia; and

(6) assurance that all information obtained on specimens submitted voluntarily under this act shall be held confidential except for (A) such information a. the patient (or his guardian) consents to be released or (B) statistical data compiled without reference to the identity of any such patient.

(c) The Secretary of Defense shall provide for voluntary counseling or treatment of such persons described in subsection (a) found to have the sickle cell trait or sickle cell anemia at an appropriate military civilian facility as the case may be.

(d) (1) The Secretary of Defense shall prepare and submit to the President for transmittal to Congress on or before April 1 of each year a comprehensive report on the administration of this section.

(2) The report required by this subsection shall contain such recommendations for additional legislation as the Secretary of Defense deems necessary.

(e) The participation by any individual in any program or portion thereof under this section shall be wholly voluntary and shall not be a prerequisite to eligibility for or receipt of any other service or assistance from, or to participation in, any other program.

PROTECTION OF VETERANS

SEC. 5. (a) Chapter 17 of title 38, United States Code, is amended by adding at the end thereof the following new subchapter:

"SUBCHAPTER VI—SICKLE CELL ANEMIA PREVENTION

"§ 651. Notification and education

"(a) The Administration shall notify all persons eligible for care under this chapter of the availability of screening, treatment and counseling programs with regard to the sickle cell trait and sickle cell anemia and the voluntary nature of such programs.

"(b) The Administrator shall establish a program of education regarding the nature and inheritance of sickle cell trait and sickle cell anemia and make such program available to all such eligible persons.

"§ 652. Screening and treatment

"(a) The Administrator shall furnish to any person eligible for care under this chapter who makes a request, screening for sickle cell trait **or sickle cell anemia.**

"(b) Upon a finding that such eligible person has the sickle cell trait or sickle cell anemia the Administrator shall provide for voluntary counseling or treatment as the case may be.

"§ 653. Reports

"(a) The Administrator shall prepare and submit to the President for transmittal to the Congress on or before April 1 of each year a comprehensive report on the administration of this subchapter.

"(b) The report required by this section shall contain such recommendations for additional legislation as the Administrator deems necessary.

"§ 654. Voluntary Participation

"The participation by any individual in any program or portion thereof under this section shall be wholly voluntary and shall not be a prerequisite to eligibility for or receipt of any other service or assistance from, or to participation in, any other program."

(b) The analysis at the beginning of such chapter is amended by adding at the end thereof:

"SUBCHAPTER VI—SICKLE CELL ANEMIA PREVENTION

"651. Notification and Education.
"652. Screening and Treatment.
"653. Reports.
"654. Voluntary Participation."

S. 2677

A bill to authorize programs in the District of Columbia to combat and control the disease know as sickle cell anemia

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Congress hereby finds—

(1) that sickle cell anemia is a disease resulting from the inheritance of a genetic factor relating to the so-called sickle-cell "trait" which afflicts large numbers of American citizens, primarily among the black population of the United States;

(2) that this disease is a deadly and tragic burden which strikes approximately one of every 500 young black children, and that less than half of these young people survive beyond the age of twenty;

(3) that approximately 1000 young children in the District of Columbia suffer from this disease and approximately 54,000 persons in the District are carriers of the sickle cell trait;

(4) that sickle cell anemia has been on of the more common and serious childhood diseases, yet has not received the national commitment required to eradicate the disease;

(5) that efforts to control sickle cell anemia must be directed toward increased research in the causes and treatment of the disease and the education, voluntary screening and counseling of carriers of the sickle cell trait;

(6) that simple and inexpensive screening tests have been devised which will identify those who have the disease or carry the trait; and

(7) that programs to combat sickle cell anemia must be based entirely upon the voluntary cooperation of citizens.

(b) Upon the basis of these findings, Congress declares that in order to preserve and protect the health and well-being of citizens of the District of Columbia and to provide a model for the health of the nation, it is necessary to establish a pilot program for the prevention of sickle cell anemia in the District of Columbia, to authorize the establishment of programs to assist in that prevention and to enlist the voluntary cooperation of all citizens in that effort.

SEC. 2. (a) The Commissioner of the District of Columbia is authorized to establish and carry out programs in the District of Columbia involving the identification and counseling of persons with sickle cell anemia or the sickle cell trait, and educating the public concerning the nature and inheritance of the aforementioned disease and trait.

(b) As used in this section, the term "programs" includes programs—

(1) for the purpose of identifying and counseling of persons with the sickle cell trait and educating the public about the nature and inheritance of the sickle cell trait;

(2) providing for screening for the sickle cell trait at appropriate locations throughout the District of Columbia, including—

(A) educational institutions;
(B) day care centers;
(C) Neighborhood Health Centers;
(D) family planning clinics;
(E) hospitals and medical clinics;

(3) providing referral services, for persons found to carry the sickle cell trait, to appropriate organizations which provide counseling services on the nature and inheritance of the sickle cell trait;

(4) providing counselling services regarding the nature and inheritance of the sickle cell trait; and

(5) to educate the public regarding the nature and inheritance of the sickle cell trait and sickle cell anemia.

(c) No program established pursuant to this Act shall be carried out other than on a voluntary basis.

DEMONSTRATION GRANTS

SEC. 3. For the purpose of financially assisting the District of Columbia in establishing programs to identify and counsel persons with the sickle cell trait and to educate the public concerning the nature and inheritance of the aforementioned trait and sickle cell anemia, the Secretary of Health, Education and Welfare is authorized to make demonstration grants to: (a) the Commissioner of the District of Columbia for use in defraying expenses or other costs incurred by him in establishing and carrying out such programs; and (b) medical schools, hospitals and research institutions in the District of Columbia for use in defraying expenses and other costs incurred by such institutions in developing and operating centers or programs for research, testing, counselling or treatment regarding the sickle cell trait or sickle cell anemia.

Any application for a grant under this section shall be made in such manner and form and contain such information as the Secretary shall require. Such grants may be made on such conditions as the Secretary finds necessary to carry out the purposes of this Act.

SEC. 4. Any program established pursuant to this Act shall provide for strict confidentiality of all test results, medical records and other information regarding screening, counseling or treatment of any person treated, except for (A) such information as the patient or his guardian consents to be released or (B) statistical data compiled without reference to the identity of any such patient.

SEC. 5. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act. Such sums shall remain available until expended.

NATIONAL SICKLE CELL ANEMIA PREVENTION ACT

SECTION-BY-SECTION ANALYSIS

Section 1: Short Title.

Section 2: Findings and Declaration of Purpose.

Section 3: Screening, Counseling and Public Education:

(a) This section authorizes grants by HEW for the purpose of identifying and counseling, on a voluntary basis, persons with the sickle cell trait and educating the public about sickle cell anemia, including grants for screening, referral and counseling services and public education.

Eligible institutions include public and

non-profit private institutions. Strict medical confidentiality is required of all programs funded under the bill. Authorization is $25 million per year for three years.

(b) This section also authorizes demonstration grants to eligible institutions for the purpose of encouraging research in the prevention, treatment and cure of sickle cell anemia, development of public education programs and centers for research, testing, counseling, or treatment of sickle cell anemia. Authorization is $5 million per year for three years.

Section 4: Department of Defense: This section provides that the Secretary of Defense shall prescribe and implement a policy to provide, on a voluntary basis: (a) screening for the sickle cell trait, among members of the Armed Forces and their dependents, civilian employees of the Department of Defense and among persons examined at Armed Forces examining and entrance stations; (b) counselling services on a voluntary basis for those with a positive trait regarding the nature and inheritance of the sickle cell trait; and (c) treatment for members of the Armed Forces and their dependents determined to have sickle cell anemia through Armed Forces based medical programs or through any appropriate civilian medical program or facility. Strict medical confidentiality is required.

Section 5: Federal Health Agencies: This section provides for similar programs by the Veterans' Administration to provide, on a voluntary basis, screening for the sickle cell trait, counseling, and treatment for persons eligible for treatment by the Veterans' Administration.

[From JAMA, Oct. 26, 1970]

HEALTH CARE PRIORITY AND SICKLE CELL ANEMIA

(By Robert B. Scott, M.D.)

(NOTE.—Health care priority for sickle cell anemia (SCA) should be based on its prevalence, severity, and on a standard of support set for similar conditions. Sickle cell anemia occurs in about one in 500 Negro births and median survival is still only 20 years of age. In 1967 there were an estimated 1,155 new cases of SCA, 1,206 of cystic fibrosis, 813 of muscular dystrophy, and 350 of phenylketonuria. Yet volunteer organizations raised $1.9 million for cystic fibrosis, $7.9 million for muscular dystrophy, but less than $100,000 for SCA. National Institutes of Health grants for many less common hereditary illnesses exceed those for SCA. Prevalence data in cities with sizable black populations show that SCA is a major public health consideration. More appropriate priority for SCA depends on improved public and professional understanding of its importance.)

Since its clinical description 60 years ago [1] sickle cell anemia has become a well-known clinical entity. The molecular alteration in the hemoglobin molecule which results in the disease was discovered 20 years ago [2] and has stimulated many biochemists toward productive study of the structure and function of the molecule. Likewise, study of the genetics of sickle cell trait, and particularly its protection against malaria, has elucidated an important genetic principle, and explains why a hereditary trait could become so common among a population. What has been little appreciated, despite all this study and interest, is the real importance of the disease as a community health problem.

Sickle cell anemia is actually one of the most common long-term illnesses of Negro children. It occurs in about one in 500 Negro births. In Table 1, its incidence is compared with that of some other well-known serious childhood disorders. All except acute leukemia are hereditary. In the United States, sickle cell anemia occurs almost entirely among Negroes, although it may occur in white families of Mediterranean origin. Conversely, 98% of patients with cystic fibrosis are white [3] and phenylketonuria (PKU) is virtually unknown among Negroes.[4] Childhood diabetes [5] and leukemia [6] occur more often among white persons, and muscular dystrophy is believed to occur with equal frequency in both races.[7] Health professionals have generally failed to recognize sickle cell anemia as a major community health concern, and consequently the public has been poorly informed. A recent survey revealed that only three out of ten adult Negroes had ever heard of the illness.[8]

The treatment of patients with sickle cell anemia remains a difficult clinical problem, since there is no cure and no truly effective management.

Although longevity has no doubt improved for these patients, still only half with homozygous sickle cell anemia survive to adulthood. This is shown graphically in the Figure (not shown). These nationwide data for 1967 also include mortality related to sickle cell trait, but the great majority of deaths no doubt result from sickle cell anemia. Sickle cell trait is associated with serious complications only under unusual circumstances and individuals with sickle cell trait have a normal life expectancy.[9]

Given the fact that sickle cell anemia is a serious, incurable disease which occurs frequently, one then may ask what efforts are being made to remedy the problem? Specifically, what is being done in basic research to seek a cure of the disease, what is being done in clinical investigation to find a more effective management for the illness, and what steps are being taken to prevent the illness?

An even more pertinent question would be, what priority does this problem deserve and what priority does it presently receive in the distribution of health care resources? Priority must be determined by the prevalence and severity of an illness. It also can be guaged by existing standards of support given to similar diseases whose importance is better understood.

There are other hereditary illnesses which are similar in incidence and severity but for which there are effective nationwide campaigns for support patient care and research. Good examples include muscular dystrophy, cystic fibrosis, and PKU. That these illnesses are of incidence similar to sickle cell anemia is shown in Table 2. These figures are derived from the incidence at birth of these conditions related to the total number of white and Negro births in the year 1967 in the United States. Estimated new cases of sickle cell anemia, cystic fibrosis, and muscular dystrophy are of similar order of magnitude, and there are somewhat fewer patients with phenylketonuria.

The number of white births in the United States with sickle cell anemia is small and presently undetermined with accuracy. National mortality statistics for patients with sickle cell anemia or with sickle cell trait show that 1.1% of deaths due to these causes are listed as white during the years 1962 to 1967.

TABLE 1.—INCIDENCE OF SOME IMPORTANT CHILDHOOD DISEASES

Sickle cell anemia	1:500	Negro births.
Diabetes millitus	1:2, 500	Births [12] (2:1 white: Negro) [5].
Acute leukemia	1:2, 880	Children under 15 [14] (majority white). [6]
Cystic fibrosis	1:2, 940	Births [15] (98 percent white) [3].
Muscular dystrophy	1:5, 000	Births [7].
Phenylketonuria	1:10, 000	White births [4].

TABLE 2.—ESTIMATED NEW CASES IN US, 1967 [1]

	Sickle cell anemia	Cystic fibrosis	Muscular dystrophy	Phenylketonuria
Negro	1, 142	17	114	0
White	13	1, 189	699	350
Total	1, 155	1, 206	813	350

[1] U.S. births, 1967: 3.496×10^6 white; 0.571×10^6 Negro.

TABLE 3.—NIH GRANT SUPPORT FOR SELECTED CHILDHOOD DISEASES, 1968

Diseases	No. of grants
Acute leukemia	92
Muscular dystrophy	66
Cystic fibrosis	65
Phenylketonuria	41
Thalassemia	32
Glycogenoses	23
Sickle cell anemia	22

TABLE 4.—PREVALENCE ESTIMATES: SELECTED LONG-TERM ILLNESSES

[White and Negro cases per 100,000 children]

Diagnosis	Philadelphia 32 percent Negro	Richmond, Va., 44 percent Negro	Detroit 47 percent Negro	Washington, D.C., 68 percent Negro
Sickle cell anemia [5]	61	84	89	129
Diabetes mellitus [5]	50	47	46	39
Nephrosis [5]	15	16	16	16
Cystic fibrosis [3, 5]	10	8	8	5

Since sickle cell anemia occurs in numbers comparable to some diseases which have been widely publicized in recent years, how much public and professional support does sickle cell anemia receive compared to the support for these other categories? First, there is no nationwide volunteer organization devoted to sickle cell anemia. There are groups in cities throughout the country which are active and no doubt increasing in effectiveness but not coordinated nationwide. In Los Angeles, there is the Sickle Cell Disease Research Foundation for Research and Education in Sickle Cell Disease; in Washington, DC, the Association for Research and Sickle Cell Anemia; in Memphis, Tenn, the National Sickle Cell Anemia Foundation; in Richmond, Va., The Virginia Sickle Cell Anemia Awareness Program (VaSCAP), and similar groups in other cities throughout the country. Nationwide volunteer organizations involved in cystic fibrosis and muscular dystrophy are quite prominent and effective. The revenues of these volunteer groups in 1968 were as follows: muscular dystrophy, $7,203,000; cystic fibrosis, $1,998,716; sickle cell anemia, an estimated $50,000. The sickle cell anemia estimate is based on data supplied by several of the larger local groups. It is obvious that the volunteer revenues for this cause lag far behind those for other similarly important illnesses.

Another measure of support is that of research grant support by the National Institutes of Health. Grants relating to a specific disease category depend on the interest of individual investigators in a given subject, by the priority policies of the advisory councils in the National Institutes of Health, and in some cases by funds earmarked for certain disease categories. From the listings of the Research Grants Index [10] for fiscal year 1968, a selected group of important childhood diseases were listed in Table 3. Sickle cell anemia finds a low position in the grant support

Footnotes at end of article.

and is exceeded by such exceedingly rare conditions as glycogen storage diseases.

These data argue for the need for support for sickle cell anemia and the need for increased priority and attention by both the public and the health professions. Where to place emphasis for the most effective use of funds and effort is another important question. Since the majority of Negroes now live in urban areas, sickle cell anemia becomes a major health consideration for those involved in community health in the cities. In cities with sizeable Negro populations, sickle cell anemia is not just another significant health problem but one of the more prevalent health problems. The data in Table 4 show prevalence estimates based on both white and black children combined. Sickle cell anemia is compared to several other important childhood conditions for which they are good prevalence data. The estimates are based on data obtained in the Erie County, N.Y., study of long-term childhood illness.[5] In the Negro population, sickle cell anemia has a prevalence of 190 cases per 100,000 children under the age of 16 years. Diabetes mellitus occurs somewhat more frequently in white than black children and childhood nephrosis occurs with about equal frequency in the two races. In Philadelphia, with its 32% Negro population, sickle cell anemia is at least as prominent as childhood diabetes. With a proportionate increase in Negro population, sickle cell anemia becomes vastly more important in that community's health consideration. [In Washington, D.C., where Negroes comprise 68% of the population, sickle cell anemia far exceeds childhood diabetes, nephrosis, or cystic fibrosis as a cause of illness. At present, seven of the ten largest cities in the nation have more than 30% Negro population.[11]]

Having shown evidence that sickle cell anemia is an important but inadequately supported health concern, the next consideration would be to determine which approaches might be most feasible and most likely to produce tangible results. Obviously no single course of action or emphasis would provide a remedy to all the aspects of the problem. Patient care, early diagnosis of patients, and rehabilitation can be given special attention through special clinics. But without available cure or improved therapy, these benefits will necessarily be somewhat limited.

Research is under way and can be stimulated further to learn the mechanisms of the sickling process and how it might be prevented. More study needs to be done to elucidate the mechanisms involved in switching from fetal to adult hemoglobin so that this mechanism might be reversed in the adult and to overcome the difficult problems of rejection involved in attempts to transplant normal bone marrow into patients.

Another alternative to consider is prevention through genetic counselling. In the past, genetic counselling has not been successfully applied in sickle cell disease or in other major hereditary illnesses except sporadically. There have been a number of reasons for this lack of success. The fact that both parents are heterozygotes for a recessive trait is usually determined only when they produce a child with the illness. Only rarely have such parents had the opportunity of knowing in advance of marriage or in advance of childbearing that they were trait carriers. Such information can only be made available if there is a suitable test to determine the carrier state. The test for sickle cell trait has been available for many years[12] but never widely applied in conjunction with genetic counselling. Only in recent years have the concepts of heredity and heritable diseases been widely taught below the college level, thus, not widely disseminated. Previous generations of parents had little understanding of these illnesses. Family planning has until very recently been either unacceptable to large segments of the public or ineffective.

Today young people are learning principles of heredity in high school, and family planning has become acceptable and more effective. Lack of awareness of the illness is a lesser problem to solve today because of the effectiveness of educational and communication media. The most important factor which would make a preventive program effective would be the early knowledge of trait-carrying. If screening were offered prior to marriageable age, those who were found to carry an abnormal hemoglobin gene could be counselled to be sure that their mates were tested at the time of marriage. Only in this way, can heterozygote pairs (pairs of parents each carrying an abnormal hemoglobin gene) be detected and only in this way can informed decisions be made about child bearing among parents at risk.

Approximately one in 12 carries the sickle trait, so the chance of a pair of parents both carrying the trait is one in 144. This small number of parent pairs (approximately 0.7% of all Negro families) are at risk of having children with this tragic disease. Whether a young couple will decide to have no children or plan a limited family size or disregard the knowledge of the risk would be entirely their own decision, one which no one could make for them. However, the *opportunity* to protect their families from the tragedy of sickle cell anemia has not been offered.

The data presented here attempt to define a major public health consideration, to suggest its neglect in the past, and to suggest avenues of approach which can be given better emphasis. It is not only because of its neglect that sickle cell anemia deserves higher priority. With the availability of a simple test for sickle trait carriers which makes mass screening possible, this may be the first hereditary illness which could be controlled by genetic counseling. As suitable screening tests are developed for other conditions such as cystic fibrosis or muscular dystrophy, they too can be approached with similar preventive methods. Success in ameliorating one hereditary illness will mean that control of any hereditary illness will be limited only by the development of suitable tests for accurate mass screening of trait carriers.

Source: Mortality data were obtained from the National Center for Health Statistics, Washington, D.C.

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[From the Medical World News, Jan. 8, 1971]

SICKLE CELL CURE—THE PROMISE, THE PERIL: UREA COMBATS CRISIS OF DISEASE BUT CAN CAUSE DEHYDRATION

Contrary to some newspaper headlines, urea will not cure sickle cell disease. But rapid intravenous infusions of urea seem highly effective in reversing sickling crises, according to Dr. Robert M. Nalbandian, associate pathologist at Blodgett Memorial Hospital, Grand Rapids, Mich., and principal architect of this widely publicized approach. Moreover, maintenance doses of oral urea—mixed in invert sugar or glucose—may prevent the painful episodes, reduce hospitalization and chronic care, and confer full life spans on sickle cell anemics.

The urea approach, however, got a much frostier assessment from hematologists who gathered recently in the soft winds and sunshine of Peurto Rico. Many experts at the American Society of Hematology meeting in San Juan were dubious about urea's efficacy. They also questioned the theoretical basis of the regimen, emphasized the dangers of urea infusions, and attacked the Detroit press conference that triggered last month's national news coverage.

Dr. Nalbandian told MWN that he will no longer release his protocol to physicians who might be interested in trying this therapy. "We have now enlisted enough bona fide investigators to begin a closed clinical trial to determine the real efficacy of urea," he said, and warned that attempting to use urea without his specific protocol could result in "serious misadventures."

Obtaining the evidence needed to convince critics may take several years, Dr. Nalbandian admitted. So far, intravenous infusions of urea have been tried in only 22 patients during 30 sickle cell crises. Experience with the oral prophylactic regimen is limited to three patients.

The task will be complicated by the changeable manifestations of sickle cell anemia and the subjective evaluations of pain and other symptoms rendered by its victims. "At best, the researchers will be trying to evaluate a variable response to an agent in a disease with a very variable course," said Dr. Helen Haney, professor of medicine at the School of Medicine of the State University of New York at Buffalo. As the nation's estimated 45,000 sickle cell anemics and their physicians stand by, urea could join dozens of other agents emerging during the past decade as a "possible" solution, but not the answer.

But there is a more immediate and profound effect of the urea research—on the estimated two million Americans who possess the sickle cell trait. The Grand Rapids-Detroit group has developed three tests that are specific for the pathogenic hemoglobin S (HbS) molecule, including an automated assay which can identify the heterozygous carrier of the sickle cell gene at a cost of only pennies per test. A growing body of scientific evidence this past year clearly indicates that the sickle cell trait can no longer be considered a benign state, said Dr.

David G. Nathan, chief of the division of hematology at Children's Hospital Medical Center, Boston. Identification of trait-carriers could be an enormous health benefit to the country's Negroes, who are the almost exclusive possessors of the trait.

Both the urea test and the urea therapy proposed by Dr. Makio Murayama, a soft-spoken Japanese-American biochemist from the National Institutes of Health. Working in a tiny jam-packed laboratory in Bethesda, Md., Dr. Murayama developed a hypothesis that hydrophobic bonds form between interacting tetramers of HbS under deoxygenated conditions. These chains then become organized into microcables, forcing the red blood cells into their characteristic tachtoid shapes, which subsequently occlude the microcirculation.

Putting this theory to work in vivo to break the hydrophobic bonds, Dr. Nalbandian rapidly infuses urea mixed in invert sugar or glucose through a central venous catheter and maintains blood urea levels ranging between 150 to 200 mg%. "At these levels, the urea diffuses out of the bloodstream, through the interstitial spaces, and into the sickled cells at the occluded arterioles and capillaries," hypothesizes Dr. Nalbandian. "This molecular surgery reverses the sickling, allows blood flow to return to normal, and relieves the pain symptoms."

The oral prophylactic scheme involves a daily urea intake of as much as 160 gm. "In general, we give each patient about 10% of the total dose of intravenous urea needed to abort a crisis," said Dr. Nalbandian. The daily requirement of urea is divided into four doses and dissolved in a citrus-flavored soft drink to cloak the bitter taste. The patient drinks a bottle of urea-laden pop once before each meal and once before going to sleep. Since pharmaceutical urea sells for about a dollar a pound, Dr. Nalbandian figures that the daily maintenance dose of the chemical costs about a dime.

Although it is still too early to have much data from the oral urea trials, more evidence is available from the 30 I.V. infusion attempts, the first of them last March in Kalamazoo, Mich. Dr. Garth Shultz, then a medical resident at Blodgett Memorial Hospital, was treating a sickle cell anemic student from West Africa. Although an initial attack partly remitted with narcotics and antibiotics, the patient soon returned to the hospital with increased fever and even more pain in his chest, sides, and neck.

When this crisis proved refractory to morphine and other therapeutic regimens, Dr. Shultz consulted Dr. Nalbandian and instituted urea therapy. Eleven hours later, the patient noticed some pain relief and after 36 hours said he had no pain.

Since then, Dr. Shultz has used I.V. urea to treat one other sickle cell anemic. Dr. Nalbandian has supervised therapy in Grand Rapids for two patients, and from one to three crises have been treated with urea infusions in Seattle, Chicago, Detroit, Philadelphia, and Flint, Mich. However, the largest collection of cases belongs to Dr. Paul R. McCurdy, associate professor of medicine at Georgetown University School of Medicine and a medical officer in hematology at District of Columbia General Hospital.

Speaking in the grand ballroom of the Puerto Rico Sheraton Hotel, Dr. McCurdy said that he was "cautiously optimistic" after trying I.V. ureau for 18 crises in ten patients. In 13 such episodes, the victims responded so well to the treatment that they could be released from D.C. General's ER without analygesics.

Dr. McCurdy prefers to maintain patients at 100 mg% rather than the recommended 150 or 200. This might account for the five treatment failures. The main reason for Dr. McCurdy's caution is a "Niagara-like diuresis," amounting to as much as 20 or 30 liters in 24 hours, which accompanies intravenous urea infusion. Unless fluid intake can be maintained, a patient will develop severe dehydration possibly leading to convulsions, subdural hematomas, and even death. "The slightest evidence of dehydration must be counteracted immediately," emphasized Dr. Nalbandian.

"As a result of the widespread publicity, I am afraid that some people are trying this therapy without the proper guidance or safeguards," said hematologist Frank Gardner. "Even if urea has value, you may get deaths attributed to this approach rightly or wrongly, leading the FDA to ban its use."

Indeed, Dr. Donald L. Rucknagel of the University of Michigan, Ann Arbor, reported that a four-year-old patient arrived in his medical center severely dehydrated after supposedly receiving urea therapy at another hospital. The child had also sustained a cerebral hemorrhage, and urea could not be held responsible for her death, said Dr. Rucknagel, but he voiced grave "concern" over the safety of his therapy.

That's a mild word for the discussions behind closed doors and in private conversations, where the gloves came off. Charges of irresponsibility and sensationalism met with countercharges of scientific ignorance and illiteracy. Critics branded the initial press conference as "terribly premature" and "disgraceful."

Hematalogist Walter H. Seegers, chairman of the department of physiology and pharmacology at Wayne State, said the news briefing was held primarily to find support for further urea trials. "Dr. Nalbandian didn't do anything but go out and beat the bushes for money," said Dr. Seegers. "I know all of the research team personally and they have long records of productive and reliable reporting. I don't know of any study with a better theoretical background that fits together so well."

"He has performed a real service by making other scientists look at a different model for the sickling process and its direct application to therapy," said internist Stephen Foster of the blood resources branch of the National Heart and Lung Institute. "However, the anecdotal information available is almost useless in evaluating where we stand on the urea question other than to say that it constitutes an avenue of approach which needs further study."

This cool and dispassionate news may not sit well with the one in every 500 American Negroes who is homozygous for hemoglobin S and faces a life expectancy of only 20 years, with much of that time spent in pain and recurrent illness. Last year, the Journal of the American Medical Association and Lancet published reports of hemolytic episodes and deaths under anesthetic conditions in trait patients. Then the New England Journal of Medicine printed an article describing sudden death among four black recruits who were taking basic training at Ft. Bliss, Tex. Dr. Stephen R. Jones and colleagues attributed these four fatalities—in an 11-month period—to sickle cell trait and the training stress at 4,060 feet of altitude. Their evidence continues to be argued back and forth with experts close to the Army Surgeon General's office blaming coincidence, drug use, or other factors.

Notes Dr. Nathan: "It is extremely important to know whether every black person entering the hospital has the trait," he said, adding: "These patients can get into serious trouble during such routine situations as pneumonia, drug therapy, or pregnancy."

But urea may make it technically and economically feasible to identify large numbers of sickle cell carriers. Dr. Raymond L. Henry, associate professor of physiology at Wayne State, reported earlier this winter that the Grand Rapids-Detroit team has worked out an automatable modification of the Sickledex test (Othro Diagnostics) by which clinicians will be able to identify homozygous and heterozygous sickle cell patients for a few cents each. Said Dr. Henry: "When affected cells are added to the Sickledex solution, the clear preparation becomes turbid. Unfortunately, this reaction can occur in both S and non-S hemoglobins that are capable of sickling causing the Sickledex test to be nonspecific. When three-molar urea is added to samples containing the sickle hemoglobin, however, it breaks the intermolecular hydrophobic bonds and the solution becomes clear. Every other non-S hemoglobin tested stayed turbid."

By running two samples through the autoanalyzer simultaneously and measuring the difference in light transmission between the urea and non-urea Sickledex solutions, physicians can quickly and accurately detect those with sickle cell disease, concluded Dr. Henry. "We tested a battery of 304 human blood samples including SS, AS, CS, and three other hemoglobins, and achieved a 100% correlation between the automated test, a sodium metabisulfite assay, and electrophoretic studies."

The large-scale screenings could bring important benefits in genetic counseling. But charges of genocide have greeted previous attempts to introduce birth control in some Negro communities. Being able to identify all the Negroes with the trait may have many more two-edge consequences, added Dr. Nathan. "These people will probably be excluded from such jobs as deep-sea diver, airline pilot, and stewardess just when many opportunities are finally beginning to open up to blacks.

"Not being able to enter the Armed Forces might be disastrous for a young man who wants to escape from the ghetto if the sickle cell trait becomes a cause for draft exemption. What do you tell a football player who has a chance to join the Denver Broncos? Will insurance companies start turning people down for policies or raise the premiums? For those whose lives you saved by identifying them as carriers, you may ruin others."

The Department of Defense has no plans at all to change the draft status of blacks with sickle cell trait, said Capt. Francis J. Linehan, MC, director of professional services in the office of the Assistant Secretary of Defense for Health and Environment. "Personnel found to have the trait are still considered qualified for general duty," he said. However, the individual services are supposed to be screening candidates for special duty, he added. Sources close to the Air Force Surgeon General's Office said that they were already screening volunteers for the flying categories, but would like to screen all susceptible personnel. Ironically, most of the published scientific material concerning the urea approach and all of the field trials of the automated tests have been taking place in the military backyard.

Whether the clamor in the scientific literature or the press will generate any action in the civilian arms of the government remains uncertain. NIH spokesmen say that 29 research grants worth $1,033,000 have been funded during the past fiscal year for direct research on sickle cell disease as well as 36 other grants of $1,223,000 in related studies. However, no one contacted would talk about any new research initiatives or more funds for sickle cell disease.

Commented one observer: "Just you watch. If any money becomes available, you can bet that the people who are downgrading urea and kicking Nalbandian in the teeth today will be in the middle of the scramble for funds."

[From the World Medical News, May 28, 1971]

SICKLE CELL DISEASE—PROGRESS AMID CHAOS

In his recent health message, President Nixon announced that $6 million would be

requested to combat sickle cell disease, which afflicts about 45,000 blacks in the U.S. and is being perpetuated as sickle cell trait in two million or more. With appropriations bills still in Congressional committees, MWN has surveyed the field to see where sickle cell screening and therapy now stand.

Results: The initiatives seem decentralized and bureaucratically confused, charges of research bias are being lodged, screening approaches are being hotly debated. But despite the chaos, a surprisingly strong start is being made. Consider—

Item: On May 12, Dr. Robert L. Ringler, deputy director of the National Heart and Lung Institute and the newly named coordinator of the entire federal sickle cell disease program, journeyed to New York City to meet with a group of prominent black sickle cell researchers. The group thought he would try to smooth over the rejection, May 4, of their $300,000 NHLI contract application by Dr. James M. Stengle, chief of NHLI's National Blood Resource Branch—who works in the same building as Dr. Ringler and sees him regularly. They began pleading their case for the largest black community in the U.S., making it clear that currently New York City isn't spending in the field. "But," sputtered Dr. Ringler, "I didn't even know the grant was rejected."

Item: Ortho Diagnostics, which produces Sickledex, the widely used sickle cell detection package, plans having distributed 500,000 pamphlets on "what should I do to find out about sickle cell disease?" Respondents will hopefully be guided into screening and therapy. A company spokesman named New York City's Foundation for Research and Education in Sickle Cell Disease as a likely channel for the project. But Dick Campbell, the executive director, hasn't heard a word about it.

Item: Pediatrician Joseph J. Bellizzi, supervising physician for the Hartford, Conn., school system, recently directed a landmark effort that used the reliable Sickledex test to screen 3,456 blacks in grades seven through 12, uncovering 301 hemoglobin S trait carriers, and four homozygote or hemoglobin SS cases. Nearly all have been followed up. Dr. Bellizzi is satisfied with the Sickledex test, which costs about 50 cents per blood sample to perform. He was unaware that associate pathologist Robert M. Nalbandian of Blodgett Memorial Hospital, Grand Rapids, Mich., (the man who pioneered rapid I.V. infusions of urea and invert sugar to treat sickling crises [MWN Jan. 8]), makes his own screening test reagents and has published on how to do it. Using an AutoAnalyzer, he can test 120 samples an hour—at 2 cents each.

Item: Dr. Nalbandian claims that *his* community's "total approach" (screening, counseling, therapy), beginning late this month and aiming at 10,000 Grand Rapids black schoolchildren, will become the model system for the U.S.

Item: Using the Nalbandian "dithionite" test as well as Sickeldex and confirmatory electrophoresis, Lt. Col. Frank Camp Jr. (MC), director of the blood transfusion division of the Army Research Institute at Ft. Knox, Ky., has screened over 5,000 recruits in the past 18 months. Almost all of the 200 or so "positives" were trait carriers (the one homozygote was rejected for service). But Dr. Camp admits that unless the Army revises its current policy, the 200 heterozygotes are headed for active duty and possible stress situations . . . fatal to four black heterozygote recruits at Ft. Bliss, Tex., last year.

Item: Dissatisfied with the voluntary approach, black biologist Richard A. Goldsby of Yale urges in his new book (*Race and Races*, Macmillan) that sickle cell screening be required premaritally right along with syphilis testing, yet he is frank to admit that when he got married in February neither he nor his wife bothered to have a sickling test.

At issue in this conglomeration of events is the haphazard and publicly underfunded screening and therapy system. Clouding the issue are the old scars borne by black researchers short-changed through the years (Dr. Roland B. Scott, 20 years in the field and chairman of the department of pediatrics and director of the Sickle Cell Center at Howard University, has never received a cent in federal grants for sickle cell research). Further muddling matters is the tremendous medical, moral, and financial obligation undertaken when and if the nation begins mass screening. Follow-ups are expensive, genetic counseling difficult and touchy.

In the upcoming Grand Rapids screening experiment, Dr. Nalbandian has garnered an $8,000 Regional Medical Programs grant, arranged for voluntary black community "bleeders" to take blood samples at schools, "and when we find positives we will ask that they bring in their blood relatives, offering everyone a choice of doing nothing, seeing their own doctors, receiving genetic counseling, or even oral urea prophylaxis. You could mail samples from remote area A to center B and with my dithionite test and with the AutoAnalyzer cover every region in the U.S. with this system," he says. "But even if every interview with a 'positive' were successful, Nobel laureate Linus Pauling estimates that it would take 100 years to weed out the trait in 20 million people."

The Hartford concept of voluntarism, put to work in perhaps the first communitywide screening effort ever, came about when the owner of radio-TV station WTIC was "bugged" by his son, a HEW aide, to do something about sickle cell disease. A drive last winter raised $34,000—donated to Howard's Dr. Scott. And the local board of education came up with screening funds.

Still to be ironed out are the two basic test approaches—the reliable Sickledex and the less-known dithionite method. Clearly, the Armed Services and many communities would lean toward economy if they have a choice. But many areas need the logistic backing of a drug house. Thorough screening seems far away. While Hartford achieves mass testing, New York City can test only those who happen to show up at clinics or voluteer-manned mobile units or street fairs.

Whether for therapy or screening, New York foundation chief Campbell charges that "affluent white hospitals and labs will wind up with all the money." NHLI officials have indicated that with regard to pediatricians Yvette F. Francis and Doris L. Wethers, who were rejected for that $300,000 contract, the government isn't handing out money directly for urea therapy right now. HEW is contracting with drug houses to channel funds for this experimental work, however. Baxter Laboratories has just notified Dr. Scott that they will finance his urea project.

Comments Dr. Theodore Cooper who as NHLI chief has control of the pursestrings of the anticipated $6 million: "We've got to evaluate therapy—urea could turn out to be harmful for all we know—get a base of new knowledge, implement screening and sensible medical counseling, and clarify our public education role, all with input from a public advisory committee still to be named. It's useless to have a hell-bent-for-leather program if you're not looking carefully at your best opportunities. We've got to direct without regimenting voluntary initiative."

Yale's Dr. Goldsby, in challenging the voluntarism concept, says: "The fact that I didn't bother to get a sickling test is the whole point. If I'd had to get one, I would have. Counseling at school age isn't of much use anyway." But Dr. Nalbandian says Dr. Goldsby "is asking for a club."

Concludes Dr. Scott: "All is chaos now, with a lot of researchers running around flag-waving, headline-grabbing, trying to qualify for the therapy and screening jackpot, with the government looking for quick results for high visibility in 1972. But it'll fade away, and we blacks will be left with the problem."

[From Time magazine, Oct. 4, 1971]

DETECTING AN OLD KILLER

Historically, sickle-cell anemia has been an unheralded killer. It does not occur in dramatic epidemics. Its victims in the U.S. are mostly blacks, and they generally receive less medical attention than whites. The malady affects the red blood cells, which normally are spherical. When the anemia victim is under any stress that reduces the oxygen supply in his blood, his red cells elongate into firm gel-like crescents ("sickles") that block narrow capillaries and deprive tissues of vital oxygen.

The cause of the disease is a gene mutation that occurred centuries ago in Africa. The estimated 2,000,000 Americans who carry one defective gene usually show no symptoms of the disease. The one child in 500 who inherits a sickle-cell gene from each parent has barely an even chance of seeing his 20th birthday and, if he does survive into middle age, is likely to be crippled.

Sickle-cell anemia cannot be cured, though treatment can sometimes control its effects. It can be almost completely prevented, provided that partners who both carry the trait avoid having children. The missing element has been a simple test that would allow carriers to be identified and warned. Now this crucial procedure has been perfected.

FREEZING BLOOD

At a recent meeting of the American Association of Blood Banks in Chicago, Dr. Paul Wolf of Stanford University and Dr. Robert Nalbandian of Blodgett Memorial Hospital in Grand Rapids, announced their success after three years of experiments. They emphasized that they had built on the pioneering studies of Makio Murayama of the National Institutes of Health. Murayama observed that abnormal cells, which carry sickle-producing hemoglobin S, gel at normal body temperature when oxygen content is reduced, then return to normal at 32° F.

Working in cooperation with other researchers, Wolf and Nalbandian discovered chemicals that would react to hemoglobin S and other less harmful sickling substances, making a quick screening test possible. A small blood sample is dropped into a tube containing a solution of potassium phosphate, sodium dithionite and saponin. Clouding of the solution is a danger signal but does not specifically identify hemoglobin S. If the first round arouses suspicion, a second test, also based on Murayama's work, is performed immediately. Urea, a natural waste substance produced by the normal liver, breaks some molecular bonds in abnormal hemoglobin. When urea is added to the solution that had shown a positive reaction initially, the liquid clears quickly if hemoglobin S is present.

NEGLECTED AILMENT

The Wolf-Nalbandian tests do not distinguish between those who merely carry the sickle-cell trait and those actually affected by the disease. But they do provide a fast, inexpensive method of finding individuals who should get further attention. In an experimental program at Fort Knox, Ky., doctors tested 7,000 black soldiers, 94 of whom were found to carry hemoglobin S. Two of these soldiers actually had sickle-cell anemia.

The announcement of the new tests is opportune. Sickle-cell anemia has long been one of the nation's most neglected diseases. Limited understanding of the disease has been one factor. Another reason, some believe, is racial. Says Wolf: "If it had been a white disease, there would have been money for

research, and if the money had been there, the interest would have been there."

Now the situation is improving. A blackled group in New York City recently held a four-and-a-half hour telethon to attract attention and raise money for research. The Federal Government provided $1,000,000 for sickle-cell research last year; this year it appropriated $6,000,000 for further study and genetic counseling.

DISCRIMINATING DISEASE

Sickle-cell anemia is a truly discriminating disease: 99% of its U.S. victims are black. The result of a genetic mutation that occurred in Africa centuries ago, it reduces susceptibility to malaria in the 8% to 10% of U.S. Negroes who carry it. But in those (about 1%) actually harmed by it, periodic crises distort the normally spherical red blood cells into crescent-like ("sickle") structures, which then block the narrow capillaries. This deprives nearby tissues of needed oxygen and causes severe pain. The disease kills at least half its victims before the age of 20; only a handful live beyond 40, and most are crippled long before death.

Medicine still has no cure for this inherited illness. But a team of Michigan medical researchers has just announced a discovery that offers new relief to sickle-cell sufferers. By treating the patient with a solution of urea and invert sugar, say the researchers, the sickling tendency can be reversed and the misshapen cells returned to normal.

CAUTIOUS ENCOURAGEMENT

The Michigan team, led by Dr. Robert Nalbandian of Blodgett Memorial Hospital in Grand Rapids, owes its discovery to the work of another researcher, Makio Murayama of the National Institutes of Health. Murayama discovered that the sickle-cell shape is caused by an abnormal bonding between hemoglobin molecules in the red cells. Using this knowledge, Nalbandian's team decided to try urea, a waste substance produced by the normal human liver and excreted in the urine. As they knew, urea can dissolve certain types of molecular bonds. Their experiment worked; urea broke the bond between the hemoglobin molecules, halted the sickling effect, and relieved the victims' pain.

Nalbandian's team is cautiously optimistic about the discovery. Earlier attempts to treat sickle-cell anemia with alkalis and antihistamines either failed or produced undesirable side effects. But Nalbandian's treatment, tested on 25 patients at four major hospitals, has thus far proved safe and effective.

FOR A SICKLE CELL CENTER

It has been announced that WTIC Radio and Television will conduct a fund drive to raise $25,000 to help establish a Center for the Study of Sickle Cell Anemia at Howard University in Washington, D.C.

We announced the campaign for funds because so many of you had let us know that you wanted to do something about this terrible blood disease that strikes at children, and nearly always at black children.

For example, the junior class at Weaver High School in Hartford was planning a benefit show even before we announced the drive. The Junior Woman's Club in New Britain, a black businessmen's club in New London and wives of some Middletown policemen asked how they could help. And the eighth grade science class at the Stafford Springs Middle School held a tag sale for sickle cell anemia in December and has been holding on to the $52 in proceeds ever since, waiting for a drive to begin.

These people . . . and hopefully thousands of others . . . want to contribute something to combat a disease whose neglect, to quote President Nixon ". . . has been a sad and shameful fact throughout our history." The President used those words in asking Congress to appropriate six million dollars for sickle cell anemia treatment and research in fiscal 1972.

Six million dollars is a great deal more than sickle cell anemia has received from any source in the past and we would like to see a generous portion of that money go to Howard University, where Dr. Roland Scott has labored for many years in sickle cell anemia research and treatment, achieving impressive results with very little outside support.

To make this dream of a sickle cell center become a reality, Dr. Scott needs about $25,000 to employ a physician-administrator who can devote full time to establishing the center and seeing to it that Howard University gets its share of any federal support when it becomes available.

As a predominantly black university serving a concentrated black population in Washington, Howard University is an ideal location for such a center. More important, in Dr. Scott and his colleagues, we have a group of highly capable and highly dedicated men and women whose devotion to the victims of sickle cell anemia is well-known in medical circles. We believe there is no other place in America that would be as well-suited for the Sickle Cell Center as Howard University.

We hope you will support this drive by sending your contribution to: Sickle Cell Center of Howard University, in care of WTIC, Hartford, Conn. 06115. We hope you will do this for the black child who has been neglected too long, for the child may be suffering from this terrible disease and for the unborn generations of children who could be spared this disease with your help. That address again: Sickle Cell Center of Howard University, c/o, WTIC, Hartford, Conn. 06115. Thank you.

[Broadcast in August 1971, on WRC–TV News]

TRANSCRIPT OF SERIES ON SICKLE CELL ANEMIA RESEARCH AND TREATMENT

NEIL BOGGS. Sickle cell anemia it is—is a disease that attacks and often kills children.

Today a National Advisory Committee met for the first time in Bethesda, to begin planing a campaign for research and treatment of that disease.

ANDREA MCCOMBS. The Advisory Committee is made up of medical experts and community leaders and is meeting here today at the National Institute of Health, a group who's charged with finding an effective way nationally to fight sickle cell anemia.

Sickle cell anemia is a hereditary disease found almost exclusively among blacks. The disease is incurable, painful and may be fatal.

The group was called together by HEW Secretary Elliot Richardson after President Nixon named sickle cell anemia a priority target for concentrated research in his health message to Congress this spring.

Six million dollars in federal funds has been allocated for research and treatment.

Today's meeting and executive session is closed to the public and news media. But it's expected that the Committee will urge a national information drive as well as new research.

In the next few weeks News 4 Washington will be looking into sickle cell anemia in a series of reports that will focus on the problem in the Washington area, its treatments and efforts to control the little known disease.

Andrea McCombs, News 4 Washington, at the National Institute of Health.

DISEASE FOR NATIONAL RESEARCH

NEIL BOGGS. In a health message to Congress last February President Nixon named sickle cell anemia as a targeted disease for concentrated research.

A National Advisory Committee was appointed to carry out the President's accelerated program of research and treatment to fight the little known disease.

The first stages of that campaign began this week-end when the National Committee held its first meeting at the National Institutes of Health.

In the second of a series of reports on sickle cell anemia, News 4 Washington presents a background report on the disease and its impact in the Washington area.

ANDREA MCCOMBS. Sickle cell anemia is an incurable hereditary disease found almost exclusively among blacks. It is estimated that between 7 and 13 percent of the black population of the country are carrying it. In Washington, that means about 40,000 persons.

One of every five hundred black babies is born with sickle cell and at least 1,000 youngsters have it in Washington. Many may die before the age of 30.

But despite this, most people don't know what sickle cell anemia is.

MAN. I don't have any idea what it is.

WOMAN. I remember reading about it but right now I just can't explain it.

SECOND WOMAN. I think it's a blood disease that commonly occurs, I think—black people have it more.

SECOND MAN. Yet, I have heard of it. But I haven't done too much readin' up on it.

THIRD WOMAN. I don't know what sickle cell anemia is. I don't remember ever hearing of it.

THIRD MAN. I've never heard of it.

FOURTH MAN. I have never heard of it.

MCCOMB. Sickle cell anemia occurs most among the descendants of people from East and West Africa, India and the Mediterranean area. Scientists believe it originated when inhabitants of those areas developed an abnormal sickle shaped blood cell to fight malaria.

The disease continued to be transmitted when persons who carry the disease trait marry. If a child inherits the gene for sickle cell from the mother and the father he has a 25% chance of getting the disease. But if only one parent is a carrier the child won't inherit the disease.

The first symptoms usually appear around two years of age. They take the form of fever, pain and a striking loss of red blood cells.

The most recent figures pointing out the severity of the disease are shown in a 1967 survey.

Sickle cell anemia, along with cystic fibrosis, has the greatest number of victims.

There is a national campaign against cystic fibrosis, but until recently there's been no national effort for a more effective control of sickle cell anemia, which some have called one of the country's most neglected health problems.

In future reports, News 4 Washington will focus on children who have the disease and its treatment.

Andrea McCombs, News 4 Washington.

SICKLE CELL ANEMIA: REPORT ON ONE FAMILY

NEWSCASTER. It's estimated there are at least a thousand youngsters under sixteen in Washington who have sickle cell anemia.

Sickle cell anemia is a life shortening hereditary disease found most commonly among blacks.

In the third of a series of reports on the incurable disease News 4 Washington on how it affects one family.

REPORTER. Ronald Fletcher may look like any other normal teenager out mowing the lawn in front of his North East Washington home.

But he's not. In seventeen short years Ronald has spent more time in hospitals than most adults in a liftime.

Ronald Fletcher has sickle cell anemia.

Mrs. FLETCHER. Ronald's condition has frightened us for nine months (?). He was

hospitalized with pneumonia and spinal meningitis.

I'd really like to have more—have more children—because I do love children—my husband and I both. But I don't think it would be fair to the child for us to have another one with him having the disease.

We've been very over-protective, I'm quite sure. We've had to prevent him from doing a lot of things that he would really have liked to have done and it was certainly part of his childhood I think of being sick. And I think children should have a childhood of play (?) and being happy without illness.

You're anxious, you're worried—planning for something that you hope will come about like a cure. Or you hope that the child will someday be able to live a normal life. I think this is the most important thing.

RONALD FLETCHER. You don't know what's going to happen. Sometimes you fall out, you don't know where you are. You're in the hospital after that. And it kind of upsets you then.

But it shouldn't upset me—it doesn't upset me too much—because I've been used to it. But, I try to get along with it as best I can.

It has created problems for me physically but mentally, no. Sometimes when I play basketball or do strenuous work I get tired real quick. And this wears me out and I get dizzy and irritated. And this kind of troubles me physically.

But as mentally it doesn't affect me.

Well, with sickle cell anemia I'm going to try to be a hemotologist and learn more about the disease and its treatment for it. And I hope this won't interfere with my work too much.

Mrs. FLETCHER. Ronald took this very well. He is very determined. He's never given up. And he expects to live his life to the fullest as long as he has.

I accept it very easily because Ronald accepts it.

And he knows that his life is going to be curtailed to certain activities and some of his desires.

But I also know and he also realizes that some things are not left in the hands of man.

NEWSCASTER. In a future report News 4 Washington will focus on what's being done to improve treatment for sickle cell anemia victims.

BIG PROBLEM FOR BLACKS

NEIL BOGGS. In the fourth of a series on sickle cell anemia, News 4 Washington focuses on the existing forms of treatment for the young disease victims.

Sickle cell anemia is a life shortening, hereditary disease—blood disease—found most commonly among blacks. In Washington there are two sickle cell anemia clinics where 150 youngsters get treatment.

Close medical supervision is necessary to fight the frequent disease crisis which often leads to hospitalization.

One of the clinics is at Freedman's Hospital on the campus at Howard University.

ANDREA MCCOMBS. The Freedman Clinic operates once a week for its out patients. Mrs. Eunice Wilson has two children with sickle cell anemia. They get a complete physical examination at least once every three months. However, the disease creates an anemic condition that weakens the patient's ability to fight infections and disease crisis. Therefore, clinic visits can be more frequent and sometimes require hospitalization.

Walter Wilson looks smaller and younger than his 16 years, mainly because the disease often curtails physical growth. He also tires easily.

Mrs. EUNICE WILSON. Last year he was in the hospital. He wasn't in for too long a period but he was home a lot. After the crisis it leaves him, you know, tired and he stays sleepy. So when he's like this he can't go to school because he sleeps all the time.

MCCOMBS. Walter had suffered several crises during the past months. It has meant worry for his parents and pain for him.

DOCTOR. The crisis usually involves pain and the disease may be in the limbs and the bones. And very often it may involve pain in the abdomen. So, it involves joints and abdominal pain. And these are usually called the day of crucial crisis.

MCCOMBS. How are they treated?

DOCTOR. Well, we admit them. We try to treat them as out patient by giving them intravenous fluids and different analgesies. But if they do not respond we admit them into the ward.

MCCOMBS. The length of hospital stay depends on how severe the crisis is. A serious case means intravenous feeding, possible blood transfusions and antibiotics.

VERY LOW RESISTANCE TO INFECTION

These are the new treatment methods. They do not cure but they have increased the chances of a longer life for sickle cell anemia victims.

DOCTOR. If we can conquer infections—and these are some of these causes for morbidity of the disease and most mortalities, we certainly are doing a great deed.

MCCOMBS. Howard University's Sickle Cell Anemia Center has embarked on three research projects involving the earlier diagnosis of the disease before and after birth, and the use of urea (?), a chemical substance produced by the body.

Physicians hope that urea can be a new way of combating the sickle cell crisis, which are a major form of pain and disability for sickle cell patients.

Andrea McCombs, News 4 Washington, at Freedman's Hospital.

FIGHT AGAINST SICKLE CELL ANEMIA

NEIL BOGGS. In the 5th of a series on sickle cell anemia, News 4 Washington focuses on the efforts of people and organizations from around the country to combat the disease.

Sickle cell anemia is a hereditary blood disease found most commonly among blacks.

One of the newest efforts is a national organization started by a baseball team.

MAN. Something should have been done about it years ago, before I came. But nothing has and what the athletes are trying to do is close this gap in terms of people doing something about it.

DOC ELLIS. I have the trait and just the symptoms that I have—I have—all the bones are aching in my joints. Plus I have fainting spells. I don't faint, but I get faint. And like today during the first inning I felt that—faint and the best thing that I did was to just stand still and try to shake it off.

This sometimes occurs when I'm doing running.

ANDREA MCCOMBS. In spite of this the sickle cell trait has not affected his performance. Ellis is one of the National League's top pitchers with a record of 17 wins and 7 losses.

What has happened is that Ellis has become more aware of the effects of the disease, in thousands of black children in the country. So in May he and Pirate outfielder Willis Stargell, along with 30 other professional black athletes, founded a Black Athletes Foundation for Sickle Cell Anemia Research.

It is a private organization and Stargell is one of the chief spokesmen.

WILLIE STARGELL. We—the Black Athletes Foundation—we're a fund raising organization—primarily to raise funds so that people who have been doing work in research can further their study and research.

It's a disease that kills people before they're 20. And it has such a mental bearing on so many people that we are trying to close this gap so that the research and education can be done in terms of the way polio was done.

ELLIS. . . . became interested in research. Then we founded the Black Athletes Foundation and they made me a part of it. And we have several doctors that have flown in from Chicago and different parts of the country and what they are going to do is educate me and others on sickle cell anemia.

We're going to really go into the background of it. And this is going to be part of my winter work.

We do intend to win the battle plus make all black people aware of sickle cell and there's a possibility that they might have it.

MCCOMBS. There are local efforts too. Six years ago parents of youngsters with the disease organized here to increase public awareness.

They raised more than 10,000 dollars for research. The group feels a lot more has to be done.

MAN. . . . children are suffering and children are being inconvenienced as far as school and other activities. And we have not been able to get from HEW or from the administration itself any direct appropriation. And this is what's mostly needed. It's been earmarked but we want it to be sent out to various institutions and can be used for research and these needs of our children.

WOMAN. One of the ways the money can be allocated for sickle cell is to have it added to the United Givers Fund so that peoples' money can be donated the way it's donated to some other charities.

SECOND WOMAN. I think something else should be done in line with the research. Since we know how a child gets this disease, maybe when blacks are—decide to get married—maybe it should be that they should all have the test. So that you will know definitely whether you have the trait or your husband has the trait.

Then if both of you have the trait you can decide yourself whether you want to have—take a chance on having children. I wouldn't if I had to do it over again.

MCCOMBS. Sickle Cell Research Foundation made of parents from around the country meets at Howard University this weekend. The group hopes to emerge as a national spokesman to increase public efforts for better treatment and research.

As one parent from the Washington group put it, the President may have earmarked six million dollars for an accelerated campaign against the disease but unless there are more funds the campaign will be a token one at best.

Andrea McCombs, News 4 Washington.

MORE ON SICKLE CELL ANEMIA

NEIL BOGGS. It's estimated that more than 40,000 blacks in Washington carry the trait for sickle cell anemia. Sickle cell anemia is a life shortening blood disease found most commonly among that group. Trait carriers do not have the disease but genetically pass the trait on to their children.

They could be identified through a simple blood test but the test is not widely available even though it's an inexpensive procedure that can be given by anyone after four hours of training. The test was performed on reporter Andrea McCombs.

MAN. Have you ever had a test for sickle cell anemia before?

ANDREA MCCOMBS. No, this is the first time.

MAN. Okay. Fine. We'll proceed then.

MCCOMBS. What is the test?

MAN. This test is called sickle-dex. We're going to get a small amount of your blood and we will then put it into the solution known as sickle-dex and this will allow us to determine whether or not you have hemoglobin at present or not.

Okay.

Now, we'll take about twenty lambders(?), or a very small amount into this capulary

pipe pen(?), and from this we can then determine as to whether or not this solution—that's all, if you'll just hold that on your finger for a second.

We can then take the blood and put it into the solution. We can do this by means of a little rubber bulb or simply blow in it.

Now, as this sits here, it will take a total of about five minutes and this is at room temperature incubation. We wait about five minutes. And as you can see here is a negative control. This is one. It is negative for sickle cell. And you can see through the lines.

Now, Andrea, as you can see on your specimen that we put in you cannot see the black lines behind it. So as we stated before you had the hemoglobin test, that you are probably in the trait. You have a positive trait.

We would have to go on from here to do electrofalaceis(?) to see if you are on the homosagious or the heterosagious(?) state.

McCombs. This test analyzes that I—based on the results here this means that I have—that I possibly carry the sickle cell trait.

Man. It means according to this test with its percentage of accuracy—it indicates that you have hemoglobin at present. So you there—very definitely do carry the hemoglobin, yes.

McCombs. In this city sickle cell tests are given when requested at 16 public health clinics.

In the last year at the Gale (?) Clinic three to four thousand youngsters were examined but only an estimated one hundred were tested for the sickle cell trait. This means that the city has no systematic approach to find youngsters with the trait.

For example, four year old Stephanie Settles is a normal, healthy looking girl. Her mother brought her in for a routine school physical checkup. Usually she would not be given the sickle cell test but when I suggested it the doctor agreed.

Woman. Well, we sent her to the laboratory a little while ago and the laboratory just reported that she had a sickle cell trait. And this child will be referred to the hospital of her mother's choice, either Children's Hospital or Freedman's Hospital to the sickle cell clinic and she will be handled from there.

McCombs. Do you think the clinic testing is enough or effective?

Woman. Well, I feel that we're doing all that we can with the funds that we have. But if we would get more funds and we would have our Negro children—and 97% of our poor children are Negro—if we would identify the ones with the sickle cell before they enter school or are in kindergarten then we would really be doing a good program of knowing who has sickle cell anemia in the District and who doesn't.

McCombs. More than 143,000 youngsters return to school this fall. If they were given a sickle cell trait test on a regular basis more youngsters who carry the trait would be discovered.

There is no cure for sickle cell anemia but the trait test can help prevent the genetic spread of the disease.

Andrea McCombs, News 4 Washington.

FINAL REPORT ON SICKLE CELL ANEMIA

Neil Boggs. In the last two weeks News 4 Washington has presented a series of reports on sickle cell anemia, an incurable hereditary blood disease found predominantly among blacks. The reports have dealt with how the disease affects the victims, treatment and the lack of regular trait tests in the District that could prevent the genetic spread of this life shortening disease.

In the final report News 4 Washington talked with doctors and city officials to see why more hasn't been done to set up testing.

Doctor. There's a need for screening to detect the presence of the disease and detect the frequency of it among the various population groups. Primarily black groups, I should say.

To screen and—pardon me—to council the people who are primarily affected.

Woman. This could be done through the mechanism of our old city government—that we could develop a case and present it before the city council and the mayor and we could have a commissioner's order stating that the testing for sickle cell anemia is in the public interest and therefore, required of all children either entering school or in another level.

Man. Well, I think the first thing that the city can do is to screen these school children at the beginning of the year to test them for the sickle cell trait. And I'm going to get in touch with the health department and the school officials. I know it's only a short time before school is open—to see whether we can start it this year.

Second Man. Our greatest need now at this point is to—is for funds and I don't think that—I don't want to belabor the point but funding is—without funding we cannot do anything.

Third Man. One of the things is probably budgetary to help the problems as they're working. And I know they're on a tight budget and they don't have any additional money but I think it is worth it.

Second Woman. Without a doubt. I think this is probably one of the primary priorities when we consider the major population of the city.

Andrea McCombs. Everyone agrees that massive testing is necessary. The city health officials say they can't set up a test without $65,000, yet one commercial lab estimates it could provide the sickles-X test, not including back up tests for $23,000, almost $42,000 less than city figures.

Despite the apparent monetary obstacles a massive screening program is imminent. News 4 Washington has learned that the D.C. Council is drafting regulations to set up regular trait tests in city health centers and for school children.

If the regulations are passed that money would finally be—the money would finally be found for the tests which are key to preventing the genetic spread of sickle cell anemia.

Andrea McCombs, News 4 Washington.

ANNOUNCEMENT OF LEGISLATION TO COMBAT SICKLE CELL ANEMIA

Mr. KENNEDY. Mr. President, I am pleased to join the Senator from California (Mr. Tunney), the Senator from Massachusetts (Mr. Brooke), the Senator from New Jersey (Mr. Williams), and 30 other Senators in introducing the National Sickle Cell Anemia Prevention Act. The legislation we propose will provide much-needed assistance for treating, screening, and counseling those who have been afflicted with sickled blood.

In addition, this proposed legislation assures funds—$25 million for each of 3 years—for institutions to develop programs of research in the prevention, treatment, and cure of sickle cell anemia, and to educate the public and medical officials concerning the nature and the inheritance of the disease.

Finally, the bill will authorize the establishment of similar programs in Federal agencies, including the medical services of our Armed Forces, and in the ongoing health programs of veterans hospitals and the public health service.

Black physicians and their patients have struggled with the exasperation of inadequate treatment facilities for sickle cell anemia for decades. Its unannounced attacks of painful crises seriously affect 100,000 black Americans. In total, 2 million black people in this country are believed to be carriers of the sickle cell trait. Because it is a hereditary disease, education and awareness programs are very important first steps in the battle against it. While it occurs primarily, but not exclusively, among blacks, too few resources have been provided to inform potential victims that the disease exists. Even less has been allotted for treating the victims of sickle cell anemia. In spite of this shameful lack of public concern, considerable work has been accomplished at the initiative of the Howard University staff.

It is probable that most of the available knowledge about this disease is due to the work of Dr. Roland B. Scott, chairman of the Department of Pediatrics and Child Health at the Howard University College of Medicine. He reports that among America's black citizens, one in every 400 may be affected by sickling. Although the disease tends to manifest itself differently from patient to patient, its known symptoms include abdominal pain, vomiting, general lassitude, severe aches and pain, frequent nosebleeds, severe joint swelling, and recurrent fevers. In severe cases, chronic crippling, ulcers of the legs, and infections of the body's vital organs are commonplace. The most pitiful victims are the young children like those who have been seen in Washington's Freedmen's Hospital with stroke, pneumonia, salmonella, osteomyelitis, kidney disease, enlargement of the heart, and even blindness.

Like diabetes, sickle cell disease is not curable. Treatment is designed to control it. Dr. Scott and other practitioners use blood transfusions, surgery, and intravenous therapy to combat the effects of this inherited crippler.

Although 10 percent of the black people in this country may bear the sickle cell trait, the symptoms and tragic effects are seen only in the offspring of two carriers. For that reason parent education and public awareness projects are essential if we intend to end the spread of sickling. It is quite possible that with earlier efforts to combat sickle cell anemia, the disease today would not be so widespread as it is. PKU—phenylketonuria—which occurs once in about 10,000 births and cystic fibrosis, which is seen once in every 2,000 births, occur almost exclusively in the white population. Federal and private funds have supported extensive research in the quest to end these diseases, so today they are both well under control. But sickle cell anemia, which occurs much more frequently, has been neglected for far too long, just like most other conditions that affect only black people.

I believe that we must launch a vigorous campaign to treat, educate, and cure the sufferers of sickle cell anemia. As chairman of the Subcommittee on Health, I intend to work diligently for resources to control this terrible malady.

Mr. RIBICOFF. Mr. President, today I am joining with 30 of my Senate colleagues in introducing legislation to initiate the attack on sickle cell anemia, a major disease which kills over half of its victims before the age of 20.

Sickle cell anemia is an inherited blood

disease which strikes approximately one in every 500 young black children and affects almost 2 million other blacks who are carriers of the sickle cell trait but do not have the disease itself. While these carriers may lead normal lives without risk of early death, two carriers who have the disease may pass the trait on to their offspring. The chances are great that the child of such a marriage will die before he reaches maturity.

Unfortunately the Federal Govment has taken virtually no role in combating this painful and often deadly physical condition although it is one of the few fatal diseases in the United States that has not been targeted for a concentrated program of research, screening and, treatment.

The proposal I am cosponsoring would provide $25 million for programs of research in the prevention, treatment and cure of sickle cell anemia.

These funds would also be used to establish public education programs through grants by the Department of Health, Education, and Welfare for screening, referral, and counseling services. All such programs would be on a purely voluntary basis. Voluntary screening, counseling, and treatment would also be made available to veterans and members of the armed services and their dependents through special Defense Department and Veterans' Administration programs.

For too long America has neglected this deadly malady because it does not affect America's majority population. The time has come to finally act.

Mr. PERCY. Mr. President, I am delighted to be one of the cosponsors of legislation to combat sickle cell anemia.

This excruciatingly painful hereditary blood disease afflicts about 10 percent of this country's black Americans and proves fatal in one out of every 500 cases. The average life span of a victim of this disease runs 20 years, although he has only a 50-percent chance of surviving his first year of life. Few can look forward to living beyond 40.

Sickle cell anemia was first identified and diagnosed no less than 60 years ago, but no drug or cure has yet been found to combat it. However, last February this obscure but deadly disease finally received the attention it deserved.

In his impressive health care message to Congress, President Nixon dramatically identified sickle cell anemia as a "second targeted disease for concentrated research" and announced a fivefold budget increase to $6 million for sickle cell anemia treatment and research. His language was clear and to the point:

> It is a sad and shameful fact that the causes of this disease have been largely neglected throughout our history. We cannot rewrite this record of neglect, but we can reverse it.

The National Sickle Cell Anemia Prevention Act is an irrevocable step toward reversing this neglect. It will authorize $25 million each year for 3 years to establish sickle cell assistance programs and support research to end this dread disease. I am proud to be a part of this long overdue national commitment to providing relief for the many thousands of sickle cell sufferers.

By Mr. BENNETT (for himself and Mr. SPARKMAN):

S. 2679. A bill to extend the period within which certain Federal credit unions must obtain insurance of member accounts in accordance with title II of the Federal Credit Union Act. Referred to the Committee on Banking, Housing and Urban Affairs.

SHARE INSURANCE TIME EXTENSION

Mr. BENNETT. Mr. President, I introduce for myself and Senator SPARKMAN a bill to amend the Federal Credit Union Act. This bill would allow an additional 2 years for Federal credit unions to meet the standards required for Federal share insurance. If an extension of time is not granted, some Federal credit unions who have not been able to meet the standards will lose their Federal charters early next year.

As the principal sponsor of the legislation which provided for insurance for credit union shares, I feel strongly that the Congress should approve this extension without undue delay.

When the Congress established a Federal system of insurance for the share accounts of credit union members, all Federal credit unions were required to apply for the insurance. State credit unions were authorized to apply and receive insurance if they met the appropriate standards, but they were not required to apply. Every applicant, whether State chartered or federally chartered, was required to meet certain minimum qualifications to obtain insurance. If the requirements are not met, the act requires the Administrator of the National Credit Union Administration to reject the application for insurance. Also, according to the act, if the application of a Federal credit union is rejected, the Administrator is required to suspend or revoke its charter unless within 1 year from the date of the rejection the credit union meets the requirements for insurance and becomes an insured credit union.

It is this 1-year time period which the bill I introduce today would extend. When we enacted the share insurance legislation, we knew that there were at least 500 marginal credit unions. We knew that there would be some which would not be able to meet the minimum standard of safe operation. We thought, however, that within a 1-year period after rejection, any credit union whose charter should be retained would be able to get its house in order. The record of certificates granted for insurance has been good. As of October 6, 1971, 11,936 credit unions have obtained insurance of their shares. Of these, 11,302 are Federal credit unions, and 634 are State credit unions. Despite this great success, there are still 1,447 Federal credit unions whose applications have been deferred. Many reapplications are now being granted insurance, and it has been estimated by the Administrator of the National Credit Union Administration that at least half of these will qualify and receive insurance within the year which is provided by present law. There are, however, other credit unions which will be able to meet the requirements for insurance but will not be able to do so within the time presently provided. It would be unfortunate to require the Administrator to suspend or revoke the charters and liquidate these credit unions because of an arbitrary 1-year limitation which we inserted in the original insurance legislation. The fact is that the year provided is simply not sufficient for some worthy credit unions, and as early as February of next year the Administrator could be required to begin revoking some Federal charters. None of us, I am sure, wants the revocation of the charter of a Federal credit union which is properly serving its members by providing a safe opportunity for saving and a source of relatively low cost credit for its members. It is a fact that the Congress has supported credit unions in their major goal of providing self-help for those who are not able to obtain credit from other sources and has provided certain advantages to credit unions over other financial institutions. In order to allow the Administrator to let these credit unions continue in operation, we must either lower the standards of safe operation which we established last year or amend the original Share Insurance Act as provided for in the bill which I introduce today.

Mr. President, there are those who have recommended that we either lower or remove the minimum standards now required for a credit union to obtain share insurance and that we provide insurance to all Federal credit unions, regardless of the safety of their operations or the condition of their institution. There are those who contend that the establishment of minimum standards last year was not appropriate. It has been stated that the Congress treated credit unions more harshly in setting standards for insurance than was the case when insurance was provided for other financial institutions more than 3½ decades ago. It is also contended that the Administrator of the National Credit Union Administration has exceeded the intent of Congress in his requirements for credit unions to receive a certificate of insurance.

Mr. President, these items need to be discussed at least briefly. Last year when we enacted the law providing share insurance, we considered at length the proposal that all credit unions be blanketed in and that all be insured regardless of their condition. We rejected that approach on the grounds that it would not be fair to the well operated credit unions and that it would put unnecessary strain on the share insurance fund. Nothing has happened during the last year to change what I believe was a very wise decision of the Congress. Nearly 12,000 credit unions have met the standard and, in the process, the operations of many of these have been upgraded and their shareholders have been better served.

Congress did not treat credit unions more harshly in setting minimum standards than was the case with other institutions when they were insured. The fact is that the treatment was more lenient and it was intended to be that way.

At the time share insurance was provided for banks and savings institutions, there was a confidence crisis which required more drastic action.

Before providing insurance for banks,

the President of the United States had proclaimed a nationwide banking holiday. He then authorized the Secretary of the Treasury to issue licenses to national and State member banks of the Federal Reserve System whose financial condition qualified them to reopen. When the first insurance, which was temporary, went into effect, it automatically insured only those which the Secretary of the Treasury has determined to be in compliance with solvency and soundness standards prescribed. According to the 1934 Federal Reserve Report, 452 national banks and 60 State member banks had not been licensed to reopen and thus were not eligible for insurance.

When insurance was provided for savings and loan associations, all federally chartered savings associations were required to apply for the insurance and each application was separately considered. Insurance was not automatically granted even though the chartering of Federal savings and loan associations began in late 1933, and the insurance corporation was set up in 1934. Since the standards required for the insurance were the same as those required for a Federal charter, it was only natural that almost all of the institutions which had been chartered in as short a period as 3 to 6 months earlier would be insured. Interestingly, however, the record shows that the insuring of some associations was deferred and they were required to get their house in order before insurance was granted. Federal Savings and Loan Insurance Corp. officials have assured me that no institution was granted insurance unless it met the required standard.

The situation with regard to credit unions was different and a different procedure was established. Federal credit unions had been operating since the early thirties, and it was estimated that there were at least 500 marginal credit unions. Congress therefore provided a 1-year period during which institutions could bring themselves up to the standard needed for insurance. It was thought that this would be sufficient for all credit unions whose continued operations could be justified. Now, because of the fact that many will not be able to meet that schedule, we are recommending an extension of 2 years to assure that no worthy credit union loses its charter.

Now let me move to the subject of the administration of the Share Insurance Act which we passed last year and the accusations that the Administrator has set up standards for insurance more difficult to meet than was intended by the legislation. The major thrust of the criticism has centered around the subject of regular reserves and special reserves required by the Administrator.

The action taken by the House Banking Committee and the remarks made on the floor of the House would indicate that there is a great deal of misunderstanding on this whole subject. The report of the House Banking Committee, in discussing the subject with reference to Federal credit unions, states:

> For this reason, the Committee has withdrawn the special reserve requirement provision as a condition of obtaining insurance.

The fact is that the special reserve provision was never made a condition of obtaining insurance except in the case of State credit unions in States which had lower reserve requirements than those provided for in the Federal Credit Union Act. This leads one to the conclusion that the committee must have meant that the Administrator can no longer require special reserves for Federal credit unions as necessary for insurance purposes. If that is the intent, what the committee has, in fact, done, is make it impossible for some credit unions to obtain insurance that otherwise could have done so through an addition to their reserves. The Administrator has been using the requirement of special reserves to make up deficiencies found in individual credit unions that made them ineligible for share insurance under the requirements set up by the Congress.

Section 116(a) of the Federal Credit Union Act, as amended, provides that immediately before the payment of each dividend, the gross earnings of the credit union shall be determined. From this amount, there shall be set aside, as a regular reserve against losses on loans and against such other losses as may be specified in regulations prescribed under this act, sums in accordance with the following schedule: 10 percent of gross income until the regular reserve shall equal 7½ percent of the total of outstanding loans and risk assets, then 5 percent of gross income until the regular reserve shall equal 10 percent of the total of outstanding loans and risk assets. Whenever the regular reserve falls below 10 percent or 7½ percent of the total of outstanding loans and risk assets, as the case may be, it shall be replenished by regular contributions in such amounts as may be needed to maintain the reserve goals of 7½ percent or 10 percent.

The purpose of the regular reserve is to protect against losses on loans and against such other losses as may be specified in regulations prescribed under the act.

If a Federal credit union operates satisfactorily, with sound lending policies and practices, effective followup and control over delinquent loans, without adverse external factors, required transfers to the regular reserve will usually be sufficient to provide adequate protection to the interests of the members and to the share insurance fund.

It must be remembered, however, that the Congress in Public Law 91–468 established other requirements for share insurance eligibility. It was specifically intended that, before a credit union was insured under the share insurance program, the Administrator would not only require that the credit union have the reserve requirements set forth in section 116(a), but that the Administrator would insure that such credit unions abided by the other provisions and criteria, specifically, that they have adequate reserves; that their financial condition and policies are safe or sound; that they have fit management; that insurance of their member accounts would not involve undue risk to the fund; and that their powers and purposes are not inconsistent with the promotion of thrift among its members and create a source of credit for provident or productive purposes.

Let me add that section 116(b), providing authority for the Administrator to establish special reserves, would never have been included in the legislation if it had not been intended that the Administrator establish such reserves either by regulation or when found to be necessary in any special case.

The fact that a credit union might have the regular reserve requirements required by section 116(a) was never intended to prohibit the Administrator from assessing special reserve requirements where the credit union's financial condition was inadequate; on the contrary, it was expected. By and large, the special reserve requirement that the Administrator has assessed against credit unions has been as a result of excessive loan delinquency. This loan delinquency, if charged off by many of the credit unions, would make them insolvent or at least would be equal to all the reserve requirements that were set aside. Such a circumstance would certainly indicate financial unsoundness and fall directly within the intent of Congress in providing for a special reserve requirement.

When reviewing applications for insurance of member accounts, prime consideration is given to the adequacy of reserves. It is possible for a Federal credit union to meet the transfer requirements of section 116(a) of the Federal Credit Union Act, yet have inadequate reserves. For example, prior to the 1970 amendment to the Federal Credit Union Act, Federal credit unions were required to transfer 20 percent of net earnings to the regular reserve. If the credit union had an abnormally high expense to income ratio, the amount of the transfer to the regular reserve would be lower than normal and would prevent the credit union from accumulating sufficient reserves.

Transfers to the regular reserve are usually made only at the end of a dividend period—quarterly, semiannually, or annually, usually the latter. If a Federal credit union experiences rapid growth, required transfers to the regular reserve do not enable that account to keep pace with growth in members' savings and in loans to members. As a specific example, a Federal credit union chartered in 1967 had accumulated assets in excess of $2.3 million when its application was reviewed earlier this year. Loans to members amounted to almost $2.2 million. Delinquent loans totaled $25,700, almost $13,000 of which were delinquent more than 12 months. To protect against probable losses from loans which were seriously delinquent and against possible losses from other loans totaling over $2.1 million, the credit union had reserves of only $22,400.

Federal credit unions which experience high losses on loans to members do not accumulate adequate reserves, even though statutory transfers to the regular reserve are made, because the reserves are depleted by the absorption of uncollectible loans. Doubt is cast upon the collectibility of delinquent loans in credit unions having a high loss ratio that is not

present in credit unions which have a history of no losses or relatively small losses.

The present statute provides that 10 percent of gross income is transferred to the regular reserve until the reserve shall equal 7½ percent of the total outstanding loans and risk assets, then 5 percent of gross income until the regular reserve shall equal 10 percent of the total of outstanding loans and risk assets. If a credit union does not recognize and charge off loans that are without value, it is possible for the credit union to be in a position of "no transfer" or a reduced transfer to regular reserve at the end of a dividend period, yet have inadequate reserves. To cite another example, a Federal credit union had assets of $1,100,000, shares—savings—of $908,000 and loans of $962,000. The regular reserves totaled $97,500—over 10 percent of loans. The credit union, then, was in a "no transfer" position. It had, however, $182,000 in delinquent loans, $114,000 of which was in loans delinquent more than 12 months. Loans considered to be losses exceeded reserves.

In another case, a Federal credit union had $160,000 in loans, with reserves of $12,300. Reserves were 7.6 percent of loans. The Federal credit union was in a reduced transfer position, yet it had $13,600 in loans delinquent more than 12 months. Loans totaling almost $12,000 were considered probable losses, which would practically wipe out all reserves if they were charged off.

These credit unions had made the reserve transfers required by section 116(a), yet reserves in relation to needs were inadequate and the credit unions therefore uninsurable. When such situations were encountered, the National Credit Union Administration made an offer to the board of directors of the Federal credit union indicating that an augmentation of reserves would make the credit union insurable.

If the credit unions had an available surplus, the National Credit Union Administration would ask the boards of directors to augment reserves by a transfer of all or a portion of the surplus to an irrevocable reserve account, rather than reject the application for insurance of member accounts. If surpluses were not available for transfer to irrevocable reserves thereby enabling the credit unions to qualify for share insurance, the National Credit Union Administration would ask the boards to execute special agreements to transfer more than 10 percent of gross income to irrevocable reserves before the payment of a dividend.

Requests by the National Credit Union Administration for augmentations of reserves were made only when reserves were inadequate and the credit unions otherwise uninsurable. Agreements which were obtained to strengthen reserves enabled the Administrator to insure the member accounts in those credit unions.

Now, the House Banking Committee indicates that the language which it has approved is intended to withdraw the special reserve requirement provision as a condition of obtaining insurance. In the same report, the committee indicates that—

> While your Committee wishes to make it clear that by virtue of this legislation it is not ordering nor condoning the insuring of credit unions whose operations may be in violation of the requirements set by the Administrator at the same time it expects the Administrator to insure those credit unions whose operations, including their reserve requirement policies, meet the standards set out by Congress.

Since the committee expects the requirements set out by the Administrator to be met and since the special reserve requirements by the Administrator were made only when the operations and financial condition of a credit union made it uninsurable according to the requirements set up in the act passed by Congress which the Administrator is required to follow, the removal of the special reserves as the House committee say its language intends merely ties the hands of the Administrator to work out arrangements with uninsurable credit unions whereby they can become insured.

I should at this point include the language reported by the House Banking Committee so that Members of the Senate will have an opportunity to consider its meaning and ferret out, if possible, just what its effect, if any, would be:

> SEC. 201. (d) In the case of any Federal credit union whose application for insurance is disapproved, if such Federal credit union (1) has transferred such amounts to its reserves as is required under section 116(a), and (2) *has not violated any provision of this Act*, the Administrator shall nonetheless issue to such Federal credit union a certificate of insurance which shall be valid for a period of two years. The Administrator shall suspend or revoke the charter of any Federal credit union which has failed, upon the expiration of such two year period of insurance, to file an application for insurance which is approved by the Administrator in accordance with subsection (c). A Federal credit union which is insured under this subsection for a period of two years is an insured credit union under the provisions of this title for such period of two years.

It is my contention that in order to obtain the 2-year insurance certificate, the credit union must not be in violation of any provision of the act. One of the provisions of the act is that the Administrator is authorized to impose special reserve requirements. This provision is not waived by the amendment and, therefore, would appear to be in effect. If such is the case, the amendment nullifies the change which the House committee report states was intended, and therefore no insurance would be granted except on the same terms as presently exist. If, in fact, the special reserve requirements are voided, then the credit union does not meet the other standards required by the law and would not be able to get insurance.

The most unfortunate part of this whole exercise in frustration is that the credit unions which are not able to come up to the standard required do not obtain any relief through this amendment regardless of how it is interpreted.

I have been advised by the National Credit Union Administration that many of the credit unions which have been rejected for insurance have received the rejection because their regular reserves were not in compliance with the act. Others have management difficulties. Others are simply in an unsafe or unsound financial condition. Others would involve undue risk to the insurance fund.

The House amendment, regardless of how interpreted, does nothing for these credit unions, and I for one do not believe that we should require the Administrator to withdraw their charters without giving them additional time.

Mr. President, a point was made in the House report and on the House floor that there are many small credit unions which have been rejected for insurance. One case was cited in which insurance was denied. I am not familiar with the case, and I have been informed by the Administrator that he is not familiar with the case. If an injustice has been done, it should be corrected immediately. However, to indicate as is done in the report that the committee is concerned that it may have been denied because it is too small is not warranted. I have taken the effort to check into this matter because of my personal interest in small credit unions, and such an accusation through innuendo is completely unjustified. I include a listing of just a few of the small credit unions that have been insured in one district at this point in the RECORD:

A sample of insured credit unions with potential under 100

Actual and (potential) membership:	*Assets*
37 (32)	$7,000
42 (75)	4,000
66 (69)	10,000
66 (100)	9,000
58 (100)	12,000
57 (75)	41,000
70 (75)	14,000
53 (87)	5,000
70 (97)	19,000
68 (70)	55,000
68 (85)	19,000
54 (80)	18,000
68 (68)	13,000
60 (100)	21,000
55 (80)	27,000

The House report also comments on the limited income credit unions which have not been able to get insurance and states that there are 106 of these. The facts I have received show that there are 291 limited income credit unions which have been deferred. Of these, 106 are Office of Economic Opportunity related. Most of the deferrals of insurance for these credit unions are because of reserve deficiencies and most of the reserve deficiencies are in regular reserves. Nothing in the House bill would give any relief to these credit unions. Some of those small limited income credit unions that have been insured have been able to get the insurance because of an allocation of $504,000 to the National Credit Union Administration by the Office of Economic Opportunity. The October issue of the NCUA Bulletin indicates that 118 Federal credit unions with individual guarantee needs of $458,100 have been given to the regional directors. When a guarantee is granted to these Federal credit unions, it restores them to solvency and provides an adequate reserve to permit continued operation in an insured status. Indeed, the National

Credit Union Administration is assisting small credit unions to become insured. If more assistance can be legitimately provided, it should be provided. The Administration is also trying to assist other credit unions so that they may become insured. Surely no National Credit Union Administrator desires to preside over the liquidation of hundreds of Federal credit unions. He knows, as well as anyone, the good that can be done and is being done by many of these institutions. In my judgment, from keeping closely abreast of the procedures followed by the Administrator, I am convinced that he has carried out the intent of the statute in requiring the special reserves in those cases where he thought necessary. I believe that he has administered the share insurance program and all of the affairs of the National Credit Union Administration in an outstanding manner. This is not a time to be unduly critical or to tie his hands but a time to provide an additional 2 years so that he can continue to assist credit unions to improve their operations and thus qualify for insurance.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point in my remarks a letter from the Administrator of the National Credit Union Administration.

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

NATIONAL CREDIT UNION ADMINISTRATION,
Washington, D.C., October 8, 1971.

Hon. WALLACE F. BENNETT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BENNETT: This will acknowledge your letter of October 5, 1971, concerning House Report No. 92–543, to accompany H.R. 9961.

With respect to the use of special reserves in connection with insurance applications, I have enclosed a copy of the most recent issue of the "NCUA Bulletin" which supplies some background information on the processing of share insurance applications. I have also enclosed materials which explain the use of special agreements for transfers to irrevocable reserves. It is important to note that before any consideration was given to such agreements, it was first determined that the particular credit union concerned was not insurable under the standards provided in Section 201(c) of the Federal Credit Union Act.

When it was determined that the application would be rejected for one of the reasons listed in Section 201(c)(2) of the Act, and that a transfer of a certain amount of funds to an irrevocable reserve could render the credit union insurable, an offer to that effect was made to the credit union. Generally speaking, this offer stated that if the credit union would agree to make such a transfer, I would be able to give the members immediate insurance protection rather than rejecting the application. This was in no way intended as the imposition of an additional prerequisite for insurance but rather a vehicle by which the members could obtain prompt insurance protection.

With regard to the section of H.R. 9961 pertaining to reserves, the language is not clear to me. I interpret it to mean that the Administrator is not authorized to require regular reserves in excess of that amount authorized by Section 116(a) of the Federal Credit Union Act and shall insure credit unions that have met that requirement, if they are not in violation of any provision of the Federal Credit Union Act. As I read the proposed language, if a credit union does not meet the criteria established in Section 201(c)(2), the credit union would have to be rejected for insurance. It would appear that the language says nothing the statute does not already say.

I have attached for your information a statistical breakdown of the current status of the 547 "limited income" credit unions which include those which are "OEO related." The NCUA/OEO Financial Assistance Program has enabled 19 OEO related Federal credit unions to qualify for insurance. Ninety-six other OEO related groups have been initially selected to receive financial assistance which will be applied when they meet the other insurability standards.

Concerning demand deposits in Rhode Island, no state-chartered credit union is, at present, accepting demand deposits.

The Report, at page 4, indicates that I denied insurance to a credit union in the northeast with a membership of 42 members. Regrettably, I received no formal complaint from any such credit union nor those interested in its affairs and learned of the apparent discontent only from the report. I have asked Chairman Patman to supply the name of that credit union so that I may investigate the circumstances and correct any error, if in fact, an error has been made. It is not outside the realm of possibility that such an event happened but each credit union has been given my personal attention. Since I've studied the Financial and Statistical Reports of nearly 13,000 credit unions, I admit I could have erred at least once. When such happens, I request that I be given an opportunity to review my actions, vice being called to task in the Congressional Record. I have enclosed a sample list of credit unions which have been insured and are of a similar size to the one mentioned in the Report.

I am in full agreement with you that some assistance should be given to those credit unions which have not yet received insurance and which may not be capable of reaching the standard within the year provided.

It has been my goal to operate within the boundaries of the law as established by Congress. If those boundaries can be expanded to lend assistance to credit unions which might otherwise not qualify for insurance, a great many people would be satisfactorily served.

Thanking you for your interest, I am,
Sincerely yours,
HERMAN NICKERSON, Jr.,
Administrator.

Mr. BENNETT. Mr. President, I had not intended to introduce a bill on this subject but had intended to wait for a bill from the House upon which the Senate could work its will. Unfortunately, the bill that was being considered by the House appears to be hopelessly bogged down in controversy and misunderstanding. The committee tried to have it considered under a suspension of the rules and the House turned down that request because of the controversial nature of the bill. Chairman Patman of the House Banking Committee at that time stated:

I hope you will support this bill. If you do not support this bill now, the Rules Committee has indicated that it will not give me a hearing on a rule for this. So that means in this session of Congress this bill will be dead. That will be a great disservice to a lot of people, and it is not necessary.

Indeed, Mr. President, it would be a great disservice to a lot of people if we do not provide an extension of time so that hundreds of credit unions will be able to obtain insurance of their shares and thus retain their Federal charters and continue to provide an opportunity for saving and a source of credit for their members. For this reason, I hope that the Senate will take action on this simple bill for an extension without delay.

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

S. 2680. A bill to designate certain lands in the State of California as wilderness. Referred to the Committee on Interior and Insular Affairs.

Mr. CRANSTON. Mr. President, I introduce for appropriate reference a bill to designate certain lands within the Mendocino National Forest in California as the Snow Mountain Wilderness Area. I am delighted to be joined by the distinguished junior Senator from California (Mr. TUNNEY) who is cosponsoring the bill. Located in the coastal mountain ranges of Mendocino County about 80 miles from San Francisco, Snow Mountain is the closest available wilderness north of the bay area.

Snow Mountain contains 37,000 acres with a wide variety of vegetation types, ranging from chaparral and brush to mixed conifers, red fir, white fir, and ponderosa pine. These provide a natural refuge for deer, squirrel, bobcat, golden eagles, and quail. Bear and mountain lions also have been sighted there. The rough country of Snow Mountain is an outstanding example of the primitive character of the coast ranges.

The Snow Mountain summit of 7,056 feet provides a good view of the upper Sacramento Valley. Because of the difficulty of access and limited recreation potential, opportunities for solitude at Snow Mountain are greater than in other areas.

However, unless this area is set aside as wilderness, it could be destroyed by erosion from road building and off-trail vehicular use and logging operations. The wilderness designation is the only certain method of assuring that the area will be managed to preserve its environmental values and its natural ecosystems.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

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

S. 2680

A bill to designate certain lands in the State of California as wilderness

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with subsection 3(b) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132(b)), certain lands in the Mendocino National Forest, California, which comprise approximately thirty-seven thousand acres as depicted on a map entitled "Snow Mountain Defacto Wilderness Area", dated June 1971 are hereby designated as wilderness and shall be known as the Snow Mountain Wilderness Area.

SEC. 2. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and a legal description of the wilderness area with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made.

SEC. 3. The wilderness area designated by this Act shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

By Mr. TALMADGE:

Senate Joint Resolution 165. Joint resolution proposing an amendment to the Constitution of the United States prohibiting involuntary busing of students. Referred to the Committee on the Judiciary.

Mr. TALMADGE. Mr. President, I rise to direct the attention of the Senate to an area in which I feel that certain institutions of American Government are failing the people they are supposed to serve. I want most of all to suggest what can be done about it. Many words have been written and many thoughts have been expressed concerning the basic purposes of those of us in the National Government. Generalizations are always dangerous. But to my mind, if we have one job up here, it is to provide leadership for the American people. With all due respect, I submit that we have failed to meet this responsibility in an area which is most important to most of our citizens—the education of the Nation's children.

American Government is complex. It has many facets. There are many mouths out of which Government can speak. This sometimes results in massive confusion. In some cases, the confusion can assume tragic proportions. Such is the state of affairs in American education in many parts of the country today. Public education and schools that once were a source of great pride for our Nation are now in such disarray that public confidence in them has been seriously eroded.

Forced busing has fallen on the Nation, primarily the South, like a plague. It has created educational and disciplinary chaos in schools. It has weakened the effectiveness of public education. Children are uprooted from their neighborhoods and denied the opportunity to attend schools nearest their homes and families. They are herded about like cattle over distances of 15–20 miles, and sometimes even longer.

Forced school busing has come about largely because of confusion and lack of direction in the Federal courts—from the Supreme Court on down. It has resulted from confusion and lack of direction in the administration—from the President on down. The situation has reached such supreme idiocy that children of tender years are being separated from their brothers and sisters and sent to schools many miles apart, having to board school buses before daylight, to return home only after dark.

All of this takes place under the guise of school desegregation, when in reality it is ordered primarily to satisfy the notion of some Federal court or public official that such action is required by the law and that it is in the best educational interests of children. They are wrong on both counts. There is no constitutional requirement of mathematically precise racial balance in public schools. Congress has enunciated this policy on many, many occasions. We have heard a great deal of controversy over courts ordering more busing than the law requires. I say the courts are ordering more busing than the law allows.

We are all interested in quality education. But I fail to see how the best interests of children are served by transporting them about on buses clear across school districts, to an unfamiliar and sometimes frightening environment. Forced busing cannot be in the best interests of black children. Forced busing cannot be in the best interests of white children. Forced busing is not in the best interest of any children.

I fear, Mr. President, that unless corrective action is forthcoming, we are well on our way to witnessing the destruction of neighborhood schools and public education as an institution of strength that has served our Nation long and well. I for one refuse to stand idly by and remain mute in the presence of this crisis. Busing has nothing whatsoever to do with the quality of educational services. Putting children on schoolbuses and transporting them to classes great distances away constitutes expense of the students' time and the taxpayers' money. It contributes naught to education, the fundamental reason why children are sent to school in the first place.

The people of America have worked long and very hard for quality education. It can be said without exaggeration that the schools we now have in our country have been bought and paid for by American taxpayers. Just as taxpayers have a vested interest in their schools, they also have a right to demand the very best in the education of their children. It is certainly understandable to me how anyone would rebel against anything that would compromise that right. They object, and rightfully so, when busing takes precedence over quality education—and when they are given absolutely no say-so in the matter.

I submit that neither white parents nor black parents can be expected to sit still while the education of their children is subjected to social experimentation. I know of no parents who want their child put in the middle of this gigantic political struggle, when its legality is extremely doubtful and when it runs counter to commonsense.

The forced busing policy has heretofore been reserved almost exclusively for the South. Now, other school districts in other parts of the country are also coming to grips with the problem of having their children taken away from their neighborhood schools and transported across town. Be that as it may, I feel that regardless of wherever forced busing takes place it is detrimental to education and contrary to the well-being of children.

It runs counter to the law as indicated by the Supreme Court of the United States and as pronounced on several occasions by the Congress. In 1954, in the Brown decision, the Supreme Court ruled that State action which resulted in racially segregated schools violated the Constitution and could no longer be tolerated. We now accept this as the law of the land, and do so without reservation. We are all familiar with that decision. Its message was essentially clear. Race cannot be a determining factor in the assignment of students to the public schools. That decision can be interpreted to mean that schools must be colorblind.

The Court seemed to be saying that there could no longer be black schools or white schools, that in the future there must just be schools, open to all regardless of race. The main thrust of the Brown decision, of course, was that State action to affirmatively enforce segregation in public schools according to race was unconstitutional. But, by no stretch of the imagination, can it be said that the Court ordered, or even contemplated, affirmative action by the government to require racial balance or racial quotas in the public schools.

I do not believe the courts contemplated the assignment of six children from the same family, three in junior high school and three in elementary, to five different schools as far as 5 miles away. Yet, that is what happened in LaGrange, Ga. I do not believe the Court contemplated having a mother drive her children to four different schools each day in order to contribute to a racial balance in those schools. Yet, that is what happened in Atlanta, Ga.

I do not believe the Court embraced the idea of putting children on a bus and transporting them to school through 20 miles of coastal marshland. Yet, that is what happened in Savannah, Ga. I do not believe the Court entertained the idea of some day seeing a school district crisscrossed by miles of bus routes to take children to school far away from their own neighborhoods. Yet, that is what we have in Mecklenburg County, N.C. One could go on and on and on, reciting case after case of what I call the idiocy of forced schoolbusing.

All this, of course, has come about many years subsequent to the Brown decision. At the time, the Court's message was clear to most Americans. State enforced segregation was illegal under the Constitution. In 1964, Congress enacted the Civil Rights Act. Many of us in the Senate were here then. We well remember the earnest deliberation that went into that legislation. During these debates Senators went to great pains to build a legislative history to clearly demonstrate what the law was intended to do and what it was not intended to do. Some of the most extensive of these dialogs concerned title IV of the act.

Section 401(b) reads as follows:

"Desegregation" means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance.

Section 407(a)(2) reads in part:

Nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance, or otherwise enlarge the existing power of the court to insure compliance with constitutional standards.

That seems to me to be clear enough to be understood by even the schoolchildren it so vitally affects. Even so, there were painstaking efforts in the Senate to underscore the fact that this legislation prohibited schoolchildren from being bused all about in order to overcome racial imbalance.

The distinguished Senator from Minnesota (Mr. HUMPHREY), then acting as floor manager of the bill, said very strongly that the bill was expressly amended to preclude any inference that the law conferred new authority to deal with "racial imbalance" in schools. Senator HUMPHREY said further that it should—

> Serve to soothe fears that title IV might be read to empower the Federal Government to order the busing of children around a city in order to achieve a certain racial balance or mix in schools.

In another exchange, Senator HUMPHREY was asked about school busing, and he replied:

> . . . While the Constitution prohibits segregation, it does not require integration. The busing of children to achieve racial balance would be an act to effect the integration of schools. In fact, if the bill were to compel it, it would be a violation, because it would be handling the matter on the basis of race and we would be transporting children because of race.

This principle has not only been written into the 1964 Civil Rights Act, it has been repeated again and again in appropriation bills in language which is identical or similar. For example, section 409 of the Education Appropriation Act for fiscal 1969 provides—

> No part of the funds contained in this act may be used to force busing of students, abolishment of any school, or to force any student attending any elementary or secondary school to attend a particular school against the choice of his or her parent or parents in order to overcome racial imbalance.

In light of these pronouncements by Congress, it is interesting indeed to compare actions of yesterday with the bleak reality of today. It still boggles the mind to try to understand how we have bridged this seemingly unbridgeable gap. It is difficult to say just when the waters first began to muddy. However, slowly and insidiously, a new concept crept into the picture.

A succession of officials in the Department of Health, Education, and Welfare, the Supreme Court, and various other Federal courts became midwives at the birth of an idea which now is tearing at the basic fabric of American public education. The idea, simply stated, is that the Federal Government, not the local school board, can dictate to parents what school their children must attend and from what school they can be barred.

It is no longer enough to say that all school doors must be kept open. Our children, now, are treated like sheep, herded in bewildered masses away from schools closest to their homes to strange classrooms far away. It is small wonder that the American people are bewildered and angry. No one can exactly pinpoint where this idea came from. Surely, there was no such command in the Brown decision. Surely, there was, in fact, a prohibition against it in the 1964 Civil Rights Act, and in subsequent education appropriation bills.

One of the most infuriating aspects of the busing policy is its vagueness. No one has ever demonstrated to me the source of authority for forced busing to overcome racial imbalance. No one has ever explained to me how we can have a statute which expressly forbids busing, and yet have a bureaucrat in the Department of Health, Education, and Welfare or some Federal court issue an order that causes exactly that.

We have had, however, a great deal of confusion and contradictory policies on school busing. For years now, we have had a vast array of officials at HEW trying to operate local schools from Washington. Pronouncements on just what the law required changed about as often as the steady stream of enforcement officers who came and went. There was no clear direction from the Cabinet level. There was no clear direction from the White House.

The Nixon record for clarity or direction has been no better. For example, the President denounced a busing desegregation plan for Austin, Tex., that had been prepared by his Department of Health, Education, and Welfare. He issued a statement instructing the Attorney General and the Secretary of HEW to work with individual school districts to hold busing to the "minimum required by law."

I hope the Attorney General knows what the President means by "minimum." I hope Secretary Richardson knows what the President means by "minimum." I wish they would all explain what extent of forced busing is "required by law" in order to overcome racial imbalance. It has been my understanding that Congress has repeatedly said that no busing was to be required or allowed just to achieve a mathematical racial balance. If we are going to render some order out of the present school chaos, I submit that the President will have to be more explicit.

While the Federal courts have had a prominent role in forcing school busing, they have not been as active in clearly defining the law and applying it on an equitable basis. Again, we have a situation where there are almost as many varying court orders on busing as there are district courts. For example, last year three Federal District Judges handed down three different rulings to three school systems in Virginia on the question of how much busing is proper in order to achieve school desegregation. Based on what I read in a Washington Post news story, it must be very rare indeed for three Federal judges to be so at odds with themselves, and with each other, on what they were doing, or what the law actually required them to do.

The Supreme Court did speak on the issue last spring in the Swann case involving forced busing in Mecklenburg County, N.C. But, even then, the Court seemed to be speaking out of both sides of its mouth. In Swann the Court frowned on busing where—

> The time or distance of travel is so great as to risk either the health of the children or significantly impinge upon the educational process.

Moreover, in referring to the district court ruling ordering extensive busing, Chief Justice Burger has this to say:

> If we were to read the holding of the District Court to require, as a matter of substantive Constitutional right, any particular degree of racial balance or mixing, that approach would be disapproved and we would be obliged to reverse.

Based on that statement, one would not expect to encounter any requirement in the district court opinion dealing with any particular degree of racial balance. Yet, in the district court opinion, this is what we find:

> Efforts should be made to reach a 71–29 ratio in the various schools so that there will be no basis for contending that one school is racially different from the others.

So, on the one hand, the Chief Justice says that requiring a particular degree of racial balance or mixing is unconstitucnal, and yet he approves a district court opinion that compels exactly that. What it boils down to is that the Chief Justice seems to be saying that the Court did not approve of busing to secure racial balance, and then proceeded to uphold a district court order that required, on actual application, the busing of children from one side of Charlotte to the other.

To carry this inconsistency one step further, the Supreme Court issued a ruling last April putting its stamp of approval on forced busing, and then Chief Justice Burger came along in September and declared that the Court really did not mean that at all. The Chief Justice said lower courts were misreading Swann if they were ordering busing because they thought the Supreme Court required racial balance in every school. I can certainly understand how lower courts might come to such a conclusion inasmuch as that is exactly what the Supreme Court said and did in Mecklenburg County.

The point I am trying to make in the Senate and to citizens all across America is that this issue, which is so vital to the interests of our children, and therefore to our country, has become so vague, so confused, and so uncertain, that I do not believe anyone in the Nation really knows where we stand. The doctrine of busing has gradually evolved through a bureaucratic maze of Health, Education, and Welfare, the uncertain language of Federal courts, and equivocation by the administration, but no one knows exactly when it is required, under what conditions, or how much of it, if any, is legal.

Mr. President, I think the time has come for the American people to be allowed to deal with this issue themselves. I do not see how we can fail to give the American people an opportunity to express their own will on a question that so vitally affects them, their children, and their children's education and well-being. I am proposing, therefore, a constitutional amendment which clearly states that it is not the proper role of the Federal Government to force the assignment of students to schools for the

purpose of securing a racial balance, and that the requirements of the Constitution are met when pupils are given complete freedom to attend any school they wish and when transportation is made available to those who desire and need it.

For many years now, the Federal Government has held this problem close to its collective bosom, and for many years, it has failed and failed miserably in arriving at a solution. My amendment will give the people of this land, through their elected State representatives, a chance to vote up or down on the question of busing. It is time for us to hand the pen of power back to the American people and let them write a little of their own history.

The ideal way to accomplish this would be through a national referendum. But there is no feasible way this can be accomplished. Therefore, I have chosen what I believe to be the only way to achieve this end. That is to propose an amendment against the proposition of forced busing.

My amendment reads as follows:

SECTION 1. The transportation of children to a region beyond that covered by the neighborhood school, unless such transportation is voluntary, is expressly prohibited.

I think it is safe to say that as soon as we submit this amendment to the American people, it will become the No. 1 item on the legislative agenda in each and every one of our States. I cannot conceive of the citizens of any State allowing their legislators to ignore an issue of such vital importance. Therefore, it is through this mechanism and this mechanism alone that we can hope to secure the effect of a national referendum on the question of busing.

Mr. President, I believe we should all be quite clear about what we are voting on here. Let no one blink at the implications of this action. It is true that the literal language of my amendment would forbid forced busing. But what we are voting on here is not busing alone.

We are voting whether or not to submit this controversial question to the people of this Nation. Neither the executive branch, nor the courts, nor the Congress, has been able to resolve this issue. All that has been done so far is to confuse it even more and consequently make it even more troublesome. I say let the people speak.

A vote for my amendment would be for a vote to submit this critical issue to the people for their determination.

A vote against the amendment will not be a vote for or against busing per se, but a vote to keep the question in the grasp of the Federal Government where it has resided with such tragic results for some 18 years.

The time is long overdue for the Congress to turn to the people it represents, to get an expression from them, and then to proceed firmly and with dispatch toward the resolution of a critical school situation.

We owe this much and more to the children of our Nation who have become pawns in a giant political game which seemingly is being played without rules.

I earnestly solicit all Senators to support my attempt to submit this issue to the American people for their resolution, so that we can finally turn our attention to mending our wounds, bringing our objectives more clearly into focus, and getting on with the business of building a stronger, more united, more prosperous United States.

I urge and implore every Member of the U.S. Senate not to stand in the way of the submission of this issue to the American people.

Mr. President, at a time when a pending constitutional amendment on the calendar is called up, I intend to propose this as an amendment thereto and I hope that the Senate will solve this issue once and for all.

Mr. President, I send the amendment to the desk for appropriate reference and ask that it be printed in the RECORD for the information of the Senate.

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

S.J. RES. 165

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"SECTION 1. The assignment or transportation of children to a region beyond that covered by the neighborhood school, unless such assignment or transportation is voluntary, is expressly prohibited."

By Mr. PERCY (for himself and Mr. STEVENS):

Senate Joint Resolution 166. Joint resolution recognizing the State of Illinois and the city of Chicago as hosts in 1992 of the official quincentennial celebration of the discovery of America. Referred to the Committee on the Judiciary.

Mr. PERCY. Mr. President, today, I am introducing on behalf of my distinguished colleague from illinois (Mr. STEVENSON) and myself a resolution recognizing the State of Illinois and the city of Chicago as the official hosts of the 1992 quincentennial celebration of the discovery of America. An identical resolution has recently been sponsored in the House by every Member of the Illinois delegation and just a few months ago the Illinois General Assembly approved a resolution in support of this designation.

Due to the early efforts in Congress of Senator Cullom of Illinois, our State was honored in 1893 to be the site of the first World's Fair celebration the 400th anniversary of Christopher Columbus' discovery of America. During the fair, known as the Columbian Exposition, more than 27 million U.S. citizens and foreign visitors came to Chicago to participate in a cultural and historical celebration of America's development which writers of the time called a delight and inspiration. The fair, which covered more than 550 acres, contained exhibitions from 46 nations and virtually every State participated. An article appearing in the November edition of the Scribner's magazine in 1892, indicated that—

None but the largest and noblest plans and the best ideas have been adopted from the beginning until now. Nothing is inadequate, nothing without great plan—and nothing falls short of the best that is thought and known in the world. There is no note of provincialism and of localism: all has been excluded but the evidence of unique public spirit, wonderful energy, and the better knowledge of the world.

Although the fair did contain elaborate exhibits from many foreign countries, the event was really considered a nation's fair. It was an expression of America's existence and many felt, because of the tremendous planning and financial sacrifice that went into the exhibition, it was a time when the Nation became conscious of itself.

Then, as now, visitors to Chicago find it a city that truly represents the accomplishments and hopes of America. Because of its central geographical location, Chicago would be equally accessible to citizens of both the East and West Coasts who will want to participate in the 500th anniversary celebration. In addition, the city's hotel and restaurant facilities can fully accommodate a major exposition. Having for many years been the location of numerous conventions, Chicago is served by one of the most advanced highway and railway systems anywhere in the country and its major airports service the metropolitan area with 25 airlines.

Our 500th anniversary celebration in 1992 will be an appropriate time in which to reflect on our country's accomplishments and on the direction we must take in the future to maintain our greatness. The celebration must reflect in as many ways as possible the real nature of American life, exhibiting our accomplishments in art and architecture, commerce, education, agriculture, horticulture, transportation, engineering, and Government. The exposition of 1893 was called the "greatest and most harmonious group effort thus far achieved in America; it was a fitting symbol of progress and achievement."

Mr. President, I believe that the quincentennial celebration in 1992 will again be an exposition of the grandest scale, and we, in Illinois, are again seeking the honor of hosting this exposition of of American tradition.

I call on the Congress to approve the resolution so that the lengthy period of designing and planning can begin.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 2547

At the request of Mr. MCGEE, the Senator from Delaware (Mr. BOGGS) was added as a cosponsor of S. 2547, for the protection of the bald and golden eagles.

S. 2617

At the request of Mr. DOMINICK, the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 2617, to further promote equal employment opportunities for American workers.

AIRPORT AND AIRWAY DEVELOPMENT AND REVENUE ACTS AMENDMENTS OF 1971—AMENDMENTS

AMENDMENTS NOS. 460 AND 461

(Ordered to be printed and to lie on the table.)

Mr. BURDICK submitted two amendments, intended to be proposed by him, to the bill (S. 1437) to amend the Airport and Airway Development and Revenue Acts of 1970 to further clarify the intent of Congress as to priorities for airway modernization and airport development, and for other purposes.

AMENDMENT NO. 462

(Ordered to be printed and to lie on the table.)

Mr. GRIFFIN (for Mr. BAKER) submitted an amendment, intended to be proposed by Mr. BAKER, to Senate bill 1437, supra.

SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION ACT—AMENDMENT

AMENDMENT NO. 463

(Ordered to be printed, and referred to the Committee on Government Operations.)

Mr. JAVITS submitted an amendment, intended to be proposed by him, to the bill (S. 2097) to establish a Special Action Office for Drug Abuse Prevention to concentrate the resources of the Nation in a crusade against drug abuse.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 347

At the request of Mr. GRIFFIN (on behalf of Mr. BAKER), the Senator from Maryland (Mr. MATHIAS), and the Senator from North Dakota (Mr. BURDICK) were added as cosponsors of amendment No. 347, to S. 1437, to amend the Airport and Airway Development and Revenue Acts of 1970 to further clarify the intent of Congress as to priorities for airway modernization and airport development, and for other purposes.

NOTICE OF HEARINGS ON NOMINATIONS

Mr. SPARKMAN. Mr. President, I wish to announce that the Committee on Banking, Housing and Urban Affairs will hold a hearing on the following nominations:

Samuel C. Jackson, of Kansas, to be a member of the board of directors of the Community Development Corporation.

Walter James Hodges, of Virginia, to be a member of the board of directors of the National Corporation for Housing Partnerships.

The hearing will be held on Wednesday, October 13, 1971, and will begin at 9:30 a.m., in room 5302, New Senate Office Building, Washington, D.C.

ADDITIONAL STATEMENTS

MODIFICATION OF FEDERAL LAWS GOVERNING WORKWEEK

Mr. MANSFIELD. Mr. President, in the past several years, there has been a growing interest in the modification of Federal laws governing the workweek. One of the most interesting proposals has been not a modification in the 40-hour workweek, but a modification of the standards. A proposal submitted by the junior Senator from Kentucky (Mr. COOK) would permit certain employees to work a 10-hour day in a 4-day week. Senator COOK discussed this in great detail before the Senate Subcommittee on Labor. This is a most interesting analysis. I believe that it contributes a great deal to a better understanding of these proposals, which will undoubtedly be before Congress in the near future.

Mr. President, I ask unanimous consent that the text of Senator COOK's testimony of September 27, 1971, be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows.

REMARKS BY SENATOR MARLOW W. COOK

Mr. Chairman, I very much appreciate the opportunity to testify today on S. 1861, the minimum wage bill: The bill introduced by the distinguished chairman of this subcommittee. Before commencing, however, I would like to take this opportunity to say that the distinguished Senator from New Jersey and my esteemed colleagues of this committee have done what I consider to be an outstanding job throughout the course of these hearings. Your accomplishments and able leadership have been truly commendable. I sincerely thank you for all your fine efforts in this crucial area of need.

As you well know, Mr. Chairman, on August 6, 1971, I introduced S. 2463, a bill to amend the Walsh-Healey Act and the contract work hours standards act to permit certain employees to work a 10 hour day in the case of a four day workweek. In the beginning of September, the Department of Labor held public hearings on just this issue. Mr. Chairman, I realize this subcommittee is working double time in order to complete its already burdensome schedule, but it would please me immensely if time could somehow be found to schedule separate hearings so that this important matter receives every consideration. I thank you for these brief comments.

At this time, I would like to address myself to the Williams bill, S. 1861: More specifically, to section 4(b) of the bill which states that "No employer shall employ any of his employees . . . for a work day longer than eight hours, unless such employee receives compensation for his employment in excess of such hours above specified at a rate not less than one and one-half times the regular rate at which he is employed." It is this provision with which I must take exception: Not because I feel the others contained in this bill to be unimportant, but for the very reason that I am more familiar with its intricacies and convinced that it is strangling much of our industry.

As I have previously stated, I have introduced S. 2463 which is the antithesis of sec. 4(b) of the minimum wage bill. In discussing this section of the minimum wage bill, I will allude to my bill S. 2463 being that it is my belief that what is applicable to S. 2463 is likewise germane to the way I believe sec. 4(b) of S. 1861 should be amended to read.

Mr. Chairman, the debilitating aspect of a mandatory 8 hour provision is that it is compulsory. The choice as to the most advantageous course to follow is all but eliminated. Rather than being able to manipulate each unique problem, A strict rule of action would be required by Federal legislation. This, in my mind, is commensurate with saying "sink or swim". I certainly don't think this was what Congress intended when it passed the FLSA in 1938, just as I am certain that Congress would want to afford management and labor every opportunity to utilize innovation to overcome their many unique problems. Adoption of provisions as contained in my bill would allow this to happen. It would remove the shackles constraining industry and thereby allow an industry to change its structure to best suit its needs. S. 1861, will annul this possibility.

It is no doubt common knowledge that for years, both management and labor have wrestled over the number of hours of servitude in any one day. As long ago as the 1890's, Samuel Gompers was the champion labor organizer. Through his efforts, the labor force transcended the 16-hour day and evolved to the at that time unpopular 8-hour day. Although unions negotiated hours of work per day, whether it be 8, 10, or 12, it was not until 1938 with the passage of the FLSA that 40 hours of work with time and one-half overtime was established as the maximum. That was thirty three years ago. Certainly, now is not the time to add an 8-hour provision.

Today, we are witnessing the birth of a neoteric era. It is characterized by a completely divergent focus on the traditional work week structure. In describing this phenomenon, some choose to call it "revolution", "deviation", or "therapy". I prefer the latter application. It is the hallmark of innovative challenge which is vital to cure our corporate ills. The 8 hour day, in many cases, no longer fits the role it was meant to play at its conception. It has been our touchstone for more than four decades and has been more than adequate for the needs of both management and labor in its time. Today, however, industry is faced with new challenges which call for comprehensive changes if the challenge is to be met. Many feel, as I do, that the 10 hour day, 4 day week with no overtime for the 9 & 10 hour is the only direction in which to turn. So long as Federal regulations are inhibiting this change, many of our corporate concerns are threatened with doom.

Mr. Chairman, within three years in excess of 650 firms have adopted the "4–40 plan, where previous to that time, few were aware of its advantages over the traditional 5 day week, 8 hour day. The idea *has* caught on & now the surge to adopt the restructured workweek is overwhelming. The literally hundreds of queries to management consulting services are indicative of this fact.

What does the seemingly widespread popularity of this innovative plan mean? It means that the arguments used to object to the proposed implementation of the 4 day week today, those same arguments used to object to the 5 day week in the 1930's, are nothing but inane quips with no gravity of support. The first known 5 day week appeared in the U.S. in 1908 and many had doubts about its feasibility: would it work? Is it too fatiguing? What happens to wages? Is an extra day off necessary? Today, we have the same doubts about the 4 day week—the same arguments are put forth opposing it—and they are just as senseless as ever before.

Mr. Chairman, the word is spreading rapidly about an exciting workday revolution. Of those companies implementing the 4–40 in one form or another, it has been shown in studies that they employ between 100–500 laborers. But this is not to negate the possibility of a larger company adopting a "4–40" plan. Greater in depth study is a requisite where larger companies are concerned, but it is entirely feasible for a company of several thousand employees, to implement a 10 hour day, 4 day week. Although many of our larger unions believe we are evolving to a 4 day, 32 hour week, I feel that the 4–40 plan offers greater possibilities.

Mr. Chairman, one is easily convinced of the attractiveness of the 4–40 plan and its numerous lucrative advantages upon reading reports of those companies that have adopted it. One company in particular has had tremendous success with the 4 day week.

Kyanize Paints, Inc., of Everett, Mass. adopted the 4–40 plan several years ago. The company reports that "production has gone up 7 percent in 26 months, sales are up 18 percent, absenteeism has practically disappeared and employee morale is sky high." The 90 Kyanize production workers put in 35 hours and 20 minutes from Monday through Thursday, but are paid for 40 hours. Reports such as the above are not the exception, but rather the general rule for the firms using the 4 days schedule. They disclose that the following result upon implementation of 4 days week:

1. An extra day off is a considerable boost to morale.

2. With the shorter workweek, absenteeism, and payroll for overtime are dramatically decreased.

3. Productivity is increased, in most cases, considerably.

4. Equipment can be used more efficiently with longer shifts and

5. The 4 day week means added time for hobbies, shopping, leisure and family activities.

Mr. Chairman, I will not elaborate any further on what others have found to be the advantage of the 4 day week over the 5 day week. I will say however, that the conversion rate from the 5 to the 4 day week is currently reported at 4 firms per day. I think this sufficiently illustrates the argument that the 4 day week is spreading.

Mr. Chairman, it is my belief, however, that it would spread at an even more accelerated pace if the government were not impeding its growth. One can not help but notice that adoption of provisions requiring time and one-half overtime compensation for hours worked in excess of 8 in one day would have significant adverse effects upon those firms weighing implementation of a 4 day, 40 hour work week. Not only is flexibility in scheduling to meet specific needs eliminated, but also, an 8 hour provision unnecessarily forces a firm to become noncompetitive.

To enumerate for a moment, take for example, employee X who works a 4 day, 40 hour schedule. He works 10 hours a day at straight pay. Let us also take, for example, employee Y who works a 4 day 40 hour week, but because of Federal regulations, he is paid straight pay for 8 hours and premium pay for the 9th and 10th hours. For the same amount of work, you can see that employee Y receives 11 hours of pay for 10 of work, while employee X receives 10 hours of pay for 10 hours of work. In the course of one week, employee Y receives 4 hours more pay. This amounts to 200 hours more pay in one year than employee X receives. When hundreds of workers are involved, how obvious it is that an undue hardship is worked on the employer. He can not realistically pay such wages. This is my reasoning for introducing S. 2463. The same reasoning would apply to and call for an elimination of Sec. 4(b).

Mr. Chairman, it is my sincere belief that businesses and industries, and their employees, who deem change to be propitious, should have the opportunity to rearrange their work week schedule and still remain competitive. Enactment of section 4(b) of S. 1861 will not allow for the emancipation that is essential to their operation. Passage of the 8 hour provision, in my opinion will have both a deleterious and ominous impact upon management and labor. It eliminates the possibility of the voluntarily negotiable 4–40 plan which clearly is lucrative in its very essence.

The importance of the 4–40 was noted by the honorable James D. Hodgson on May 26, 1971, when he testified before this very subcommittee. In speaking about the 8-hour requirement, the secretary of labor stated: "The 8 hour requirement apparently poses serious scheduling problems for firms desiring to work more than 8 hours a day as part of their 4-day workweek plan."

At that time Secretary Hodgson further stated: "In view of the growing interest in the 4 day workweek and the problems already being encountered with the 8 hour standards under the public contract laws, I believe that adoption of such a standard under the Fair Labor Standards Act, the Federal law with the greatest applicability to hours of work, would be inappropriate at this time." Now, the implication of this statement seems quite lucid. There is a growing desire and evolving impetus to adopt the restructured workweek. An 8 hour provision under FLSA would totally nullify this possibility.

An additional aspect in this tumultous time in our economy is that there is significant reason to believe that the 4–40 plan will help stave off the rising unemployment threatening our Nation today. Recently, the BLS reported that the percentage of the civilian unemployed labor force has climbed in August to 6.1 percent as opposed to the July figure which was reported to be 5.8 percent. These figures clearly expose the failure of already existing economic measures to arrest unemployment.

However, I have every indication to believe the 4–40 plan will reverse the spiraling climb of unemployment. This rearranged workweek will permit firms to operate profitably, thus enabling retention of workers. In cases where the margin of profit is considerable, the 4–40 will also foster the opening of new company branches, thereby spreading job opportunities. Clearly, then, what the economy needs at this time is the 4-day, 40 hour work week.

Those who are skeptical of the many advantages rendered by the 4–40 plan should be cognizant of the fact that the nation's 85 million plus labor force is already having a taste of the 3 day weekend, 4-day work week. Under the new Federal Monday holiday law, five of our ten national holidays fall on Monday. In effect, this means that laborers are already working a 4 day week 10% of the year. From every indication to date, this law seems to have been an auspicious change. Having been afforded a preview of favorable reactions to the 4 day week, I believe the time is ripe for Congress to take the initiative to allow the 4 day week 100 percent of the year. It just seems ludicrous for the Federal Government to mandatorily provide for the 4 day week in the instance of the holiday law, and to discourage it in another.

I don't pretend to be convinced, however and I hope others are not, that 4–40 legislation will be beneficial to all facets of industry. Certainly problems arise for companies utilizing three 8-hour shifts. Three 10 hour shifts, just don't work very well in a 24 hour day, and I recognize this. But, for companies that see changing the workweek as a feasible alternative to poverty, it is not within the authority of Congress to deny them that right. We, as elected officials, can not renege on our responsibilities to be responsive to the needs of our citizens.

Mr. Chairman, for years workers and management have been content to remain within the structured workweek scheduled. There has been little deviation from the norm and less willingness to experiment. Now, however, a crusade has come to the fore to allow an optimum of flexibility within the workweek. To provide this maximum of pliability, I believe the 4-day, 40 hour week is the most feasible alternative. I would hope that the time has come for people to candidly recognize the workweek as a variable rather than a fixed element. And that through conformation of work schedules, the wants and needs of management and labor will be reconciled.

In closing let me add that I am sincerely convinced that passage of permissive legislation, which would allow for (a great distinction from require) the possibility of a 4 day week is totally appropriate at this time. Enactment of an 8 hour per day provision would be an insurmountable obstacle. I therefore, think it desirable that this subcommittee candidly examine the many aspects of a 4 day, 40 hour work week.

PRESIDENT NIXON'S ADDRESS ON PHASE II

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the text of President Nixon's radio-television address to the Nation last night concerning phase II of his new economic program be printed in the RECORD.

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

THE CONTINUING FIGHT AGAINST INFLATION

(Remarks of the President on nationwide radio and television)

Good evening.

Seven weeks ago I announced a new economic policy to stop the rise in prices, to create new jobs, and to protect the American dollar.

Tonight I want to report to you about how that new policy has been working and to describe how that policy will be continued.

On the international front, I am glad to report substantial progress in our campaign to create a new monetary stability and to bring a new fairness to world trade. This Nation welcomes foreign competition, but we have a right to expect that our trading partners abroad will welcome American competition.

It is a healthy development that the world has come to understand that America believes in free trade as long as it is fair trade. This will mean more sales of American goods abroad, and more jobs for American workers at home.

Further on the job front, the House of Representatives just yesterday passed a tax program based on my recommendations that will create an additional half-million jobs in the coming year. I call upon the United States Senate, which has begun hearings on this bill today, to act as promptly as the House so that we can move forward to our goal of full employment in peacetime.

Secretary Connally and I will be meeting tomorrow morning at breakfast with Chairman Long of Louisiana, of the Senate Finance Committee, to work toward this goal.

On the inflation front, I can report to you tonight that the wage-price freeze has been remarkably successful. As you heard on your evening news, the figures bear out that statement. Wholesale prices in September posted the biggest decline in five years. And the price of industrial commodities has gone down for the first time in seven years.

The primary credit for the success of this first step in the fight against rising prices belongs to you; it belongs to the American people. It is you who have shown a willingness to cooperate in the campaign against inflation. It is you who have answered the call to put the public interest ahead of the special interest.

Thousands of letters have come to this desk since I made the announcement of the wage-price freeze seven weeks ago. Listen to what people all across America, from all walks of life, have written to me, the President, about this program.

Here is a letter from a school teacher in New Jersey:

"I am a widow raising two sons on my teacher's salary. I will lose about $300 because of that freeze, yet I sincerely feel that we must all support your efforts to bring the economy into balance."

Here is a letter from a wage earner in Wantagh, New York:

"As one who was expecting an increase in income in December, let me say that I will gladly go without it if that will curtail inflation."

The wife of a Government employee in Pampa, Texas, writes:

"We are willing, as a family, to forego our pay raises in order to see stability in prices. Let us all hope that Americans will once again realize that we must be willing to sacrifice for a long-term goal, and once again have pride in our country."

Then from a man in Klamath Falls, Oregon:

"Your Administration's recent freeze on wages and prices means that I will not receive the four percen raise that was written into my contract this year. Nevertheless, I support your efforts to halt inflation, including the wage freeze. The fight against inflation is everybody's fight."

I want to express my appreciation to the thousands of others who have written me letters like that. I want you to know how much it has meant to me to hear that most Americans will put their country's interests above their personal interest in fighting this battle.

Now, let's look at the future. Because of our strong beginning, because of the determination Americans have shown to pull together during the freeze, I am confident that our further action in stopping inflation will suceed as well.

Over the past seven weeks, I have consulted with scores of representatives of labor, business, farmers, consumers, of the Congress and State and local government. They have been virtually unanimous in their belief that the battle against inflation must be fought here and now. They are together in their determination to win that battle.

And consequently, I am announcing tonight that when the 90-day freeze is over on November 30, we shall continue our program of wage and price restraint.

We began this battle against inflation for the purpose of winning and we are going to stay in it until we do win it.

I am appointing a Price Commission to hold down prices. It will be made up of persons outside of government—all public members, not beholden to any special interest group. The Price Commission will develop yardsticks and be empowered to restrain price and rent increases to the necessary minimum and to prevent windfall profits. Its goals will be to continue to drive down the rate of inflation.

This goal, however, can only be achieved with the active cooperation of workingmen and businessmen, farmers and consumers, members of the Congress, of our State and local governments. That means all of us.

I am also appointing a Pay Board to stop inflationary wage and salary increases—the kind of increases that do not really benefit the workingman. For example, in the past six years workers have received big wage increases, but every wife of a worker who has to do the family shopping will tell you that those increases have practically all been eaten up by rises in the cost of living.

The Pay Board will be made up of representatives of labor, management and the public. Both the Price Commission and the Pay Board will seek voluntary cooperation from business and labor, but they will be backed by the authority of law to make their decisions stick. Their staffs will be small. Stabilization must be made to work not by an army of bureaucrats, but by an all-voluntary army of patriotic citizens in every walk of life.

The Cost of Living Council, which is headed by the Secretary of the Treasury, will have the power to back up the Pay Board and the Price Commission with government sanctions where necessary.

I have today named Donald Rumsfeld as a member of that Council and he will spend full time as the Director of Operations for the Council.

Secretary Connally, the Chairman of the Council, will be on television tomorrow at one o'clock to answer technical questions with regard to the continuing program. Our experience over the past seven weeks proves conclusively that the vast majority of Americans will cooperate wholeheartedly with the system of voluntary restraint, but if there are some who try to take advantage of the patriotic cooperation of their fellow Americans, I can assure you that the Government must be and will be prepared to act against them. For that reason, in a meeting with the Bipartisan Legislative Leaders today in the Cabinet Room, I have asked the Congress to extend for one year the Economic Stabilization Act which gives the President the power he needs to stop inflation.

Holding the line against inflation means holding all of that line. Consequently, I am appointing a Government Committee on Interest and Dividends to apply a yardstick to both of those areas. That committee will be headed by Dr. Arthur Burns, Chairman of the Board of Governors of the Federal Reserve System.

The Nation needs interest rates as low as they can be to meet the credit requirements of the American families on equitable terms and to stimulate non-inflationary economic expansion. I am confident that this can be accomplished on a voluntary basis. As a safeguard, however, as I informed the bipartisan leaders today, I will ask the Congress for standby controls over interest rates and dividends.

Let me turn now to the subject of profits. Many of my good friends in the field of politics have advised me that the only politically popular position to take is to be against profits. But let us recognize an unassailable fact of economic life: All Americans will benefit from more profits. More profits fuel the expansion that generates more jobs. More profits mean more investments, which will make our goods more competitive in America and in the world. And more profits mean there will be more tax revenues to pay for the programs that help people in need.

That is why higher profits in the American economy would be good for every person in America.

"Windfall" profits, however, as I will describe them, are quite another thing. When wages and other costs are held down by the Government, even though prices are also held down, circumstances could arise in some cases that might generate exorbitant profits; in other words, where someone will profit from the wage-price stabilization program.

In the few cases where this happens, rather than tax such excess profits, the Price Commission's policy will be that business should pass along a fair share of its cost savings to the consumer by cutting prices.

We have lived too long in this country with an inflation psychology. Everybody just assumes that the only direction of prices is to go up. The time has come for some price reduction psychology. Let's see some prices go down. This is not only in the public interest; it makes good, competitive business sense.

Summing up these actions to stop the rise in the cost of living, here is what we will do and what we will not do:

We will permit some adjustments of prices and wages, adjustments that fairness and equity demand; but we will not permit inflation to flare up again.

We will concentrate on those major portions of the economy that are the primary causes of inflation; but we will not hesitate to take action against any part of the economy that fails to comply.

We will continue wage and price restraints until inflationary pressures are brought under control, but we are not going to make controls a permanent feature of American life. When controls are no longer needed we will get rid of them. We will rely primarily on the good faith and voluntary cooperation of the American people to make this program work, but we will not let any selfish interest escape the fair enforcement of the law.

I call upon all of you tonight to look at this program, not as Democrats, Republicans, workers or businessmen, farmers or consumers, but as Americans. Let us recognize this profound truth: What is best for all of us is best for each one of us. We cannot afford a business-as-usual attitude anywhere, because fighting inflation is everybody's business.

Let us look for a moment to the future. Some of you have heard me say that 1972 will be a very good year for the American economy. I will broaden that estimate tonight. The coming year can be more than a very good year for the American economy. It can be a great year for America and the world.

It can be a year, for the first time in 15 years, in which we can achieve our goal of prosperity in a time of peace. It can be a year in which great progress can be made toward our goal of full employment without the inflation that robs working people of the full value of the dollars they earn. It can be a year in which the American competitive spirit is reborn as we open up new markets for our goods abroad and new careers and job opportunities for our workingmen at home. It can be a year in which we, and our international trading partners build upon the most significant initiative in monetary affairs in 25 years; a year in which we replace the crisis-prone system of the past with a new system attuned to the future.

It can be a year in which historic events will take place on the international scene, events that could affect the peace of the world in the next generation or even in the next century.

We often hear people say, "These are troubled times." I say these are great and exciting times. We are at the threshold of a great new era—an age of movement and challenge and change. We have an unparalleled opportunity to create a better world for ourselves and for our children.

Let us dedicate ourselves tonight to make the most of that opportunity—to join in a great common effort to stop inflation—and to create a new prosperity in a world of peace.

Thank you and good night.

SENATOR ALLEN J. ELLENDER

Mr. HUGHES. Mr. President, it is difficult to add, without repetition, to the warm tributes that have been paid to Senator ELLENDER on his 81st birthday by colleagues who have known him far longer than I.

As a first-term Senator, I have personally found the Senator from Louisiana to be uniformly fair and considerate whether our positions were opposed or in concurrence.

I have also had some special insights into his interests that will perhaps add to what has been so eloquently said. For one, I have been impressed by his keen and active interest in the problems of chemical addiction—alcoholism and drug abuse—that pose so great a crisis for our Nation at this time.

I have also become aware of his compassionate interest in America's youth at a time when our young people can use able and understanding advocates. It seems to me that these human interests particularly grace a man who is observing his 81st birthday and receiving recognition for decades of public service.

DISTINGUISHED RECORD OF SERVICE OF ATTORNEY GENERAL MITCHELL

Mr. ALLOTT. Mr. President, quietly and without great fanfare, his many successes being greeted by the appreciation of the many and the carping of the few, Attorney General John Mitchell has compiled a distinguished record of service to this Nation.

I was delighted to see that the October 1 issue of Forbes magazine contains a spirited and accurate editorial saying just that. The editorial was written by editor in chief Malcolm S. Forbes. It says:

In summary, John Mitchell as Attorney General has been the most effective gangbuster, crime-coper and menacer to the drug menace who ever held the Attorney General's office.

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

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

THAT'S ALWAYS THE WAY IT IS FOR JOHN MITCHELL

Take the publishing of that top secret report of our involvement in Vietnam, revealing an incredible distrust and misleading of the American people and their Congress on a scale and with a cynicism that few would have dreamed possible by a U.S. government. Who gets nearly as much blame as the perpetrators? Attorney General Mitchell, of course—because as the Constitutionally-charged chief law enforcement officer of the United States, he is the one who must go to court to try to halt publication of top secret documents.

Never mind that Mr. Mitchell told newsmen: "I hope a way will be found to let the American public know what is in those documents. I think it is absolutely essential that they have such knowledge and have it at the appropriate time and in the appropriate circumstances." That was a footnote at the bottom of one story, while front page, day after day, were the Attorney General's court actions.

If Mr. Mitchell is making a major speech outlining progress of his department's massive and quite successful efforts to cope with the spreading hard-dope menace, his wife's hairdo or what she said before she hung up on the telephone to some newsman gets all the play that day.

In Civil Rights, it's not what his department has done by way of enforcement that counts, but its hesitancy in pioneering in new areas where it hasn't been specifically charged with responsibility.

If it's antitrust, the one that might have gotten away understandably gets infinitely more attention than the increased number of prosecutions and the sizable diminution in numbers of corporate combinations.

There's a wee touch of irony in the fact that during the successful Nixon Presidential campaign, which John Mitchell managed, the growth of crime in all areas and particularly in the streets of urban America was a burning election issue; it currently isn't such a hot issue because the Attorney General has done much to lessen the problem and thus has lost the issue.

It's likely that soon Mr. Mitchell will be leaving the Cabinet to head once more the President's campaign for the Presidency. Before he bows out as Attorney General and again brings his quiet, two-fisted perceptions back to the political wars, I think it's high time more people were aware of the very considerable and quite extraordinary accomplishments of the man in the tough job he has held for almost three years.

The Department of Justice's "war on crime" has shown some very real successes: During the period 1968–70 approximately half of the top bosses of the nation's two dozen organized crime syndicates were indicated or convicted. Some 27 pieces of legislation, developed by Justice to aid it in its crime fight, have been passed by Congress. The number of U.S. marshals and assistant U.S. attorneys has been substantially increased, as have grants to local law enforcement agencies. The efforts have begun to pay off. In 1970 the crime rate dropped in 22 cities of more than 100,000 population. An even more encouraging sign was the fact that in the first three months of 1971, 60 major cities reported an actual decrease in crime.

Recognizing that rehabilitation could be one of the keys to stemming the crime wave, a ten-year program has been developed to modernize the Federal prison system, with greater emphasis on correction therapy and job training.

The department has shouldered the major share of the Nixon Administration's all-out campaign on the narcotics problem. The amount of heroin and cocaine removed from the domestic market more than doubled from 1969 to 1970, tripled in the case of marijuana.

Civil Rights: Due largely to Justice Department action, the percentage of black children in the 11 southern states attending desegregated school systems increased from less than 6% in the fall of 1969 to 92% in the fall of 1970. Action in fair employment and public accommodation cases has been stepped up.

Protection of Environment: Justice has greatly increased legal action against polluters. Cases under the Refuse Act quadrupled in 1970 compared with the preceding two years; a landmark ruling against thermal pollution was won; and a consent degree with the Big Four auto manufacturers was signed, which should speed up the development of an auto smog device.

Firm action has helped create a climate in which conglomerate mergers have markedly decreased; 112 antitrust cases were filed in 1969–70.

In summary, John Mitchell as Attorney General has been the most effective gangbuster, crime-coper and menacer to the drug menace who ever held the Attorney General's office.

No one seems to think or talk about that, though.

Additionally, he did manage the successful Nixon campaign, though no one ever seems to give him credit for being one of the more astute minds in the political arena.

Probably no one in such a continuous limelight has been given more blame for things beyond his power and less kudos for accomplishments within his power.

I don't think the man really minds that very much—so long as he can get his next big job done—President Nixon reelected.

FOUR-DAY, 40-HOUR WORKWEEK

Mr. COOK. Mr. President, as a result of several requests to alleviate a great injustice that has been threatening companies with Federal contracts, I introduced S. 2463 on August 6, 1971. The bill will permit companies with Federal contracts in excess of $10,000 to rearrange the hours their employees work so that their own needs may be best suited.

Initially, many had doubts as to the feasibility of a 4-day 40-hour workweek plan, but recently the skepticism has been waning. This is so because the innovative 4-40 plan has been proven to offer lucrative advantages over the traditional 5-day workweek. An example is seen in the city of Glasgow, Ky., a community of 12,000 people located in the beautiful rolling hills of Barren County. The city, at present, is protected by a 16-man police force which has adopted a "4–40" plan for a 30-day trial period.

Since implementation of the "4–40", Police Chief Robert Benningfield notes advantages over the old 5-day week that are threefold:

More policemen now are on duty during peak trouble time—late at night and on weekends.

A time consuming shift change—during which burglars used to strike—has been eliminated, and

Police morale has been boosted.

Of the 4–40 plan, Chief Benningfield stated:

I don't see any bugs in it at all. . . .

I ask unanimous consent that an article which appeared in the Louisville Courier Journal and Times on September 5, 1971 be printed in the RECORD. It is entitled "Happy Shift: Glasgow Police Like 4-Day Week" and presents a forceful argument which I feel others should have the opportunity to read.

Also, Mr. President, no doubt many have questions in their minds, wondering whether there is really a need for a comprehensive restructuring of the traditional workweek. At this time I ask unanimous consent that a letter from Mr. R. C. Schultz, vice president of the Avco Corp., in Cincinnati, Ohio, be printed in the RECORD, so that, hopefully, it will go a long way in erasing much of the present-day skepticism of the doubters.

Mr. Schultz writes of the "4–40" plan:

I would like very much to institute such a work week schedule on an experimental basis, but since our work is essentially all under contract with various agencies of the government, the 1936 Walsh-Healey Public Contract Act precludes any possible attempt on our part because we would be required to pay overtime for all hours worked beyond the prescribed 8 hour day.

Mr. Schultz' letter is a reflection of sincere concern over the restrictive Walsh-Healey provisions and evidence that there is truly a need to change the old order. He feels, as do I, that the time is ripe for legislation allowing for the possibility of a rearranged workweek, which may very likely be "the one salvation to industry in order to cope with the current economic dilemma."

I wish to make one additional statement. I have been informed by extremely reliable sources of a rumor being spread in one of our Federal departments which say that I have withdrawn my bill, S. 2463, from the Legislative Calendar for unknown and mysterious reasons. I wish to state unequivocally that I have never been more serious about a particular piece of legislation, and I will do everything in my power to influence its adoption by this body. It distresses me very much to see this sort of thing happen, and I mention it at this time so that the RECORD will clearly show my uncommon interest in this matter.

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

HAPPY SHIFT: GLASGOW POLICE LIKE 4-DAY WEEK

(By Larry Wilkerson)

GLASGOW, KY.—At a time when police executives are complaining that their departments are understaffed and their men overworked, a four-day workweek has been put into effect for Glasgow policemen.

The new schedule has made the policemen happy without increasing salaries and has improved police protection without enlarging the force, according to Police Chief Robert Benningfield.

The plan, Benningfield explained, is based on the simple premise that merchants and townspeople seldom have as great a need for police protection during weekday business hours as they do late at night and on weekends. That's when most crimes—especially break-ins—are committed.

"I don't see any bugs in it at all, at this point," Benningfield said of the new schedule, which began a 3-day trial period Wednesday.

Though the 16 policemen affected by the new schedule are working only four days a week, they are on duty as many hours as they were before the schedule went into effect. Their workdays are now 10 hours long. Before, most of them had standard, eight-hour-a-day, five-day-a-week jobs, as the rest of the department's 23-man force still has. The other seven members of the force include executive officers, administrative aides and radio operators.

Under the new schedule, this South Central Kentucky city of about 12,000 people is patrolled during the relatively trouble-free daylight hours on weekdays by a skeleton force of four—two officers of rank, one patrolman and a meter maid who work from 6 a.m. until 4 p.m.

At 4 p.m., a second shift of three policemen goes on duty to work until 2 o'clock the next morning. Meanwhile, a third shift of three more policemen begins a 10-hour shift at 8 p.m., putting a doubled force of six policemen on duty between 8 p.m. and 2 a.m. as the shifts overlap.

Before the four-day week was implemented, Benningfield said, a maximum of three policemen were on duty during the late night hours.

Maj. Jimmy Smith, who is in charge of the new scheduling arrangement, said only one policeman is unhappy with the plan.

"They like having three days off," Smith said, adding that the policemen's "off" days usually come in the middle of the week.

The shortened week's advantages, Benningfield said, are three fold:

More policemen now are on duty during "peak trouble time"—late at night and on weekends.

A time-consuming shift change—during which, according to Benningfield, burglars used to strike—has been eliminated.

Police morale has been boosted.

AVCO CORP.,
CINCINNATI, OHIO, *September 17, 1971.*

Hon. MARLOW COOK,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR COOK: We wish to convey our deep and sincere appreciation to you for having coordinated and introduced a Bill to allow labor-management agreements on a 10-hour day, 4-day work week. This initiative led to the recently concluded Department of Labor hearings; I have been briefed on this activity.

My enthusiasm for such a work schedule is retroactive to that time when the press first reported its implementation by a small company on an experimental basis. Since that time, as you know, more than 350 small firms in the United States are currently utilizing the 10-hour day, 4-day work week. This reflects the success experienced by those several companies that first instituted the plan.

We are quick to recognize that most of the companies following this schedule have fewer than 100 employees and that the total work force involved in all of the companies may be less than 10,000 employees. However, we view these early statistics as fundamental to a most desirable change to our normal work habits, in order to permit more continuous hours for relaxation.

Let us hasten to point out that industry could not subscribe to such a plan for the sole purpose of relaxation for its employees if there were not other benefits known to be derived from an economics viewpoint.

Since nothing is ever static in nature, there is always an imbalance between cost and price, particularly when the economy has experienced and is certain to continue to experience, highly inflationary conditions. In order to cope with this situation, industry must look toward improved productivity by its employees during the working day. In this connection, we call your attention to the fact that the introduction of sophisticated, automated machinery and other labor saving devices has reached that state-of-the-art where we no longer can look to major increased productivity per se through the improved production machinery route.

Thus, we conclude that productivity by the employee is the one salvation to industry in order to cope with this economic dilemma. Companies which have instituted the 10-hour day, 4-day work week report a most encouraging improvement in productivity, and there are a good many valid reasons which explain this result.

I would like very much to institute such a work week schedule on an experimental basis, but since our work is essentially all under contracts with various Agencies of the Government, the 1936 Walsh-Healy Public Contract Act precludes any possible attempt on our part because we would be required to pay overtime for all hours worked beyond the prescribed 8-hour day. Incidentally, Avco Field Engineering is a non-union operation, and it would be easy, indeed, to try the schedule except for current Government restraints.

It is in this vein that I write to record our interest and restrictions in the new plan, as well as compliment and praise you for taking the initial formal action looking toward a new era that is certain to materialize in due time. I sincerely trust the Government will find some way that will permit organizations like ours, under contract with the Government and non-union in nature, to introduce the new work week on a trial basis soon.

Sincerely yours,

R. C. SCHULZ.

THE URBAN WEB HYPOTHESIS

Mr. HUMPHREY. Mr. President, Thomas Frank Barton, of the University of Indiana, published in the magazine Interplay an intriguing article on land usage in our metropolitan areas.

Barton points to the importance of land design that emphasizes the basic principles of transportation and the circulation of people in cities. He asks: How can one change the design of cities so that neighborhood people can walk and bicycle to work and shop, and then again use mass transit for intercommunity travel? Transportation and land planning systems, writes Barton, must consider the needs of people, the regional shopping and service areas, the downtown, the suburbs, the business community and intercity needs if the system is to be a viable population serving mechanism.

He correctly notes that—

In many American cities, too much industry is concentrated near the business industrial core of the city or has migrated to the peripheral or suburban locations.

The problems of this concentration for traffic congestion, for job development, for commercial vitality are self-evident and require little explanation.

To change this picture, he advocates the adoption of the "web pattern" of development—corridors of high accessibility and land zoned for industrial development associated with the corridors. Such web patterns could possibly reduce uncontrolled sprawl, decrease ribbon-type land usage, and curtail uneven commercial-residential-industrial development.

Mr. President, I ask unanimous consent that Dr. Barton's article be printed in the RECORD.

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

THE URBAN WEB HYPOTHESIS

(By Thomas Frank Barton)

Vacant land is rapidly disappearing. Cities are choking on their own traffic which has already resulted in increased costs because of inefficient management and these traffic difficulties may grow and bring economic strangulation. The relative amount of urban land needed for various types of transport is increasing. The rate of increase in automobiles on the roads is higher than the country's annual birth rate. Slum and substandard residential areas are growing larger both in area and in population. The proportional number of relatively old housing units is increasing. The average amount of time and cost of journey to work and shop trips is increasing. Generally speaking, the cost of one mile of urban freeway ($100 million) is about equal to about four miles of subway. A subway handles over 15 times more people per lane than an urban freeway lane. In the last four decades the American population has doubled, yet there is less transit riding today than in a single year of the first decade of the 20th century (in 1907). Privately-owned public mass transit lines are in financial trouble.

Net land-use densities are declining for population and manufacturing employment. Industry is moving out of the city into the suburbs. Real-estate developers are scattering subdivisions and shopping centers in buckshot patterns over the countryside. Transportation corridors and associated business and industry are slicing through residential areas, producing corridors which separate residential islands of unviable size. Tax bases are stagnating or relatively declining, while public services multiply and their costs soar.

Is it any wonder, then, that many urban leaders and officials are discouraged and turn to state and federal governments for various types of help such as crime control, planning, pollution control, water supply, sewage disposal and almost every type of public service? In a study entitled *Recent Land-Use Trends in Forty-Eight Large American Cities*, one of three major conclusions is, "unless large amounts of vacant land exists inside the city boundaries, the average large city appears to have nearly reached its upper limits of population and employment in commerce and manufacturing." The study expresses one *caveat*—the density data in the study are averages. "Consequently, individual cities with special characteristics such as New York, Washington, D.C. and important regional centers will not necessarily follow all the trends suggested." But regardless of research, it appears obvious that in spite of a so-called

affluent society there will continue to be a "deprovement" in American urban life for years to come.

Although American cities may be plagued with more ills than Job ever dreamed about, is there any light at the end of the tunnel? There could be rays of hope, however dim, if Americans would think seriously about urban fundamentals and then face up to the realities. A city is a collection of people, housing units, places of employment, services, education and amusement, concentrated into a relatively small area of space and all made possible by a system of circulation—circulation of people, their ideas, life's necessities and wastes, of raw materials and manufactures, and other goods.

Americans must consider the basic principles of both transportation and the circulation of people in cities. Circulation by people living in relatively compact areas called neighborhoods should rely on walking and bicycling. Metropolitan mass transit systems offer the only practical and economical solution to linking a city's communities, consisting of some three to five neighborhoods, to the city's (1) regional shopping and service centers, (2) downtown, (3) suburbs, and (4) neighboring cities. These transportation generalizations are recognized by many authorities in the Department of Transportation, Brookings Institute, Department of Housing and Urban Development, private planning agencies, city and university planning departments, but people mobilize the automobile and patronize the airway lines, thus tying cities and metropolitan areas into transportational knots.

How can one change the design of cities so that neighborhood people can again walk and bicycle to work and shop, and then again use mass transit for inter-community travel? A new urban physical structure consisting of a web of business-industrial-circulation corridors with viable residential communities in the meshes appears to be a potential solution.

THE WEB HYPOTHESIS

During the 20th century, American urban specialists have been using as concepts two hypotheses or models which appeared in the 1930s, Harris and Ullman's multiple nuclei and Proudfoot's concept of city retail structure. Briefly, the multiple-nuclei concept emphasizes that the land-use pattern of American cities no longer develops only around the central business districts or downtowns, but in most large cities also around several discrete nuclei. The term nucleus refers to any attracting element around which there develops growth of other land uses, such as residential, recreation, commercial service and industrial. This type of development results in regional business-industrial centers in addition to the original downtowns.

In the concept of retail structure, the central business district is the capstone in a hierarchy of retail development, but Proudfoot recognized the influence of gasoline motor transportation and the development of primary business thoroughfares and neighborhood business streets. These two types of linear development are sometimes referred to by others as ribbon, strip, or shoestring.

By the end of World War II it became obvious that the primary business thoroughfares and neighborhood business streets had grown wider and longer, and in many cases had joined the multiple nuclei to form a gigantic web of business-industrial-circulation corridors with residential areas in the meshes of the web. Many of these corridors had grown so wide—with six, eight and 12 lanes of limited-access traffic—and carried such heavy flows of traffic day and night that many residential areas had actually become residential islands. In addition to the surface motor vehicle transportation lanes, the corridors are often occupied by railroad lines, elevated motor-vehicle lanes, elevated rail lines, subways and sometimes waterways. Moreover, beneath some of the corridors are the primary lines of the distributing and collection systems of water, sewage, natural gas, storm water, electricity (buried lines) and other services. The width of these corridors grew and continue to grow as both industry and business took advantage of these corridors by occupying linear frontages on the corridors or on choice sites only a few blocks back from the transportation arteries.

Municipal zoning originated in France and was introduced in the United States in 1916 by New York City, primarily to protect the better-class residential areas from industrial encroachment. In spite of widespread adoption of zoning, a half-century later nearly all the residential areas in cities with a population of over half-a-million have been or are being enclosed by business-industrial-circulation corridors of various widths (Fig. 1). In some cities the web of corridors developed in spite of the zoning which attempted to stifle its growth. In other cities the type of planning and zoning of land use permitted, if not encouraged, the web pattern of growth. Yet nearly all city planning agencies are opposed to ribbon development of retail establishments and services. On almost any land-use map of a city with a population of over half-a-million showing the present use of land by business (retail and services) and industry, the pattern of the web is obvious. There are exceptions where a web pattern failed to develop, apparently due to rough topography, such as the business-industrial land-use maps of Pittsburgh, Pennsylvania or Knoxville, Tennessee. But most of the large cities in the United States are built on coastal, river and/or lake plains. It is interesting to compare two land-use maps of the same city, one showing the present location of business and industry, the other showing the land zoned for business and industry.

THE ZONED WEB?

Should this web of corridor development be broken up and eliminated, or managed constructively and its development promoted?

Rather than permit a web of business-industrial-circulation corridors to develop haphazardly or in a piecemeal fashion, American city planners might consider an appropriate design and zone a web of these corridors. The Department of Development and Planning in Chicago has zoned a web pattern of corridors of high accessibility (Figs. 2 and 3) and has zoned corridors of land for industrial development associated within and adjacent to these corridors (Fig. 2). Moreover, these corridors are now and will be further developed as primary transportation arterials. Although this Chicago plan does not exactly fit the web model presented here, it is a move in the right direction and more nearly approximates the model than any I know.

Planning departments in large American cities might well consider the following seven primary advantages in planning for and zoning business-industrial-circulation corridors and residential islands of viable size:

1. Aid industry by (a) providing for wider and more even distribution of business and industry throughout the urban area and thereby help relatively to relieve congestion in the downtown; (b) permitting concentration, yet dispersal, of industry; (c) increasing the opportunity for the number of, and greatly increasing the foot-frontage for, strategic industrial sites fronting on (or near) major transportation lines and primary utility lines; and (d) making possible more efficient location of industrial districts;

2. Provide for nodal business development;

3. Permit better location of trucking terminals and warehouses;

4. Make possible better siting of high-rise apartments;

5. Enable utilities to provide more efficient economical service;

6. Help concentrate populations and travel destinations, thereby supporting existing or potential mass transit; and

7. Protect and help make more viable and livable neighborhood and community residential areas.

In many American cities today too much industry is concentrated near the business-industrial core of the city or has migrated to peripheral and/or suburban locations. If too high a fraction of the city's employment opportunities is concentrated in the downtown, traffic congestions at morning rush hours will be caused primarily by too many people converging on a relatively smaller and smaller area. In contrast, if relatively too many businesses and industries are located on the periphery of a large city, the lower income group of employees finds it difficult or expensive to journey to work. Moreover, the central city is hard-pressed to maintain a sufficiently high tax base to support city services. The zoning of a web of business-industrial-circulation corridors encourages the city-wide distribution of business and industry instead of having these concentrated in large islands.

The web pattern with its corridors would provide an alternate choice to the management of new or expanding business and industries that do not wish to choose between staying in the downtown area or locating on the edge of the city. The web pattern of corridors provides a large number of locational opportunities between the center of the city and its edges, and in relation to other major considerations such as an airport or a university.

When business and industry are widely dispersed over the city in corridors, there is greater opportunity for more people to live in the residential meshes of the web and be closer to their place of employment.

A web pattern of business-industrial-circulation corridors vastly increases strategic linear industrial sites. Efficient, quick, low-cost transportation is vital to most businesses and industries. The amount of land adjacent to nodal areas, produced by the junctions and crossings of several types of transportation, such as highways, railways, waterways and airways, is limited. However, in business-industrial corridors where railroad lines, limited access expressways and subways are built roughly parallel to each other for miles and miles, the land fronting on these lines (or located within a block or two) is increased enormously. At the present time, in many cities, railroad lines and limited-access expressways parallel each other, and extend for long distances through residential areas where their presence is considered a nuisance, if not an economic and social liability. With the development of corridors: (1) transportation line right-of-ways are restricted to compact areas; (2) the transportation facilities can be coordinated to give more efficient service; (3) frontage sites for industry, and to a lesser extent for business, are increased by linear development; and (4) single-dwelling residential areas may be better shielded with parkways, high-rise apartments and semi-public buildings. In this manner residential land adjacent to but not fronting on transportation lines has its value increased rather than decreased.

The zoning of business-industrial corridors and providing adequate transportation and utility facilities reduces the competition, pressure and scramble for industrial sites, and encourages the sorting of industries into roughly homogeneous groups.

NEIGHBORHOODS AND COMMUNITIES

Although nearly all large cities with populations of about 250,000 or more have extensive commercial strips or ribbon developments occupying net patterns, most of the city-planning departments are attempting to discourage them. Long-range plans shown on land-use maps indicating future city goals show a hierarchy of business nodal areas ranging in size from the neighborhood

through the community to the regional shopping and service areas, with the apex in the downtown.

If land were zoned and developed as business-industrial corridors, business could be more easily and justifiably restricted to corridor junctions, with the regional centers at the major junctions and the community centers at the secondary junctions. The same transportation and utility systems would then serve both urban land-use functions—business and industry. Ribbon development should be reduced and discouraged and in time eliminated. Zoning would prevent industry from occupying nodal corridor junctions.

Without business-industrial corridors, strategic sites for trucking terminals and warehouses wax and wane. Moreover, in some cities, the zoning departments are attempting to concentrate these facilities in one large area on one side of the downtown. However, different types of trucking terminals and warehouses should be grouped in districts adjacent to the types of businesses and industries they service. Warehouses could be located in the corridors fronting on or within a few blocks of limited-access expressways, railroad lines, water transport or airfields.

With businesses, industries and transportation concentrated in corridors which enclose the residential meshes, at least two general types of high-rise apartment sites become available. These may be found adjacent to and flanking the corridors, or near the center of the communities enclosed in the meshes. I would like to see many of the high-rise apartments occupying a relatively spacious green belt of parkways which would help to screen the corridors. Some of the more expensive high-rise apartments could overlook the better-landscaped industrial districts. Apartments for the less affluent and perhaps manual and semi-skilled laborers could be located adjacent to the secondary industries where their employment is located, but no attempt would be made to segregate income groups. The primary criterion would be to locate types of apartment houses suitable for nonmanagement employees as near to potential places of employment as possible, in order to reduce time spent going to and from work.

Bicycling and walking to work, so commonplace in Europe, would then become possible for many here in the United States, automobile traffic could be relatively reduced, and perhaps the workers' health improved.

If retail, wholesale, service and industrial establishments were located in corridors with high-rise apartments flanking them, utility managements might become believers in the philosophy that a "little bit of heaven or paradise" can exist on earth. These corridors would then become the sites of the primary arterials of water, sewage, gas, electricity, telephone and other services. Tributary lines would connect the single house, duplex and townhouse apartment residential areas in the meshes with the primary lines in the corridors. This would relatively reduce both construction and maintenance costs and provide better service. For example, better pressures could be maintained in water systems and periods of interrupted service reduced. The present-day maze of utility requirements found in many cities hinders efficient management. Business-industrial corridor development would help bring order out of chaos.

Millions of words have been written to support the theme that gasoline-engine traffic is choking and doing almost irreparable damage not only to the downtowns but to entire large cities. And many urban leaders ask why mass transit is not economical and feasible. Still others, in thoughtless exasperation, recommend that mass transit be subsidized by government funds. Such people apparently ignore the fact that mass-transit lines are going out of business each decade because most people prefer to use their own cars rather than mass transit. Mass transit is only feasible when large numbers of people *wish* to use it to reach a concentration of mass destinations. It is interesting to note that one of the largest cities in North America, Chicago, where mass transit has been relatively successful, has adopted a long-range plan for developing corridors of high accessibility (Figs. 2 and 3).

By designing the location of the corridors, the size of the residential areas enclosed by such may be controlled to the extent that each mesh would have large enough space for at least several (four to five) neighborhoods and one community. Some residential meshes may have several communities, but the areas for these neighborhoods and communities should be ample to accommodate single-house, duplex and town apartments, as well as neighborhood and community schools, playgrounds and neighborhood shopping centers with convenience goods.

Unplanned yet rapidly developing web patterns of business-industrial corridors have enclosed or are slicing through residential areas dividing and subdividing neighborhoods and communities. Such corridors are yearly destroying billions of dollars in undeterminable residential values and destroying or helping to block community development.

Intra-city structural design, consisting of a web of business-industrial-circulation corridors connecting the multiple nuclei and primary transportation generators with a viable residential island occupying the meshes, may not be the complete answer to any of the problems in urban America, but its adoption does offer many potential opportunities.

NATIONAL DRUG PREVENTION WEEK

Mr. PEARSON. Mr. President, the Nation is now observing National Drug Prevention Week as proclaimed by President Nixon. During this period, each citizen is being asked to take the time to thoroughly review the inherent dangers of drug overuse, long recognized as a threat to the welfare of our society.

Perhaps the most discouraging aspect of our observance is the fact that all too many Americans need not be reminded of their obligation, because the tragedy of drug abuse and addiction has already consumed their lives. Estimates of up to 250,000 heroin addicts in this country have been called conservative. Some 5 million people are illegally using oral amphetamines, and over 4 billion units of illegally obtained barbiturates were consumed in 1969. And the greatest single cause of death among adolescents and young adults in New York City is narcotics addiction.

But the problem is not isolated among the young. In an age when a drug has been devised to bring relief to almost any minor physical or mental discomfort, it is small wonder that many have taken the extra step to overuse and addiction.

Mr. President, the drug problem is a tragedy which encompasses all Americans. But it would be doubly tragic if we failed to act. All that is needed is the support and backing of a comprehensive, coordinated program which only the Federal Government can provide. In this regard, I urge Senators to close ranks behind the forces striving to terminate this plague by giving them the assistance they require.

FOREIGN SERVICE GRIEVANCE AND APPEALS BOARD

Mr. CHURCH. Mr. President, the junior Senator from Indiana (Mr. BAYH) has introduced an important, progressive bill which would establish a Foreign Service Employee Grievance and Appeals Board. As of now, there are 18 Members, including myself, who are cosponsoring this reform measure.

I ask unanimous consent that Senator BAYH's excellent statement before the Committee on Foreign Relations in regard to the bill be printed in the RECORD.

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

STATEMENT OF SENATOR BIRCH BAYH BEFORE THE SENATE FOREIGN RELATIONS COMMITTEE, OCTOBER 7, 1971

Mr. Chairman, distinguished members of the Foreign Relations Committee, I am pleased and honored to present my statement to you this morning.

You consider today a bill to amend Title VI of the Foreign Service Act of 1946 in order to establish a Foreign Service Employee Grievance and Appeals Board. I am delighted to have several distinguished members of this committee, Mr. Case, Mr. Cooper, Mr. Muskie and Mr. Scott join me as cosponsors of this bill.

The purpose of this legislation, as the Committee is well aware, is to bring about a significant change in the operation of State Department personnel policy. Since the passage of the Foreign Service Act of August 13, 1946, it has become increasingly evident that State Department employees have not been extended their full order of employee rights as guaranteed by Supreme Court decisions.

The most serious personnel problems result from the failure to establish an objective grievance and appeals procedure for State Department employees adversely affected by personnel policy decisions. Nothing testifies more poignantly to the dramatic need for reform in this area than the tragic suicide of a veteran Foreign Service Officer, Charles W. Thomas. Nothing more clearly defines the directions that Congress should long ago have taken.

Charles W. Thomas had a brilliant background—a law degree from Northwestern, a doctorate in international law and international relations from the University of Paris, fluency in French and Spanish, a working knowledge of three other languages—and a distinguished career as a Foreign Service officer dating back to 1951. In 1966 a rating by the inspector general for the Foreign Service, Ambassador Robert McClintock, recommended that Thomas be immediately promoted from grade four to grade three and be assigned to the National War College. This report, however, was misfiled under the personnel record of another officer with the same name.

In 1969, without the report in his file, Thomas was dropped from the Foreign Service for too much "time in grade." Special appeals from Thomas' superior, Fulton Freeman, Ambassador to Mexico, and from Senators Pastore, Pell, Cooper, Cook, Muskie, and myself failed to change the record.

Thomas was forced to retire at age 47 with 18 years in the service but with no pension until he reached 60, after dedicating his life to the career principle. For 2 years he looked for a job but could find no suitable employment. In April of this year he shot himself, leaving a wife and two children. Ironically, they now receive a $320-a-month Government annuity, a poor substitute for the pension Thomas would have been entitled to had he been promoted in the normal course of events.

Mr. Chairman, why did this obvious miscarriage of justice occur?

The State Department is the only Federal agency which does not guarantee that all its employees will have a chance for a hearing on complaints in regard to promotions and "selection out." Charles Thomas had no access to a grievance panel or a review board.

Thomas' case is more dramatic than most because of its ultimate outcome. But, as the Committee will see, his is *not* an isolated case. Many other instances of bureaucratic mismanagement, error, and unfair procedure will be brought before this Committee before these hearings are concluded.

The single point that all of these cases will illuminate is the profoundly simple fact that State Department employees, in the absence of the procedures established by S. 2023, have no effective guarantee of their 14th Amendment rights of due process within the Department's personnel system.

Formerly, the Department provided a grievance procedure of sorts for its employees. Though FAM 1820 provided a hearing to aggrieved foreign service officers as a matter of right, all performance ratings, promotions and discharge actions were excluded from that procedure. In the case of performance ratings, the Foreign Service employee was permitted to "submit a statement or document to refute statements in his record which he considers to be based on incomplete data or limited observation, or to be unfair"—but that was all he could do beyond informal discussions. Civil service employees of the State Department on the other hand, have access to a complete system of review of all appealed performance ratings.

Mr. Chairman, I fully acknowledge the fact that the Foreign Service is not completely analogous to any other civilian federal agency. The quality devotion, and discipline of the Foreign Service Corps is somewhat analogous, to the Armed Forces. I believe that the same protection of their rights and careers—the same fairness, justice and redress from reprisal and discrimination that we extend to members of the Armed Forces should be extended to the members of this distinguished service.

To accomplish this, S. 2659 would establish a grievance procedure independent of the personnel administration of the State Department. Unfortunately, experience has shown us that the Department itself has been regrettably reluctant to grant officers these simple rights of due process. On only one occasion in the last 15 years has an aggrieved officer been granted a hearing—and then only after a painfully slow process of negotiation with Department personnel officials.

Now, in response to the public outcry evoked by the death of Mr. Thomas and other examples of Departmental error and prejudice, State has moved to establish a revised appeals procedure. It is perhaps worth noting that no mention whatsoever was made of reforming grievance procedure in State's exhaustive study of management reform, *Diplomacy For the 70's* and that it was only a short time after the introduction of my bill, that an Interim Procedure was introduced.

This Interim Grievance Procedure has been characterized as a temporary measure to be employed only until the Department, in consultation with "employee representatives", can establish a final procedure. Unfortunately, as the State Department has exempted itself from Executive Order 11491, there is no effective means for Department employees to select spokemen who will be truly representative of their sentiments in any negotiations or consultations that might ensue.

Though the Department has said that these Interim Procedures "in certain important respects are similar" to my bill, I must emphasize that there are a number of critical differences:

1. State Department employees are no longer granted a hearing as a matter of right under these Interim Procedures. Rather, officers are subjected to a lengthy and convoluted process of negotiation with their superiors before the Department will even consider granting them a hearing.

2. There is no guaranteed access of the grievant to the records necessary to build his case under the Interim Procedure.

3. Limited appointees and probationers may *not* avail themselves of any part of this procedure.

4. There is provision neither for independent participation in the hearing board nor participation by a representative of the grievant under the Interim Procedure.

5. There is no guarantee of open hearings. Moreover, such hearings as may occur can even be held without the grievant being present.

6. The implementing procedures for the Board are to be promulgated by the Board alone, with no participation or consultation of employee representatives.

7. There is no realistic provision by which employees discharged prior to the establishment of these procedures might file appeals.

8. The right of legal counsel in all stages of proceedings is not provided under the Interim Procedures.

Mr. Chairman, these are the very areas in which State Department employee organizations contend that the interim procedures, like the old procedures, are most deficient. The provisions of my bill now laying before the Committee to incorporate a number of recommendations of both the American Federation of Government Employees and the American Foreign Service Association. Reflective of this, the slightly revised version of my Grievance bill now before the Committee, offers a new provision that would enable officers and their dependents discharged from the Foreign Service before the enactment of this bill to appeal adverse personnel decisions within a reasonable time.

Mr. Chairman, the issue before the Committee is clear. Can this Congress continue to allow the careers of State Department officials to be damaged, or ended, by error, prejudice and reprisal without due process of law? The response of the State Department to this critical need has been, in my estimation, completely unsatisfactory. Rather than face the issue squarely and revise the process of promotion and selection out, providing the procedural safeguards that can make the system truly competitive, the Department has chosen merely to extend the permissible terms in grade of high ranking officers.

Gentlemen, the need for Congressional action is evident. In the bill before the distinguished members of this Committee, I believe, Congress has the opportunity to take that action.

WAGE AND PRICE RESTRAINTS—A DAY OF HOPE AND PROMISE

Mr. ALLOTT. Mr. President, yesterday was a day of hope and promise for Americans. The economic news was good, and the President's new economic proposals should make future economic news even better.

The good news was the drop in wholesale prices. This is solid evidence that the inflation fever is being broken, and that phase I of the new economic policy is working. The sacrifice made by Americans during the wage-price freeze—and especially the sacrifices made by groups such as teachers—have not been in vain.

Concerning the President's announcement about phase II, there are three important points.

First, all Americans will be represented in the decisionmaking process. The doors have been opened for participation by labor, management, and the general public.

Second, the President has responded to those who complained that controls on profits were left out of phase I. The truth is that Congress never gave the President power to control profit levels. Now the President has asked Congress for standby powers to control dividends and interest rates and these powers will give him a potential level with which to keep profits in line.

Third, although wage and price restraints will continue, the freeze is ending. And as it ends, there will be opportunity to review the effects of the 90-day freeze. I have repeatedly stated that I recognize that injustices are an inescapable part of a wage-price freeze. No such freeze can be designed to affect everybody in exactly the same way. For example, teachers must be hit hard by any freeze that begins in late summer. I am sure that in administering future policies the Government will be cognizant of the past sacrifices of particular groups.

A TRIBUTE TO SENATOR ELLENDER

Mr. EAGLETON. Mr. President, on September 24, the Honorable ALLEN J. ELLENDER, senior Senator from Louisiana and President pro tempore of this body, celebrated his 81st birthday. Senator ELLENDER is now in his 35th year of service in the Senate—a service marked by hard work and diligence which has earned him the respect of his colleagues.

From his earliest years in the Senate, Senator ELLENDER has distinguished himself in the field of agriculture. In his first term he served as a member of a special subcommittee charged with the development of the Nation's future agricultural policies. The Agricultural Adjustment Act of 1938, a landmark piece of legislation in the field was a product of that effort. Through the years he has evidenced his concern for the development of our rural areas and the conservation of the environment, and played a central role in the development of many of our present agricultural programs. His 18-year tenure as chairman of the Committee on Agriculture and Forestry is the longest in the history of that committee; exchanged only for the chairmanship of the Committee on Appropriations.

Senator ELLENDER has given long and distinguished service to this body, and on this festive occasion I wish him many more happy birthdays.

RESULTS OF ANNUAL QUESTIONNAIRE

Mr. COOK. Mr. President, it has become my practice to send out an annual questionnaire for my constituents in Kentucky to fill out and return to me. I feel that public officials should make every effort to solicit the opinions of their constituents, and I feel this questionnaire is a good way for me to gage public opinion and to better represent the people of Kentucky.

I was pleased by the response the questionnaire received. The issue of crime

showed the highest percentage of agreement among those answering the questionnaire. I am happy to say that since I am a member of the National Penitentiaries Subcommittee of the Judiciary Committee, I have become most interested in legislation that would revise our correctional system and help combat crime.

The questionnaires revealed public interest in drug abuse education programs and protection of the environment. I think these two issues are especially important to the people because even though they generally opposed additional Federal expenditures such as for foreign aid, they favored funding programs dealing with drug abuse and preserving the environment. The majority also did not favor an increase in social security taxes to fund a comprehensive national health insurance program.

Most significant, I believe, was the response to the President's actions to solve our economic problems. The majority of the questionnaires that came into my office prior to the President's August 15 economic message stated the belief that the administration was not solving our inflationary and economic problems; the majority of those questionnaires received after August 15 stated the belief that the President is solving our economic problems. From this it would appear that the President's economic plan does have the support of the people.

Mr. President, I would like to take this opportunity to thank, once again, all those Kentuckians who shared their opinions with me. I am gratified by their interest and I ask unanimous consent that their responses be printed in the RECORD, so that Senators may also know their opinions.

The results are expressed in percentages.

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

[Answers in percent]

1. Would you favor a comprehensive national health insurance program if it required a significant increase in Social Security taxes?

Yes	28.7
No	65.0
No opinion	6.3

2. Do you favor federal funding for drug abuse education programs?

Yes	56.1
No	37.4
No opinion	6.5

3. Do you feel the federal government is doing enough to protect the environment?

Yes	32.8
No	60.3
No opinion	6.9

4. Since four out of five of the serious crimes in the United States are committed by those who have previously been imprisoned, would you favor a revision of our correctional system?

Yes	89.8
No	5.7
No opinion	4.5

5. Do you favor the federal government using wire tapping and other forms of electronic surveillance to fight organized crime or subversion?

Yes	84.8
No	11.7
No opinion	3.5

6. Do you think the United States should continue to maintain its high level of foreign aid to countries around the world?

Yes	16.2
No	75.7
No opinion	8.1

7. Do you believe that the Nixon Administration is solving our inflationary and economic problems?

Yes	29.2
No	61.2
No opinion	9.6

On those questionnaires received since the President announced his new economic policy on August 15, the results of Question 7 have changed to:

Yes	57.1
No	38.0
No opinion	4.9

JUSTICE FOR THE WORKER

Mr. HUMPHREY. Mr. President, on October 5, 1971, an outstanding keynote address was presented by Mr. I. W. Abel, president of the Industrial Union Department of the AFL–CIO, before the IUD's 9th constitutional convention in Washington, D.C.

Mr. Abel spelled out a demanding work schedule for labor in achieving justice for the worker. He emphasized the need for a national program of insurance for workers' pensions. The cold statistics he cited should, in themselves, mobilize this Congress to press on toward the enactment of effective legislation so that, to use Mr. Abel's words, "a lifetime of work shall not have been spent in vain." While assets in private pension plans total more than $130 billion, 30,000 workers each year find their pensions wiped out by the bankruptcy of their employers. And it is estimated that up to 15 million workers covered by private plans will never receive a retirement income.

This vicious economic injustice is intolerable, and it must be corrected without delay. We dare not allow the hopes, the plans, and the dignity of the American worker to be swept aside by the changing winds of business circumstances. His investment in his family's and his country's future must be protected.

I also commend to the attention of the Senate the deep concern of American labor, expressed by Mr. Abel, about the future of President Nixon's latest economic game plan. Having been struck by both barrels of inflation and unemployment, and then left with the crumbs that may trickle down from tax benefits for corporations under the revised administration economic plan that simultaneously denies him any increase in wages, the American worker rightly wonders whether the next phase of the administration's policy will bring him the justice of even-handed treatment, where jobs are seen to be as important as profits.

Few statements about labor's commitment to the future of America are as forceful as that of Mr. Abel at the conclusion of his address:

> We want a Nation moving ahead strongly, confidently, where the jobless have jobs, where the hungry have food, where the poor can live with some dignity, where every child attends a decent school, where there is fair taxation, where brotherhood is practiced as well as preached, where health care is available for all, where pollution is a memory, where the "system" really does work.

Mr. President, I ask unanimous consent that the complete text of President I. W. Abel's address to the 9th Constitutional Convention of the Industrial Union Department, AFL–CIO, be printed in the RECORD.

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

KEYNOTE ADDRESS BY I. W. ABEL, PRESIDENT, INDUSTRIAL UNION DEPARTMENT, AFL–CIO, NINTH CONSTITUTIONAL CONVENTION, WASHINGTON, D.C., OCTOBER 5, 1971

On behalf of myself and my fellow associates in the Industrial Union Department, I extend a sincere and warm welcome to all of you as we meet here for the 9th Constitutional Convention of the IUD.

The two years since our last Convention in Atlantic City have been years of solid accomplishment, thanks to the unselfish efforts of many dedicated people.

I want to acknowledge the contributions of IUD Directors Jake Clayman and Nick Zonarich and of the officers and staff of the IUD. And, I also want to express my appreciation to all the member unions of the IUD for their continuing cooperation and unstinting support and to the Executive Committee and the members of the Board. It takes teamwork and ability to move ahead on the many fronts in which we have been engaged, and that's what we have been getting from all concerned.

When I was given the honor of serving as President of the IUD, I spoke about continuing the IUD as a "vital and progressive force within the AFL–CIO." Thanks to all of you, and your unions, the IUD is continuing as a vital and progressive force within the AFL–CIO. And we have been serving our industrial unions effectively. It has been made possible because we have functioned in the best traditions of the labor movement. With your help and support, we will continue to carry on in the same manner in the future.

I also want to—at this time—extend a warm welcome to the newest IUD affiliate—the International Molders and Allied Workers Union, the oldest national union in the country. The affiliation of the Molders means there are now 61 AFL–CIO unions affiliated with the IUD.

As I said, we have made solid progress during the last two years, although it was not the best of times for the American worker who was being hit over the head with both inflation and unemployment. And as we meet here today, the economic picture is not much brighter. But we did move ahead on a number of vital fronts. I will not go into great detail about our major IUD activities during the past two years—that is done for your information in the Officers' Report—but I do want to offer some brief comments on five of them.

Number One: Occupational Safety and Health. Without a question, the Occupational Safety and Health Act of 1970 is a landmark piece of labor legislation.

The passage of this Act stands as the No. 1 achievement of organized labor in the last two years. And we of the IUD can feel particularly proud of the key role it played in placing this landmark legislation on the books. As everyone in this room well knows, passage of legislation of this type does not come easily. Powerful forces must be overcome by days and months of exhaustive lobbying. Many Congressmen and Senators have to be convinced of the merits of the legislation. The anti-labor forces in this Nation, which never sleep, must be overcome. But we did it; by rallies, and letters and newspaper ads—by delegations of workers. You recall, I'm sure, the two-day conference we held in

July of 1970, during which more than 700 delegates met here and then visited their representatives in Congress, urging their support of the kind of a bill we wanted. Our efforts were rewarded with legislation which holds the promise of making the workplace of the worker a safer and healthier place, one which does not threaten his life or limb.

While it is well to pause for a moment of self-congratulation and a rightful recognition of the IUD role in passage of the Act, we recognize that we cannot indulge ourselves too long—as delightful as it might be. For we know that many times, passage of a particular piece of legislation is only the first step in the battle.

Our mission now, in regard to the Occupational Safety and Health Act of 1970, is to exert the same kind of effort and vigilance in making the Act work as we did in winning its passage. I can tell you very candidly, from some of the things that have been happening, that successful implementation of the Act is not going to come easily. We of the IUD have communicated our grave concern about certain developments to the Secretary of Labor. We haven't pulled any punches with the Secretary. We have laid it on the line in rather strong language because—as we have said many times—we are dealing with the lives of workers. And we intend to keep talking tough until it can be said that the workplace of the American worker is as safe and healthy as man, money and technology can make it!

Another area in which we of the IUD have been most active, as you know from our rally here yesterday, is the area of imports and the exporting of jobs and American technology. As I said yesterday, the crisis in international trade is here; and specific actions are required now to protect not only the well being of the American worker, but the well being of this Nation. We now have a specific program before the Congress to accomplish this. The passage of HR 10914 and S. 2592, which contain the answers to the international trade problem, becomes a major task for us in the months ahead. In all probability there will be calls for specific actions by you and your unions, as we work for passage of this legislation. I know the response will be there when it is needed, as it has in the past. We have been making some progress on imports, through voluntary quotas and in alerting more and more members of Congress and the public to the genuine dangers of the situation.

We are within sight of the answer. And with continuing effort now, we can obtain the real and lasting solution we seek.

The third major IUD activity I want to touch on today concerns coordinated bargaining. There is no question that coordinated bargaining has become a "must" in the survival and progress of trade unions today. Our land has become a land of corporate giants—conglomerates. The name of the game has been merger; and the result has been larger and larger companies with a growing concentration of wealth and power. A study for the Federal Trade Commission has shown that the 200 largest corporations in 1968 controlled almost two-thirds of all manufacturing industry assets. Nothing has happened since that study to indicate any change in this growing concentration of assets in fewer and fewer companies. Corporate mergers did slow down during the last two years because of the economic situation but there are signs that the merger trend will pick up again and we will continue to face this kind of a situation in the future. Coordinated bargaining is one small weapon in labor's arsenal which allows it to approach the collective bargaining table with some sense of equality.

We have been using it to great advantage in the IUD, as you are well aware, and we plan to improve and refine this most vital tool for the future. At the present time in IUD, as you may have noted in the Officers' Report, there are currently 60 committees in various stages of coordination. These committees represent 60 different companies that involve unions which have collective bargaining contracts; there are from 5 to 60 separate contracts depending upon the number of unions that have collective bargaining contracts with the same corporation. There is no question but that our coordinated bargaining procedure has been working to the advantage of the unions involved, as we know from the successes of such coordinated bargaining committees as Armstrong Cork, General Electric, Westinghouse and the Nonferrous Industry. Coordinated bargaining is essential to the ability of trade unions to preserve and promote the welfare of their members—essential in the sense that it contributes to the spirit and actuality of trade union unity which is labor's ultimate weapon. Coordinated bargaining will continue high on the IUD's list of priorities.

Our progress in organizing is reported in detail in the Officers' Report and Nick Zonarich will talk to you about it later in the Convention, but I do want to point out that we have been moving forward in organizing new operations.

Since our last Convention, we have won 37 representative elections. You might say that we have been doing it the hard way; organizing where the organizing is the most difficult—in the South and Southwest. We're still exerting every organizing muscle we can to establish in the textile industry in the South the mandated right of workers to organize and bargain collectively, and all concerned should know that the notorious J. P. Stevens textile company remains on our list of companies to organize. And one of these days we're going to organize it. This is one of the most viciously anti-union companies we have ever confronted. It flouts the law. It ignores the law. It spares no cost in fighting cases in court. It is a throwback to the darkest days of industrial America. We've been in these kinds of battles before and we knew what it takes to win them. One of these days, this symbol of the worst kind of anti-union tactics will crumble before the inevitable; and the workers of J. P. Stevens will have their own union.

The final particular activity of the IUD that I want to talk about is our still unfulfilled objective of pension reinsurance. The failure, so far, of this Nation to guarantee the pensions of workers is a national scandal.

Fantastic sums of money are at stake. Assets in private pension plans today total more than $130 billion. Yet each year, some 30,000 workers lose out on pensions simply because their employers go broke. The U.S. Department of Labor has said that from 30 percent to 50 percent of the 30 million workers covered by private pensions plans will never see a nickle in benefits. This past summer, the Senate Subcommittee on Labor heard one heart break case after another on pensions. They all added up to years and years of work, lifetimes spent on the job in anticipation of the warm security of retirement, only to suffer the shattering shock of no pension payments. We are engaged in a real struggle in Congress to eliminate this terrible uncertainty which hangs over every private pension plan in the country. Again, it is not an easy task. But neither was it easy to establish the principle of insuring bank deposits. Banks fought the idea of deposit insurance, but now they advertise it as one of the banking industry's great virtues. And we have been saying for some time, and will continue to say until the battle is won: If Congress can insure bank deposits and if Congress can insure Wall Street brokerage firms, it sure can insure the pensions of the workers of America. I can think of no more beneficial legislation to the workers of this nation at this time than legislation which says a lifetime of work shall not have been spent in vain. We are making some progress toward this objective, and it remains our high hope that we will be successful during the present Congress.

These were some of the major IUD activities and concerns that I wanted to talk about today. There are many more, of course, and they are set forth in detail in the Officers' Report, and some of them will come up for more attention and discussion during the Convention.

We are all aware, as we meet here today for this 9th Constitutional Convention, that we are confronted with some serious problems—as a part of the labor movement and as concerned citizens. First, the problems which confront us as a segment of labor. It seems no matter how much we concentrate on our positive programs to benefit the worker and the economy, we are forced to keep one hand free to fight those who would weaken the effectiveness of the American labor movement.

Anti-labor attacks are constantly being organized just below the surface in the Congress. These require constant surveillance and counter-attack, and thus deny us the luxury of devoting our full efforts to the positive aspects of our programs.

There are those in Congress, for example, who would prohibit union expenditures on behalf of political candidates. These conservative and reactionary forces are not content with their present financial advantage over liberal forces, they want the field completely to themselves. This would result in a most dangerous situation in which one set of ideas—or one philosophy only—would be presented to the people. This would be unwise and unhealthy for our political system and for our Nation. There must be an inter-play of ideas, proposals, programs, and the issues must be presented to the public by more than one side. Not that the liberal and progressive forces of this Nation now compete equally with the conservatives and reactionaries, but at least the voice of progress is not stifled.

There are others who would change the rules under which we engage in collective bargaining so that, again, they would weaken the effectiveness of labor to represent its membership. There are those who would change the eight-hour day to a ten-hour day under the smokescreen of what they call a "growing interest" in the four-day week.

Management representatives have pressed the Labor Department to drop requirements for overtime after eight hours of pay by the Walsh-Healey Public Contracts Act and the Contract Work Hours and Safety Act. Jake Clayman had to testify before a Department hearing examiner and tell him that allowing a 10-hour day at straight time pay would be nothing more than an "incredibly regressive" move. Jake told him that he thought the employers' real motive was that they simply wanted to save a few bucks by not being required to pay overtime. We think we should make it perfectly clear . . . to borrow a phrase from the Administration—that we fought long and hard for the eight-hour day and the principle of overtime after eight hours, and we're not about to give it up under any conditions! When we win the four-day week, it's not going to be a 10-hour day, forty-hour four-day week; it's going to be a four-day week consistent with the principles of the labor movement. The way some of these "benefactors" of labor maneuver, we have to be careful they don't offer us a *two*-day week . . . with two 24-hour days, of course.

Let there be no question about what we of labor are talking about in this regard.

When we talk about a shorter work week, we mean a shorter work week in hours as well as days. We do not mean less days with the same hours. We believe a shorter work week has become a necessity because the time has come to spread available work, to help alleviate unemployment and to give workers the additional personal time they deserve.

We also have a problem with those who would hamper us through appointments. You will recall that this was one of our major concerns during the last Presidential election. And now our fears about the consequences of our loss in that campaign are being substantiated. I need not go into detail about the nominations of Carswell and Haynsworth to the Supreme Court to make the point. Fortunately we were successful in preventing the robes of the land's highest court from being worn by these two nominees, but the President has had the opportunity to name two other appointments to the Court—the Minnesota Twins Burger and Blackmun—and to change the balance of the court to conservatism. How much better it would have been if we had our *friend* from Minnesota in the White House and he was the one making the appointments. President Nixon now has the opportunity to make two more appointments to the court—since the announced resignations of Justices Black and Harlan.

This means that one-third of the Court will be made up of Nixon appointees. And there is a possibility that, before he leaves office next year, that he will have named a majority to the Court and leave us a legacy of doubt and conservatism for many, many years to come. I can't help but wonder what those liberals, who saw no difference between Nixon and Humphrey in '68, are thinking today? Are they now convinced, perhaps, that one of the differences may well be a Supreme Court of conservative tinge for a generation of Americans?

And let us examine quickly what has resulted from two appointments to the National Labor Relations Board. The President has made two appointments to the five-man Board, including the chairman who was an attorney representing employers at the time of his appointment. We objected to the appointment of Chairman Miller, but we did not prevail. Here, too, our fears have been realized. In 73 cases, where there was a conflict between the employers and the unions, Miller took the employer position 70 times. In one of the significant cases that did not go our way—the Phelps Dodge case—the Board held that the unions' demand for joint collective bargaining in the 1967–68 nonferrous industry strike was unlawful.

And unless this is reversed in the courts, the Phelps Dodge case may be used as the basis for ruling out coordinated bargaining in numerous situations. Now there is another vacancy on the NLRB, a seat formerly held by a member sympathetic to labor. When this vacancy is filled, we will have a Nixon majority on the Board. These appointments and planned attacks on the effectiveness of the labor movement, are the wages of political defeat. They remind us once more of the overriding importance of effective political action as full partner to the importance of collective bargaining.

Satchell Paige says you shouldn't look back because someone may be gaining on you. That's true. But, we know from experience that we have to keep looking back. And when we look back these days, we realize that we are in a real foot race with those who like to see us on the sidelines, and that they have been gaining on us. Which means we really have to do some sprinting between now and November, 1972, and then we won't have to worry about looking over our shoulder.

What our members have gone through during the last 33 months should be spur enough to political success in 1972.

The American worker was the programmed victim of the first so-called economic "game plan". He was tagged as expendable in this Administration's fight against inflation despite the Administration's pledge to halt inflation without costing the worker his job. Under the first game plan, the worker got it both ways. He was hit with both unemployment and inflation, not to mention record interest rates. And while being buffeted about with these blows, he was being told not to worry; rather to think about how good it would feel when the blows ceased. But the blows did not cease. Finally, the Administration admitted what labor had been telling him all along: That his game plan was a plan for economic disaster. So, he went back to the drawing board and came up with another game plan, another plan in which the worker has been programmed as the unequal contributor to economic soundings and recovery. It's a game plan which gives to the wealthy and tells the poor to be patient. It's a game plan which pays homage to the outmoded economic myth of trickle down; that if you put all the goodies on the tables of corporate America, some of the crumbs will fall to the ground for the rest of us. It amounts to a cruel reversal of national priorities, ignoring not only the poor, but the schools, the cities, mass transit, and all the many other items on a depressingly long list of unmet needs.

It's a game plan based on the profit and loss statements of big business rather than on the pressing needs of people. It's a game plan which piles one tax bonanza for business on top of another tax bonanza—investment tax credit on top of a $37 billion tax give-away in increased depreciation allowances.

In an Administration which out-Madison Avenues Madison Avenue, the latest tax bonanza for industry is termed a "Job Development Credit". It is called a "Job Development Credit", the President told Congress, because it is supposed to generate new jobs because industry would buy new machinery, although it isn't using what it has now. Well, the New York Times conducted a survey as to the likely effects of this so-called "Job Development Credit" and it reported its findings, as follows, on September 20:

"President Nixon's proposed tax credit of 10 percent on business investments in new machinery and equipment appears more likely to increase corporate profits than to create additional jobs for unemployed workers next year."

The Times did say that the tax credit "may"—I repeate "may"—create more jobs "in the long run". But, the five million unemployed aren't interested in the long run. They want jobs now. They can't wait to see if they will benefit from this latest try at "trickle down". What they want is not "trickle down"; they want some "bubble up"! Let's put America back to work first; and then industry will have all the incentive it needs to buy new machinery.

As of today, no one knows what Phase II of the President's program will bring when it's announced. We do, however, know this . . . the manner in which wage provisions of labor agreements were virtually nullified under the Presidential executive order is both alien to our democracy and dangerous in its implications. Labor's position since 1966, has been that controls should be across the board, should be fair and that the sacrifices should be equal. But the current wage-price freeze does not meet the test of equality and fairness.

We are not against the development of a long-range incomes policy and a program for economic stability. And, we certainly will make our share of the sacrifices necessary to stabilize our economy. But, we say to President Nixon, let those sacrifices in Phase II be equitably shared, as they are not in Phase I.

And, we say to the Congress: It is your job to make sure that equity and fairness do prevail . . . eliminate the tax gifts for big business; provide instead real tax reform; apply whatever controls are necessary across the board; adopt legislation that will fill our unfilled needs.

We of labor have every right to ask for a voice in the development of any long-range incomes policy that may be considered for the future. We have every right to insist that the terms of negotiated contracts are safeguarded under any stabilization program. We have every right to expect that the collective bargaining process, which has served this country well, is not destroyed as our government grapples with the economic problems that beset us.

In his address to the Joint Session of the Congress last month, the President said we should not undermine "the system" that produces America's wealth. He said we shouldn't malign the system because it has produced more abundance than any other system; because the "system" helps the poor, feeds the hungry and makes it possible to clean up our environment.

The "system", of course, is not helping the poor. There are almost 15 million Americans subsisting on welfare. More than 25 million are living in poverty in the midst of the abundance the President talked about. More families were officially classified as impoverished last year than in 1969. The system is not feeding the hungry. There are estimated to be some ten million chronically hungry people in America. In fact, the Nixon administration is even cutting back the school lunch program and thousands of low-income children will stop enjoying their first nutritious noon meals. The system is not cleaning up the environment. Many rivers and streams are open sewers.

Yes, the system has been working for some, but it has not been working for the poor, the hungry, the jobless, those who forego medical treatment because they cannot afford it, the cities, the schools. We are not maligning the system when we cite its shortcomings. We are simply saying that the system should work not only for some, or the majority; it should work for all. I believe that those who most strongly condemn the shortcomings of the American system, or what is happening in America, are more concerned about this Nation than many who say we should only talk about what is right about America.

We know what America stands for. We know its virtues very well. We know very well what's good and right about America. What we are saying is that the shortcomings of America are what need attention now; what require answers now. We are merely saying that America will be truly great if it fulfills its promises. Is the story of this Nation to be no more than a love affair with the gross national product? Or will the story of this Nation be that we fulfilled one promise of America?

We of organized labor are saying that fulfillment is our rightful priority; that the business of this country is not business; that the business of this country is people. We are saying that people can meet the challenge of living together as neighbors; that there can be only one America; not two divided by color. We are not the detractors of America; we are its greatest boosters.

We want a Nation moving ahead strongly, confidently, where the jobless have jobs, where the hungry have food, where the poor can live with some dignity, where every child attends a decent school, where there is fair taxation, where brotherhood is practiced as well as preached, where health care is available for all, where pollution is a memory, where the "system" really does work.

As we stated in our report to this Convention, the unity and determination of organized labor are among the greatest resources available to the nation, in its efforts to overcome its present economic and social illnesses.

I believe that the labor movement can help forge a national commitment to our rightful priorities so that all Americans *will* share in America's abundance, and so America *does* fulfill its promises. I believe that Labor can help lead our Nation toward that kind of a commitment. I believe it because I know what we want—not just for ourselves—but for all the people.

SOVIET POLICE PERSECUTION

Mr. ALLOTT. Mr. President, lest we forget, it is good to be reminded of the plight of the various nationalities in the Soviet Union.

Soviet police persecution is not a respecter of ethnic differences within the Soviet empire. And it is important the public opinion in the free world be focused on each and every instance of persecution that comes to our attention.

In this regard, Mr. President, I am deeply indebted to a constituent of mine, Mr. Ivan Stebelsky, of Denver, who has called my attention to the plight of a distinguished Ukrainian intellectual currently being persecuted for the crime of loving freedom.

The victim of this persecution is Valentyn Moroz, who has been found "guilty" of the "crime" of protesting against Russification—a program which, by any other name, is, in the Ukraine, a brutal attempt to eliminate the Ukrainian language and all traces of Ukrainian culture.

It is my hope that our Government and all freedom loving governments will make representations to the Soviet authorities on behalf of Mr. Moroz, and that an aroused public opinion will cause the Soviet authorities to demonstrate "a decent respect for the opinion of mankind."

SENATOR ALLEN ELLENDER

Mr. GAMBRELL. Mr. President, my home State of Georgia has been the beneficiary through the years of much of the legislation sponsored by our distinguished colleague, Senator ALLEN ELLENDER. During his brilliant career Senator ELLENDER has been a friend to Georgia, to her rural interests, and to the welfare of all her people.

Along with my beloved predecessor, Senator Russell, Senator ELLENDER was responsible for some of the most humane legislation which this body has ever passed—the school lunch program. Georgia is a rural State, and for years we knew we had a friend—Senator ELLENDER—at the helm of the Committee on Agriculture and Forestry.

As the successor to Senator Russell in the chairmanship of the Appropriations Committee, Senator ELLENDER is hard driving and tight fisted, and this combination has produced some of the best appropriations legislation seen here in some time.

On behalf of all the people of my State, I want to say "thank you" to an outstanding American, a gentleman of the South, and an esteemed colleague, and to wish him all the best in the years to come.

SPACE PROGRAM HOLDS A KEY TO A BETTER FUTURE FOR OUR COUNTRY

Mr. CURTIS. Mr. President, yesterday Dr. James C. Fletcher, NASA Administrator, delivered a major address to the National Capitol Section of the American Institute of Aeronautics and Astronautics. His cogent address emphasized the need for America to maintain and improve its technological base as being vital to future progress in the country and the whole world.

Dr. Fletcher cautioned against a Rip Van Winkle attitude on the space program. He recalled the trauma of 1957 when the U.S.S.R. launched sputnik into space. I agree with him that it would be very dangerous for our Nation to get into the position where once again we had to play catch up ball.

I believe Dr. Fletcher's address will interest all Senators who are concerned about maintaining America's technological excellence. I ask unanimous consent that his speech be printed in the RECORD.

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

REMARKS BY DR. JAMES C. FLETCHER

Since this is a get-acquainted session, I would like to share with you today some of the concerns uppermost in my mind after five months at NASA. I believe that in most cases these are matters of mutual concern.

Now one concern—the announced subject of my remarks—has just been graciously taken care of by the Chairman.

I think we have a very sound space aeronautics program underway for this decade, and the Administration and the Congress, in strong bi-partisan action, have given it a high priority so far.

If I may furnish my own theme, I would like to go back to the President's basic statement on national space policy of March 7, 1970, where he expressed confidence that his current budget request would allow our space program to make "steady and impressive progress."

I believe that we have been making steady and impressive progress toward worthwhile goals in space for this decade. I am confident that we can continue to do so in future years.

We have worked hard in NASA in recent months to assure that our plans do indeed permit steady and impressive progress despite the recognized need to keep expenditures and commitments to a minimum during the country's current battle against inflation.

The general outlines of America's space program for the Seventies were established in our current budget. This program, as we see it, is well planned, well pruned, and absolutely vital to the future of this Nation.

The scope and pace of this program will, of course, be debated again next year as it was this year. I have singled out five important points of special relevance to this debate at this time:

First Point. Program continuity must be maintained. I feel very strongly about this. We cannot shut down major programs for several years and then start them up again efficiently. Such practices would be especially wasteful of this country's valuable resources of skilled manpower and experienced management, in industry and in Government.

Second Point. I am very concerned about the health of the aerospace industry. NASA programs have *added* economic importance at this time because they help stabilize this important industry—this important national resource. This is a very significant reason for maintaining NASA programs up to or near current levels at this time.

Third Point. We have made substantial reductions in the number of NASA civil service positions in recent years. I think we will reach in this fiscal year the *minimum* "institutional base" of NASA required for efficient management of currently approved programs. I will strongly resist any further reductions.

Fourth Point. I consider manned space flight an indispensable part of any prudent space program for the United States. To be sure, we could save some money in the short run by using only unmanned spacecraft in this decade, but it would not be prudent to do so. It would be a colossal blunder.

It was demonstrated in the Apollo programs, particularly Apollo 15, that man can perform rewarding scientific and operational tasks that machines cannot be programmed to do. We expect to demonstrate this further in Skylab. We also anticipate that astronauts flying the Space Shuttle will be able to greatly decrease the costs and greatly increase the performance of unmanned spacecraft by deploying them in orbit, by servicing them in orbit, or by returning them to Earth for repairs or refurbishment. We simply cannot hope to cut space costs sensibly by posing the question, Men or Machines? We must have both, in space as on Earth, in this decade.

Near-earth space has become a place, a region, a sphere of activity as important to our national interest and security as any place on Earth outside our own borders.

Because near-earth space is a place where men can live and work, it will be inhabited by man. The only question is whether we are willing to allow sole occupancy to the Soviet Union, or any other power. To me, this is unthinkable.

Even assuming that Americans could learn to live comfortably with Russians orbiting overhead while we remained earthbound, the impact on our prestige as a Nation and a world power could be a disaster. To people throughout the world it would appear that the United States had lost its sense of destiny, its national resolve, or its economic viability as demonstrated by its inability to compete in space with the Soviet Union for sustained periods. That, as we have already seen at the time of the first Sputnik, could have an unsettling effect on world affairs and on our own peace of mind and self respect.

Furthermore, it is prudent to continue to develop our capabilities for manned space flight simply because we do not know, and cannot now foresee, what men will discover in space or what uses will be made of space. For this reason alone, it would be risky, if not irresponsible, to ground our astronauts while Soviet cosmonauts operate alone in this new realm, with ever greater proficiency.

For these reasons, I strongly support the Space Shuttle as the next logical step to develop our national capabilities for using space more economically and more effectively, with manned and unmanned spacecraft, for both civilian and defense purposes.

Fifth point. I share the growing concern that the United States is lagging in efforts to develop new technology for commercial and military aviation. We killed the SST while Britain and France went ahead to build the Concorde, and the Soviet Union built a competing version. The Europeans—and our Canadian neighbors—are ahead of us in Short Take Off and Landing aircraft. The question must be asked: How long can we, as a great nation, afford to be mere spectators while others move ahead in aircraft technology?

I believe NASA has a mandate to keep this country in the forefront of aviation technology—which is so important to our domestic economy and world trade position, and to our national security. We clearly need to do more aeronautical research, not less. Our planning reflects this.

For these timely reasons—and other long-standing reasons familiar to you—we are prepared to advocate and defend in any forum where questions arise the general approach and content of our currently approved space and aeronautics programs for the Seventies.

To return for a moment to the topic you inadvertently assigned me—Parking Orbit, Re-entry, or Escape Trajectory?—I can assure you that we do not intend to shift the gears of our space program into the "park" position; we are geared up for continued steady and impressive progress in those areas

of space activity which we consider most rewarding scientifically or most important to our national security.

We have entered the space age. We cannot back out. We cannot re-enter the world we knew before 1957.

I think an active space program will be a part of our national life for as long as we endure as a nation.

Space systems will play an ever increasing role in global and domestic communications; in forecasting, understanding, and perhaps doing something about the weather; in better management of world resources; in the struggle to protect our environment and enhance the quality of life on this planet.

More and more the news of the world, the entertainment of the world, the school lessons of the world, will be delivered through space systems. Air and ship traffic will be directed from space. Space systems will be available to monitor arms limitation agreements that protect the peace of the world. New sources of universal power more awesome by far than the atomic energy in our Sun will be discovered, and understood, and possibly put to use.

Within a few years there will be no time of day or night, year in and year out, when men are not working in orbit above the earth. And it is up to us, in decisions to be made this year in this capital, whether these men in orbit will include Americans.

Before 1957, for all practical purposes, space wasn't there. But today it is. And the only question is, Will Americans be there? This is not the time for the debates of 1958 all over again. If anyone is thinking seriously of de-orbiting the American space program, he is a 20th century Rip Van Winkle who has been asleep for 14 years.

As so far as "escape trajectory" is concerned, we do expect to send our new outer planets spacecraft more than three billion miles on a working journey lasting 10 years, which is about as much "escape" as we can manage in this decade, at least.

I don't believe I need to talk to you in detail about our space program for the Seventies. Many of you helped plan it and are working on it today, in one way or another. I hope that all of you agree that it is about the best program we could put together to meet the objectives set by Congress and the President, considering the recognized need for fiscal restraint at this time.

Despite the strong bi-partisan support given to our plans for the Seventies by the Administration and Congress, there is still a great deal of work to be done to gain the understanding and support our program deserves from the public at large.

It was 14 years ago this week that the first Sputnik went into orbit. Almost overnight, a strong constituency for a major space effort developed in this country. Unfortunately, our very successes in Gemini and Apollo have tended to wipe out that constituency—so long as we lead in space, the American public, understandably enough, has other things to worry about.

But we need to re-establish this constituency. We need broad support from the American people for a sensible, sustained effort that keeps us in the lead—so that we do not have to go into the "catch up" drill again in this decade or the next. We must get people to understand that unless we maintain a well-balanced space program, it will cost much more in the long run to resurrect our capabilities when we find ourselves no longer in the lead.

NASA has an educational job to do—and we need your help. That was the message I had for the annual aerospace luncheon of the Los Angeles Chamber of Commerce when I spoke there last Friday. It is a message I want to repeat to you today. You are a very articulate group, when it comes to explaining the space program, and you have access to many different channels for reaching the general public.

We need your help to explain not only what we do, but why we do it. We need your help to win broad public support for a program that will keep America first in space, without the goad of fear and self-doubt that comes with being second, with being out-classed.

I am impressed—and concerned—by the size of the investment the Soviet Union is making in space. Their effort is about 60 percent greater than our own at the present time. They show no signs of slackening their effort. Their Salyut space station appears to be merely a forerunner for larger and more versatile space stations. They lead us by a significant margin in planetary exploration and space station capability.

The Space Shuttle should enable us to remain competitive with the Soviet Union in using near-earth space, but only if we *do* proceed to develop the Shuttle within this decade as we have planned.

I am encouraged by the progress we have made in discussing the possibilities of greater cooperation in space with the Soviet Union. But I want to stress the point that we must continue to increase our own abilities to use space if we want the Soviets to remain interested in cooperation.

I would like to mention very briefly several other major areas of interest or concern to me at this time.

I want very much to continue the process of strengthening our close ties with the Department of Defense, as our charter requires us to do. We want to be sure that the Space Shuttle will serve the needs of all agencies of the Government, including defense needs.

I want to stress the importance of NASA programs in producing new technology—and the importance of new technology for strengthening our economy and increasing our ability to meet pressing social problems and provide jobs and a high standard of living for all of our citizens.

I am concerned about the present shortage of suitable jobs for the young men and women who are finishing their university work in science and engineering. We need this "new blood" now in Government and in industry; and we will feel the loss still more some years hence when we need innovative people at the middle management level with both excellent training *and experience* in their fields. But how are these young people to get the experience they need—and the country needs them to have—if we do not have challenging jobs for them? This is a serious problem for the country.

As you may know, I am taking part in a panel at the AIAA annual meeting on October 28 on the subject "The Aerospace Professional—What is His Future?" I believe someone suggested a sub-title for this discussion, too: "The Aerospace Professional—Must he Be a Migratory Worker?"

Incidentally, I was very pleased to note that the annual meeting will be devoted in large part to the Keynote theme, "Technology and National Growth." It is very good for the country that you are going into that theme in depth at this time.

I want NASA programs to continue to be excellent examples of how large scale R&D efforts can be managed efficiently and carried through to completion within the American economic and political system. I want to pay especial attention to ways in which NASA experience in systems management can be utilized elsewhere in our society.

I want the space program to continue to be a source of pride, and encouragement, and inspiration for all Americans. Look back over the past 14 years, and see if you can identify any major undertaking or event that has meant more to us as a people than our successful first steps into space.

Truly significant advances in space will always be inspiring. Take Apollo 15 as an example. Apollo 15 came after 24 previous manned flights and three landings on the Moon, yet it aroused a tremendous sense of American achievement at home and abroad.

As you know, we had already attained President Kennedy's goal set in 1961, and Apollo 15's purpose was almost entirely to reap the maximum scientific benefits and not necessarily for purposes of national prestige. Despite all this, more than 100 million persons watched the mission on television in this country alone, and it is estimated that almost that many more watched in Europe and Japan.

The feeling of many viewers was well expressed, I believe, by a 10-year-old sitting near me just after the launch. When asked by his father what he thought about the launch, he unhesitatingly replied: "I thought I was proud to be an American."

I am concerned that some who use the slogan "new priorities" seem to think that shutting down the space program would help solve pressing social problems. I do not agree. To begin with, this country is already spending 42 cents of every federal tax dollar for human resources programs and 34 cents for national defense, and only 1.4 cents on space.

Diverting space funds to other uses would amount to only a drop in the bucket. But the loss would be great—in terms of a declining economy, a second-rate technology, a dispirited America.

The NASA budget now equals about three-fifths of one percent of the Gross National Product. I am sure the stimulating effect of the space program on the nation's economy adds much more than that to the GNP.

I just don't believe that the kind of America that would ignore the challenge of space would make much progress in other fields either. The kind of America that said no to space, that said let Russia do it would be a country on the way out.

But our country is too young, too vigorous, too wise to think in these negative terms. I believe that with a positive approach to space we can make our space programs pay for themselves many times over, and make America a happier and healthier place because of our space effort.

Nations need exercise just as individuals do. The space effort is the kind of exercise that keeps us on our toes. Tones our muscles, brightens our outlook.

The remark has been made that the future isn't what it used to be. Let us not be dismayed by this apt commentary on the times in which we live. Let us work in the NASA program to make the future more like we want it to be. I think we who are active in space and aeronautics hold the key to a better future for our country and for mankind. It is a mandate given to us by the American people, an immense responsibility. I want very much to work with you in doing what is right for our country in space, and in doing it in the right way at the right pace.

I think we are on the right track. We have planned well for the Seventies. I am anxious to get on with the action.

To summarize:

We have a program that is absolutely vital to the future of this Nation. It is one I intend to fight for. I am counting on you to join me. We have a great and important message to get across.

We can't depend on the "other fellow" to do it—and we certainly don't want to let the Soviets do it for us with another shock like the first Sputnik.

You have my promise that I will seek every opportunity to deliver this message—our message—throughout this country. And, we must all work harder to get this message through clearly and directly to the citizens and tax payers who ultimately determine the destiny of this country.

EIGHTEEN- TO TWENTY-YEAR-OLD VOTER TURNOUT IN SACRAMENTO, CALIF., ELECTIONS

Mr. CRANSTON. Mr. President, there has been a great deal of interest, study,

and comment about the voting habits of young people. Most of that comment emphasized the poor voting habits of young persons in the 21- to 30-year-old group in past elections and predictions that 18-year-olds would not improve the statistics.

Now, in the first major test of this theory in California, the so-called experts have been proven wrong.

In the Sacramento municipal elections on September 21, a survey by the county clerk disclosed that 57.8 percent of the under-21 registered voters turned out to vote, topping the general turnout of 52.6 percent. Earlier on July 27, in a water district election in the same county, 45 percent of the under-21 voters turned out, compared with 17.8 percent for the general turnout.

The municipal election turnout of young voters was citywide. All eight city council districts surveyed showed that there was a 50-percent or better turnout of under-21 voters. In one precinct studied, 24 of 29 young voters cast ballots and in another 30 of 38 registered voters actually voted.

A survey of under-21 voters was made possible because of the special registration procedures required by the election. The under-21 voters appear on precinct lists in a special grouping and thus could be identified in the final check of who voted.

Mr. President, this voting record in Sacramento is a very encouraging sign. Young people will participate in the electoral process if they are given a chance, and, obviously, they can influence the outcome of elections in many districts. I congratulate the young people of Sacramento for their participation in this election. I urge young people everywhere to register, participate in campaigning, and then vote.

SOCIAL SECURITY REFORM

Mr. DOMINICK. Mr. President, the distinguished senior Senator from Texas (Mr. TOWER) has introduced two bills which seek to reform our social security system.

On September 22, Senator TOWER introduced a bill which would give social security recipients the option of either receiving a tax credit for the social security taxes they pay or allowing them to continue to pay the tax and receive additional credit on their benefits.

Earlier in the year Senator TOWER introduced S. 639, which would increase the so-called earnings ceiling under social security from $1,680 to $3,000. I am pleased to be a cosponsor of this bill.

Recently both the Dallas Morning News and the Dallas Times Herald editorially came out in support of both of these bills. The editorials conclusively point out the need for serious consideration of social security reform along the lines suggested by Senator TOWER. Likewise, I believe that the Senate should give this matter most careful attention in the months ahead. For this reason, I ask unanimous consent that these two editorials be printed in the RECORD.

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

END SOCIAL SECURITY WRONG

Sen. John Tower of Texas has introduced a bill that would give persons 65 and over the choice of asking for a refund of Social Security taxes or letting the taxes earn additional Social Security credit.

The Texan also is the author of a measure to raise the maximum earnings for a Social Security beneficiary from $1,680 to $3,000 a year before benefits are reduced.

These bills are aimed at one of the major injustices in the present Social Security system. Today's senior citizens have been paying for decades to provide Social Security income when they retire. The program has been called an insurance policy but, unlike insurance provided by private firms, does not permit the beneficiary to take his money and do as he pleases.

Instead, present limitations keep senior citizens who are able and willing to work from earning more than a pittance—the $1,680 ceiling which was established long before inflation seriously penalized the buying power of fixed incomes.

Sen. Tower's bills are the least that Congress should do to right this wrong so that 65-and-over Americans can do needed work and earn more money. It would be even better to remove entirely the limitations on earnings by those who are receiving Social Security.

REMOVE THE INEQUITIES

Texas Sen. John Tower has introduced two bills in the Senate to make much needed changes in the Social Security law.

One of the bills would give the 65-and-over person who continues to work the choice of paying no further Social Security taxes or of paying the taxes and allowing them to earn additional Social Security credit.

Tower points out it is obviously unfair for the person eligible for SS benefits, but who continues to work, to be forced to pay taxes on the money he earns.

Indeed it is unfair and this injustice should be remedied.

But just as unfair, if not more so, is the Social Security provision which permits a person eligible for benefits to earn only $1,680 before a reduction in benefits is applied. Tower has also introduced a bill to raise this low ceiling on earnings to $3,000 a year.

This is by no means the only effort which has been made in Congress to remove this inequity in the Social Security system. For instance, Dallas Rep. Jim Collins over two years ago introduced a bill in the House to raise to $4,000 the maximum which a recipient can earn before his SS benefits can be reduced.

In these times of high living costs, the $4,000 figure is even more realistic than Tower's $3,000, through undoubtedly the Texas senator set that figure because he feels he has a better chance of getting Congress to accept it.

The very low maximum now allowed on earnings works a painful hardship on those who reach normal retirement age of 65 and have only their Social Security benefits for retirement income.

The fact is, the benefits now, with the ravages of inflation, do not provide nearly enough for even comfortable living. Thus many oldsters must continue to earn a substantial supplemental income after their so-called retirement or live at a poverty level.

In all fairness and justice to the elder citizens of the nation who have made a productive contribution during their working years, Congress should delay no longer in removing these inequities which deprive them of the rewards to which they are justly entitled.

INDUSTRIAL GROWTH AND ENVIRONMENTAL PROTECTION

Mr. TALMADGE. Mr. President, in a time of mounting concern over problems of pollution, much has been said and written about the conflicts that arise from time to time between economic development and environmental protection. Such conflicts are unfortunate, because an expanding economy and a healthy environment are both vital to the welfare of our people.

It is heartening, therefore, to see examples of industrial development that take place in harmoney with the protection of the environment. The September issue of *Economic Development*, a publication of the Economic Development Administration of the U.S. Department of Commerce, reports on such an example in my own State of Georgia.

The publication contains an article describing the economic benefits—including hundreds of new jobs—which have resulted from the location of a modern paper mill in a largely rural area of coastal Georgia. The mill, operated by Interstate Paper Corp. at Riceboro, Ga., is estimated to have a $50 million annual impact on the coastal region of Georgia. Yet this economic boost has not come at the expense of the environment of the area. The article points out that the system for treating mill waste developed by Interstate probably is the most advanced in the Nation and serves as a demonstration model for the pulp and paper industry under auspices of the Federal Environmental Protection Agency.

There is a further noteworthy fact about this mill. Because the area in which the company chose to locate was, in 1966, an area of high unemployment, it qualified for an EDA loan in the amount of $6 million. I am happy to report that the loan is being repaid with interest on schedule.

Mr. President, I am proud of the recognition the EDA has gvien this outstanding industrial citizen of our State. I ask unanimous consent that the article be printed in the RECORD as proof that industrial growth and environmental protection can coexist side by side.

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

GEORGIA PAPERMILL MAKES ECONOMIC GROWTH A PARTNER IN PROTECTING THE ENVIRONMENT

CLEAN WATER

The late morning sun was hot and bright, casting an intense glare over the green, pinewoods countryside of coastal Georgia. Through the tall grass trudged a burly, heavily tanned man, his back to the water. He held a fishing rod in one hand and a string of hefty bass in the other.

"It took me less than an hour to catch these. Last week I came out and caught pretty near a washtubful in no time at all."

He stopped and turned toward the water. "There's a lot of fish in there. It's the best piece of freshwater fishing round these parts."

He was referring to a 650-acre manmade lake that serves as the third and final stage of a waste-treatment system for a papermill located off U.S. 17 near the little town of Riceboro.

The "lake" has a mean depth of 4 feet and a shoreline of about 5 miles. It is the largest waste-treatment facility of its kind in the Southeast.

The mill has been in operation for about 3½ years. During this time, more than 250 scientists, engineers, technicians, and members of the pulp and paper industry have

come to inspect the site—particularly those facilities used in the treatment of industrial waste water.

"I don't think we're up with the best of them when it comes to cleaning the water we use. We *are* the best," declares Edward L. Hart, Jr., utilities manager at the plant.

He is speaking for the Interstate Paper Corporation, which began producing unbleached kraft linerboard in March 1968 for use in the manufacture of corrugated containers.

The first American papermill was established in 1690.

Rags and linen were the chief materials from which paper was made. By the mid-20th century, however, more than 90 percent of paper making fibers were derived from wood pulp.

The production of paper requires water—many million gallons of it each day at each plant. The papermaking process pollutes rivers and streams severely if mill effluent is not properly treated.

Scientists and environmentalists rank paper manufacturers among leading industrial polluters.

However, the trade publication, Pulp & Paper, reports that "expenditures for environmental controls are climbing rapidly and constitute a major, unprecedented financial and engineering effort."

A major innovator in the effective treatment of waste water has been the Interstate Paper Corporation, which operates a mill in rural coastal Georgia.

Paper isn't the only product at Interstate. The company has come up with some new answers to longstanding environmental and conservation problems . . . problems that extend well beyond the boundaries of the pulp and paper industry.

Interstate's $27-million plant has been in production for fewer than 4 years. But during this period, the company's concern for economic progress has moved in tandem with its concern for environmental protection—demonstrating that "growth" need not be anathema to a naturalist and that "environment" need not be a stoplight to an industrialist.

The Interstate facilities were constructed and equipped with the aid of a $6-million business loan from the Economic Development Administration.

Interstate Paper is a subsidiary of the Interstate Container Corporation, which has headquarters in New York City and is the largest producer of corrugated containers in the Northeast. Most of the linerboard produced at Riceboro is shipped to the parent firm's container plants.

Riceboro, located in rural Liberty County, is about 35 miles south of Savannah and 50 miles north of Brunswick—Georgia's major coastal cities and centers for industry, trade, and shipping.

The total cost of preparing the site and constructing and equipping the Interstate mill was $27 million. The project was financed in part with a $6-million business loan approved by the Economic Development Administration in mid-1966.

Various phases in the treatment of waste water at the Riceboro plant have been viewed as a prototype, a research and development center, and an example to industry.

Interstate Paper was the first in the industry to develop and apply color-removal techniques to waste water. These color-removal facilities serve as a demonstration model in water-pollution control for the Environmental Protection Agency.

The Interstate color-removal process represents a significant technological advance. Some scientists believe that when color in paper mill effluent is allowed to enter a stream, it hinders the natural process of photosynthesis—a process essential to plant and animal life. There is also a suspicion that the color bodies themselves can cause direct harm to aquatic life.

What is certain, however, is that the color-removal process also preconditions the effluent for more effluent application of the later stages of the Interstate waste-treatment process.

The waste-treatment process at Interstate consists basicall of three steps:

(1) Color removal—Waste from the mill is mixed with hydrated lime (lime chemically combined with water). The lime interacts with the color in the waste water or effluent; coagulation results, forming minute particles of color.

(2) Primary treatment—After coagulation takes place in the color-removal process, the effluent flows into a settling tank called a clarifier, where the color particles and sludge (consisting of other waste solids) settle. At this stage, the solid wastes are removed and pumped into two 20-acre lagoons for drying and storage.

(3) Secondary treatment—Clear overflow from the primary clarifier is channeled into the 650-acre stabilization lake. This is also referred to as an oxidation lake, because sufficient oxygen must reenter the effluent to transform it and make biological stabilization possible, that is, to make the water "whole" or biologically complete again, the way it was before it was used for the manufacture of paper.

(Waste is an oxygen-demanding substance, and when it is uncontrolled it takes from the water the oxygen needed to sustain fish and other forms of aquatic life. But if the proper amount of oxygen is returned to the water, two things happen: The waste is literally consumed by certain types of bacteria, and a natural life-supporting cycle is restored to the water.)

The effluent is stored in the lake for at least 90 days to allow for complete reoxygenization and biological stabilization before release into the receiving stream.

Interstate's waste-treatment process has proved so effective that treated effluent from the mill appears clearer to the eye than the water of the receiving stream—Riceboro Creek—a narrow tributary that flows into the North Newport River less than a mile from the stabilization lake.

The North Newport empties into St. Catherine's Sound off the Georgia coast below the millsite, a distance of less than 25 miles.

The Georgia Water Quality Control Board placed unprecedentedly high standards on the company when it granted a permit in 1966 to construct the mill. The action was taken to protect the marine life in the tidal waters of the North Newport River and St. Catherine's Sound.

Howard D. Epstein, president of Interstate Paper, assured the Water Board that year:

"Our performance and history will indicate to you that when we locate in a community we are there for the long haul. . . . We expect to remain in Riceboro for our lifetime. Our company is entirely in sympathy with the aims of your board. . . .

"At the beginning of this project, I instructed our own employees, our engineering firm, and our consultants that when designing the system for the treatment of our wastes, they observe not only the letter of the laws of Georgia and the community, but the spirit of the law as well."

The University of Georgia Marine Institute at Sapelo Island recently concluded a study that indicates that Interstate's treated effluent has no adverse effect on the shrimp, oysters, and other forms of marine life in St. Catherine's Sound and neighboring estuarine waters.

The U.S. Geological Survey also participated in the study, which was jointly sponsored by the Georgia Water Quality Control Board and Interstate Paper.

On another level, the Environmental Protection Agency (EPA) reports that "an important feature" at Interstate has been "the steps taken to reduce fresh-water usage and water losses."

The EPA report, made last year, indicates that Interstate's process-water requirements—exclusive of cooling water—averaged about 9,800 gallons per ton of linerboard produced.

The industry average is about 25,000 gallons per ton of production, according to EPA.

Although the rated capacity of the Interstate plant is 400 tons per day, production averages 500 tons per day or 185,000 tons per year.

Water for processing comes from three underground wells. About 8 million gallons of water—including what is needed for cooling—are drawn daily.

Interstate hopes eventually to be able to recycle completely its processing water for continuous use at the mill.

All things considered, however, the 650-acre stabilization lake attracts the greatest attention from outsiders because the notion that game fish can thrive in a waste treatment facility seems to border on the surreal.

But thrive they do, thanks to the high quality of the water.

Soon after the mill facilities were constructed, the lake was stocked with bass and sunfish—perhaps the best known of America's fresh-water sport fish. They have grown quickly and multiplied, providing a popular source of recreation for plant employees.

The lake area, which fits naturally into the lush Georgia landscape, even doubles as a wildlife preserve.

A wide variety of water birds, including ducks, geese, egrets, and cranes, are common sights.

"A fish factory. That's what that lake is," says Ed Hart, Interstate's utilities manager. "We don't lower the level to the point where it might endanger the fish."

He recalls that the very first people to eat fish out of the lake were Interstate officials. The fish were served in the plant cafeteria.

"Nobody died," he laughs. "Fact is, everybody enjoyed his meal. This was our way of showing what we were doing and how well we were doing it. And we wanted to make sure it was okay to fish that lake."

GOOD JOBS

William J. Verross is a big, plain-spoken man who views administration as an "evil necessity" as he goes about his job in shirtsleeves at the Interstate mill outside Riceboro.

He is vice president of Interstate Paper and general manager of the mill.

Because of his position, he performs many different functions—from serving on the county hospital board to addressing Russian scientists and engineers on how the mill's waste-treatment system works.

His real pride, however, is his work force. Bill Verross avoids use of the phrase "top management." He calls it misleading.

Verross considers every man at every level as pretty much his own supervisor.

Robot-type jobs don't exist at Interstate, he says, "because that's what automation is for."

How many unskilled or semiskilled jobs are there in the mill?

"None," replies Verross.

None?

"Not a one," he emphasizes. "We've got no faithful old joes here. Nobody is locked into a position of pushing a broom. . . . Everyone in this plant is trained for a higher level job, and he moves into it as soon as it opens up. Every job in this plant has to be filled by a man who can think on his own."

Pride appears to be a ready commodity at Interstate, as reflected by the high morale and low employee turnover.

Interstate Paper employs 290 persons. The annual payroll is $3 million. The mill also has helped create an additional 250 indirect jobs, including about 40 in an independent sawmill operation, Knox Wood Products, located within the Interstate mill complex.

Interstate Paper owns no timberland. The plant is the only one of its kind in Georgia and one of the few in the Nation that must rely entirely on private landowners for its supply of pulpwood.

About 1,100 timberland owners in 40 counties furnish Interstate with 285,000 cords of pulpwood annually.

The mill complex includes equipment to grind logs into chips; facilities to digest the chips into pulp; and 11-story boiler power plant; a 5-story machine room where the pulp is processed into paper; a bark-burning "teepee"; office, maintenance, and woodyard buildings, and waste-treatment facilities.

Wood is transported to the mill by rail (the Seaboard Coast Line) and truck.

When the logs reach the Interstate woodyard, they are reduced to chips. Then they are moved from a chip pile to four digesters (the so-called stomach of the papermill) where the chips are cooked with chemicals into pulp.

The pulp is guided through a series of washers, screens, and refiners before reaching the machine room, where a 450-foot-long linerboard machine is housed.

The pulp is 99 percent water when it enters this paper-making machine. The mixture is dried out as it is conveyed through the machine on a wire screen called a "fourdrinier" (named after the inventor of the process). The screen can move at a maximum speed of 2,000 feet per minute—about 500 feet faster than the industry average.

At the far end of the machine, the paper is dried on heated rotating drums. Interstate's finished product is brown kraft linerboard. "Kraft," a German word meaning "strength," refers to both the method of processing and the high strength of the product.

The linerboard is ready for shipment in rolls to Interstate Container Corporation plants in the Northeast, where it will be used for the stiff inner and outer sides of corrugated boxes.

(The Acorn Corrugated Box Company of Chicago and the United Container Corporation of Philadelphia also are stockholders in Interstate Paper and customers of the mill.)

All told, the Interstate mill generates about $50 million annually in economic activity throughout coastal Georgia.

RESOURCE CONSERVATION

In a State that leads the Nation in the production of pulpwood and paper, the efficient use and conservation of timberland is of major concern to the Interstate Paper Corporation.

The company is the first in the industry to develop and apply a process to convert long-dead yellow pine stumpwood into paper.

This stumpwood is first used by Hercules, Inc., of Brunswick, Georgia. Hercules purchases the stumpwood within a four-State area: Georgia, the Carolinas, and Florida.

After extracting resins, turpentine, and pine chemicals, Hercules provides Interstate with round-the-clock truck shipments of shredded wood fiber remaining from these stumps of yellow pine trees. Some of the trees were cut well over a century ago in an era when yellow pine was common in the Southeast.

Interstate also utilizes another form of reclaimed fiber—wood fiber bundles that are rejected by ITT Rayonier of Jessup, Georgia, because of knots and imperfections in trees unfit for the production of chemical cellulose.

Because Interstate finds that both stumpwood and wood fiber bundles are suitable for its needs, almost one-fourth of the linerboard now produced at the mill is made from these rejects.

The company expects to receive about 135,000 tons of reclaimed fiber annually from Hercules and ITT Rayonier. This would replace 100,000 cords per year of pulpwood cut from the living forests, or the equivalent of the average annual growth from 200,000 acres of timberland.

Stumpwood from Hercules soon will supply about 30 percent of Interstate's annual fiber needs. ITT Rayonier will supply an additional 3 to 5 percent.

Both types of reclaimed fibers are mixed with green pine chips before entering the Interstate pulpmill.

No further processing is necessary for the ITT Rayonier fibers, which are mixed at random with green chips at the Interstate woodyard and processed into linerboard.

But the Hercules stumpwood must undergo an extensive washing process developed by Interstate to remove sand, rocks, and other foreign matter before being mixed at a controlled ratio with green chips and introduced into the pulping system.

Discovery of stumpwood as a new source for the production of paper was revealed in the spring of 1970 by Interstate. However, several months were required to develop and refine the equipment to handle and process the material.

Interstate has invested about $600,000 in the design and construction of the stumpwood handling system.

The use of reclaimed fiber in the production of linerboard represents much more than a technological breakthrough. It reflects a conscientious effort to conserve forest resources.

Reforestation is another aspect of this effort at Interstate Paper.

The company provides technical assistance and heavy equipment on a contract basis to wood suppliers in the Interstate procurement area, which includes all of coastal Georgia.

Interstate began its reforestation activities in 1969 with an investment of $200,000 in heavy equipment for the clearing, site preparation, and replanting of cutover woodlands under the supervision of trained foresters.

Landowners are charged cost, which generally varies from $35 to $75 per acre.

Over the last two planting seasons, more than 8,000 acres have been planted with slash pine seedlings. Slash pine, which flourishes in marshland regions, is the backbone of the paper industry in Georgia and other parts of the Southeast.

The acceptance by landowners of the Interstate reforestation program is increasing. This is a major objective of the company. The concept of "enlightened self-interest" is taking on growing importance in the business world.

The term suggests that the strength of American business in the seventies and beyond will parallel the health of American society.

It also suggests, as Interstate Paper has been demonstrating, that economic progress cannot be isolated from social progress. Each supports the other, and "environment"—natural and manmade, rural and urban—is an integral part of both.

ILLINOIS FARMERS STILL HURT BY GULF PORTS STRIKE

Mr. PERCY. Mr. President, responding to the threat to national health and safety brought on by the strike of west coast and Great Lakes ports, the President on Wednesday decided to seek an 80-day injunction under the Taft-Hartley Act.

In my remarks to the Senate early Wednesday, prior to the President's action, urging that the Taft-Hartley cooling-off period be invoked, I focused specifically on the disastrous effects the dock strike has had on farmers throughout the Midwest, and in Illinois in particular. The situation is exacerbated by the fact that the strike has hit at the worst possible moment—in the midst of the fall harvest. Unless farm commodities can move to distant and foreign markets, the record harvest now being experienced will be for naught. Why must the farmer consistently bear the brunt of circumstances over which he has no control?

Sadly, at least for the Illinois farmer, the situation that existed prior to Wednesday's injunction has hardly changed. Much of the produce from Illinois and other Midwest farms moves southward to gulf coast ports for ultimate shipment abroad. Without an end to the stoppage at those ports, these farmers will experience irreparable harm. Derivatively, continuance of the strike threatens the national health and safety and imperils our Nation's economy.

The vitality of our economy and of the farm community in our Nation's heartland must take precedence over the narrow interests of strikers, shippers, and carriers. Economic collapse for these farmers as a result of their goods being unable to reach market must be avoided at all costs. I urge President Nixon to take immediate steps to invoke Taft-Hartley procedures to correct this rapidly deteriorating situation as a result of the gulf ports strike. Such action would be entirely consistent with the President's economic program, announced last night, to control inflation, restore our competitiveness in international trade, and substantially improve our balance of trade.

LET SOVIET CITIZENS EMIGRATE

Mr. HUMPHREY. Mr. President, I invite the attention of the Senate to an extremely sensitive, powerful appeal published in the New York Times. It was written by Andrei D. Sakharov, a respected Soviet academician and member of the Committee of the Rights of Man. Mr. Sakharov had the courage to make an open appeal before the Supreme Soviet on behalf of Jews and other nationalities who have for so many years been desirous of emigrating from their native country. Mr. President, I ask unanimous consent that the appeal be printed at this point in the RECORD.

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

LET SOVIET CITIZENS EMIGRATE

(By Andrei D. Sakharov)

Moscow.—The trials of recent months have once again reminded us of the tragic conflicts faced by Soviet citizens who wish to emigrate and resettle in another country as well as the legal, social, psychological and political aspects of this problem.

Soviet citizens, both Jews and those of other nationalities—Russians, Ukrainians, Germans, Armenians, Lithuanians, Latvians, Estonians, Meskhi Turks and others—who have sought to leave for personal, ethnic and other reasons, have found their lives transformed into constant torture by years of expectation only to receive unjustified refusals.

There is another side to this problem. Concern can only be caused by the date of those who, having lost hope of satisfying their aspirations within the framework of the law, decided to break the law in one way or another.

Many of these people have been sentenced to long terms of detention in camps or prisons or have been doomed to the horror of forced

psychiatric treatment in such strict-regimen hospitals as the Dnepropetrovsk special psychiatric hospital and others.

The attempts made by these citizens, prompted by extreme necessity, have for the most part been categorized by the courts as betrayal of the motherland, and have resulted in most severe punishment.

In December, 1970, the world was stunned by the sentences in the so-called Leningrad case about an attempted hijacking. Two death sentences were commuted by an appeals court, but the extent of public punishment remained exceptionally strict for the sentenced. In May, 1971, a Lithuanian, Sim Kudirka, whose only guilt was an attempt to remain abroad during a voyage overseas, was sentenced to ten years detention by a court in Vilna. He was able to jump onto an American warship, but was returned and sentenced for "betrayal of the motherland."

Finally there is yet another side to the problem. Persons attempting to leave, usually without success, find themselves in doing so in the position of second-class citizens with regard to retaining a number of their rights—because of prejudices, traditions and conformism in our society.

This involves the opportunity of continuing with one's studies or with one's job, and may even result in judicial prosecution. The recent trials of Palatnik in Odessa and Kakut in Sverdlovsk are, in my opinion, examples of such preconceived and obviously unjust approaches.

Commenting on the above aspects of the problem as a whole, I would like to stress that a humane and just solution would be highly important to further democratization of our country, for the final overcoming of our international isolation, for an exchange of people and ideas and for the defense of the rights of man—that primary and basic value of a socio-political system.

The freedom to emigrate, which only a small number of people would in fact use, is an essential condition of spiritual freedom. A free country cannot resemble a cage, even if it is gilded and supplied with material things.

Respected members of the Supreme Soviet, I appeal to you, I appeal to anyone who wants the citizens of this country to be truly free, to contribute in every way possible to a solution of these problems. In particular, I appeal to you personally to take the initiative in the following:

It is essential to adopt legislation that would resolve the problem of emigration in a democratic spirit so that anyone who desires to leave the country will be given the opportunity to do so and, if he then changes his mind, to return home without hindrance. This would be in keeping with the rights of man that are universally acknowledged.

Further, it is essential that the section of the criminal code on high treason be amended so that it will no longer be interpreted as broadly as has been evident in recent trial practice.

It is essential to grant an amnesty to all citizens sentenced in connection with attempts to leave the country and to release those who, for the same reason, are being subjected to forced treatment in special psychiatric hospitals.

Mr. HUMPHREY. Mr. President, to us, the right to emigrate is fundamental to the basic human freedoms which this Republic was designed to insure. No human right, yet alone the right to emigrate, is fundamental to Soviet leaders. For me there is no personal risk, such as there is with Mr. Sakharov, to decry the absence of freedom within the Soviet Union. But there is an obligation to speak out on behalf of Jews and other nationality groups now living within the Soviet Union under extremely adverse circumstances.

I have joined other Senators in submitting a resolution which calls attention to this matter, particularly with respect to the plight of Soviet Jewry. I urge the Senate and the President to consider the resolution and act upon it quickly. Not doing so would condemn this body to the accusation of human neglect.

JOBS-FOR-EX-OFFENDERS PROGRAM

Mr. PERCY. Mr. President, crime in our society is not a novel problem. It has existed as a part of human nature from the time of Cain. Yet, as statistics amply indicate, crime has been rising at a rate much faster than the growth rate of our population. One of the major reasons for this fact is the major impact of recidivism. People caught, convicted, and punished for the commission of crimes come out from behind the prison walls and commit more crimes, sometimes crimes more violent than those for which they were originally incarcerated. This is costly to society, not only in terms of dollars and cents, but also in terms of the fear it creates in the society at large.

Every time we try a person for a crime, it costs a great deal of money. If the individual is subsequently incarcerated, it costs a great deal more money. And the only return on our investment is usually a person who will within a very short time be going through the same routine again.

What is needed are innovative programs which will take a person out of the revolving door of crime-punishment-release-crime. Such a program has been developed by a private consulting firm from Chicago, Palmer-Paulson Associates, Inc.

The jobs-for-ex-offenders program is an experimental project that works with individual convicts on a 1-to-1 basis, counsels them, and finds them opportunities for employment once they are released from prison.

Talk to almost any inmate about to be released, and one of his biggest concerns is finding a job. If no job is available, then too often he will return to a life of crime. The jobs-for-ex-offenders programs is offering ex-cons an alternative.

It is giving them a chance to make it in the "straight" world. And this offer might well be the difference between an ex-con's staying out of trouble, and his going back to prison.

The results from this project are not yet complete, but statistics based on similar projects augur well for its success. Treating prisoners like animals leads only to embittered people anxious for revenge. Treating inmates like human beings and offering them a chance to rehabilitate themselves offers the hope that both the individual and the society will benefit.

Mr. President, I ask unanimous consent that an article from the Christian Science Monitor of September 22, which describes the jobs-for-ex-offenders program, be printed in the RECORD.

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

JOB FOR ANDY BEATS PRISON

(By Merelice K. England)

CHICAGO.—Andy, a husky congenial-looking young black with short hair and a budding moustache, was in his early teens when he first went to prison.

He got three months for larceny and was released.

But Andy went back.

His second term was five years for breaking and entering. He served all five years and was released.

But he went back again.

Now he is on parole from a five-year term for passing forged checks.

This time he might make it.

Recidivism is the word used to describe the common misfortune of "once a criminal, always a criminal." And recidivism, or sending ex-offenders back to prison, is costly to taxpayers—more costly than the "Jobs-for-Ex-Offenders" program that now might keep Andy on "the outside."

ABOUT $100,000 SAVINGS SEEN

Some penologists calculate that keeping an ex-offender on a job and out of jail saves a conservative estimate of $100,000—including police apprehension, court costs, attorney fees, investigations, welfare for the prisoner's dependents, and incarceration.

A job-placement program such as the one Andy is in, however, is not always popular with those who complain about "coddling" criminals. Another ex-offender, William Jahn, now works with the job-placement program. He helps develop training and educational courses for prison inmates. (At the request of Andy and Mr. Jahn, their real names are not being used.)

In a small measure, Mr. Jahn has found, the Jobs-for-Ex-Offenders program rouses the same diverse emotions as does the recent tragic rebellion at Attica state prison: a sense of urgency for prison reform vs. a stern approach to punishing prisoners.

When Mr. Jahn talks about the job program in public, he consistently emphasizes how, in the long run, such rehabilitation saves taxpayers' money. In private, he explains matter-of-factly that he gets more response by appealing this way to the self-interest of taxpayers rather than to some humanitarian interest in prison reform.

MORE THAN A HANDSHAKE

Now, in addition to the usual suit of clothes, $15 and a well-wishing, you're-on-your-own handshake, Andy was paroled knowing he had a job.

"The first 30 to 90 days after release are real critical," says Mr. Jahn. "Especially if someone's been in a long time and things have changed a lot."

Andy is an auto repairman and has been out six months now. He lives in North Carolina, the first state to experiment with the Jobs-for-Ex-Offenders program, as devised by a private consultant firm, Palmer-Paulson Associates, Inc., whose home office is in Chicago. Some 200 North Carolina ex-prisoners have been placed in jobs this year.

Indiana and Maine are the next two states slated for the program, to place 350 and 400 ex-offenders, respectively. And Oregon is "in the works."

The job-placement program is funded through the Law Enforcement Assistance Administration of the Department of Justice, a result of crime-in-the-streets legislation passed by Congress in 1968.

STATE TAKEOVER PLANNED

The LEAA furnishes funds that are matched locally and thus acts as a partner to states, cities, and counties that want to improve their criminal-justice systems.

Initially, Palmer-Paulson works with the corrections officers in a state. Eventually the state's own corrections department or employment department will run the program independently. But the private firm brings with it a wealth of business contacts throughout the nation derived from some 35 years of serving more than 35,000 companies.

Each Job-for-Ex-Offenders program is tailored to suit the locality and the individ-

ual prisoner. Some activities that might be included in a job-placement program are:

One-to-one counseling with a prisoner before and after release.

Working with parole, probation, and correction officers to coordinate services, open lines of communication, and set up workshops and discussion groups.

Making business contacts to ferret out jobs for ex-offenders and determine what training is needed to fill the jobs.

While programs such as the Jobs-for-Ex-Offenders can't guarantee there'll be no more Atticas, several penologists hope it can keep more Andys from spending a lifetime in jail with what they term the unsalvageable criminal.

THE WORK OF SENATOR ELLENDER

Mr. COOPER. Mr. President, I am proud to join my colleagues and all those who are taking this occasion to recognize the work and contribution of Senator ELLENDER, who has served so faithfully and effectively for years—longer than any other in the history of the Senate—as chairman of the Committee on Agriculture and Forestry, as chairman of the Appropriations Subcommittee on Public Works, and who now serves as chairman of the full Committee on Appropriations and as President pro tempore of the Senate.

I have known the work of Senator ELLENDER in the field of agriculture from my years as a member of the Committee on Agriculture. His guiding influence on agricultural programs extends over more than a quarter of a century. It has always been exercised with knowledge and experience to protect the position of the family farm, often during periods of change and transition, and to maintain the values of rural life which have played such an important part in our national character.

In recent years, less attention has been given to "the farm problem," and the needs of rural areas seem to have less appeal than when Senator ELLENDER first tackled them. In part this may be because the programs are working better than they did at one time, and because of his work. I certainly recall the years in which "the farm problem" was considered intractable, if not insoluble.

Senator ELLENDER never gave up. With patience and determination he applied himself, and led the committee in its efforts to work for better solutions—not only for farmers, but to assure the people of this country food and fiber at fair prices, always keeping in mind as well the integrity of Federal programs, their cost, and their relationship to the total Federal effort in the national economy.

I am glad, too, to speak of the water resource and public works programs which have been Senator ELLENDER'S work for many years—and to speak not only from my knowledge of flood control and navigation projects in Kentucky, and the great projects which affect my State such as the development of the Ohio River, but also about his work in the development of the Nation's resources. As the ranking minority member of the Senate Committee on Public Works which authorizes these dams and locks, local flood protection facilities and other projects, river and harbor projects, and as a member ex officio of Senator ELLENDER'S Appropriations Subcommittee, I have had an opportunity to see at first hand his leadership and hard work for the Nation.

Although those of us who work in this field know it so very well, I think it is perhaps not widely recognized that this task represents an enormous body of work. It has been pursued by Senator ELLENDER with continuity and devotion year after year. His dependable work and consistent attention have been a source of strength to these programs, to the agencies and administrations involved, and to all of us in the Congress. Senator ELLENDER, and the staff which he has utilized in this work, have given every agency, administration, and Member of Congress involved a rock to which to tie. The Members of the Senate rely with confidence on his work and his integrity of judgment in this vast field.

Each of us can give examples, and the list of accomplishments to which Senator ELLENDER could point would be a very long one. I will not say that any great dam, or navigation system, or even any water resources program, could be a monument to his efforts. Far more important and significant, it seems to me, is the way Senator ELLENDER has pursued the work he has undertaken—with determination in securing the facts, persistence in probing for answers, insistence upon economy, unwavering patience, and constant courtesy.

We are all confronted with the phenomenon of increasing diversity in the Nation, of rapid social change and growth, reflected especially in recent years in a multitude of Federal programs. We now have a national government of perplexing scope—with programs not only of great size but often intricate, and having profound influence and impact, even in their details of execution, on the life of our citizens. At times some of these vast programs became difficult even for Members of Congress to follow, although we have committees which try to divide the work and Members who become expert in each field. I must say that it has been the work of Senator ELLENDER, and other Members who share his devotion, which gives us assurance. He has kept before us an example that these large and difficult problems can be met, that individual judgment, wisdom, and experience can still prevail, and that they can have value beyond decisions by consensus or merely by the inertia or flow of events.

I want to speak especially of the human qualities which I judge so significant in Senator ELLENDER'S work. I have spoken of his diligence, but it may be little known outside this Chamber that each year, and year after year, he has sat morning and afternoon, day after day, listening to those who come before his committees—each of the witnesses presenting problems of great importance to them.

Senator ELLENDER not only listens. He takes an interest. He understands the issues—and he follows through. The questions raised at these hearings are later directed to the responsible agency—for Senator ELLENDER insists upon answers and upon making a record to which Members of this body, or any interested person, can direct an appeal.

Time and again I have seen the senior Senator from Louisiana pursue an issue—one which I believe his own intuition and experience may lead him to question. But in the interest of fairness and objectivity he will secure the facts, and reserve his own judgment until the facts are in—or reserve his own judgment in order to lay the problem before the committee or before the Senate.

All of us know the variety of witnesses and testimony introduced at hearings. It would not be hard to say to some of those who come long distances, "We know all about the problem," or "We have heard experts, we recall this situation from last year and the year before," or "You do not have a very good case, and the question has already been decided." Senator ELLENDER, on the contrary, insures that every person or group has the opportunity to make their case. I have often seen him do so even when the subject has not yet reached the jurisdiction of his committee, or the point raised may lie more directly before a different forum. I have seen great agencies of Government, and projects already far advanced through established procedures, questioned or even stopped by a single individual—perhaps a farmer living on the banks of that river—because Senator ELLENDER believed that an individual judgment is worthy of consideration. It is his kind of work that keeps our faith in the democratic process.

His kind of work—the due process, the consideration of the views of every witness—makes the Senate a worthwhile body. It is the kind of work that inspires us all—not in the glow of a colorful stroke, but by the steady, conscientious, and intelligent effort which some may look upon as drudgery, but which is so necessary and in fact essential in the life of good government, as well as in our individual lives.

I would say further that Senator ELLENDER has striven fearlessly for economy in Government. He has practiced it faithfully in the management of the committees on which he has served as chairman, and he challenges other committees of the Senate, and the Senate, to give an example of economy in their work to the people of our country.

I have also served for several years as a member of the Senate Committee on Foreign Relations, and have been deeply interested in our relations with other nations during my entire service in the Senate. Senator ELLENDER has made his own study of these problems, and year after year has reported to the Senate the results of his investigations. His extensive travels for the Appropriations Committee have been primarily undertaken in the interest of saving money for our people, spent in the field of foreign relations.

He has done more. As a result of his investigations, Senator ELLENDER has each year recommended to the Senate important new directions and initiatives in foreign policy. His main efforts have been to reduce the danger of war and move toward better, peaceful relations with other countries. He has been a prophet in this field, for many of his recommendations are now being followed by the Congress and the administration.

Senator ELLENDER has made a great contribution. We know he will continue to do so. It is a contribution to the Senate and to the Congress. It is a contribu-

tion to the balance between the branches of Government. It is a contribution to the democratic process. And it is a legacy to the people of this Nation.

Senator ELLENDER has never forgotten the needs of the people of Louisiana and has worked faithfully for them. He is also a leader for the Nation—a good man, and a great man.

Mr. President, I have not given specific examples of the work of Senator ELLENDER, including the great navigation systems, water resource projects, and other public works, because I preferred to speak of his qualities and character, and the way that character has shaped his work for the country's benefit. I ask unanimous consent that there be included in the RECORD at this point a "Record of Accomplishment for the Nation," a statement which I have prepared paying tribute to Senator ELLENDER for his work bringing great benefits to the Ohio River Valley, and a telegram from the Ohio Valley Improvement Association on the occasion of his 81st birthday.

There being no objection, the two statements and the message were ordered to be printed in the RECORD:

A RECORD OF ACCOMPLISHMENT FOR THE NATION

For sixteen years, from 1955 to 1971, Allen Ellender served as chairman of the Subcommittee on Public Works of the Senate Committee on Appropriations. During this time, under his leadership, extensive water resource projects were constructed in every major river basin in the country for navigation, flood control, water supply, power, and irrigation.

To name just a few of the principal river systems will demonstrate the breadth of influence he has exerted.

In the Mississippi River System, during this period, we find the extension of navigation in the upper river to Minneapolis and St. Paul; modernization of the Calumet-Sag Waterway connecting the Mississippi River System with the Great Lakes; the redevelopment of the Ohio River navigation system by replacing the existing 49 small locks and dams with 19 large modern structures; extension of navigation on the Missouri River to Omaha; initiation of the Kaskaskia River project which will open up extensive coal fields in southern Illinois; the initiation and completion of the Arkansas River development which brings navigation up to Tulsa, Oklahoma; and construction of alternate facilities at the most congested section of the Gulf Intracoastal Waterway.

During this same time, flood control storage in the reservoirs constructed in the Mississippi River drainage system is capable of holding back sufficient water to cover the entire States of Arkansas, Louisiana, Mississippi, and Rhode Island to a depth of one foot. These reservoirs also provide storage for low-flow regulation. For example, during one dry period one-half of the flow of the Ohio River past Cincinnati came from the release of fresh water from upstream reservoirs. This was a major factor in diluting the pollution in the streams from farm and undeveloped lands. In addition, large blocks of storage are reserved for water supply, and recreation has become an important function of the lakes created by the dams.

During this period, similar developments have been undertaken along the Atlantic coast including major navigation improvements at Portland Harbor, Maine; New York Harbor; the Delaware River above and below Philadelphia; Baltimore Harbor; Norfolk Harbor; Wilmington, North Carolina; Savannah River, Georgia; Jacksonville, Port Everglades, and Miami Harbors, Florida. Major flood control and multiple purpose reservoirs have been constructed in the Merrimack and Connecticut River Basins of New England, Susquehanna and Roanoke Basins in the mid-Atlantic Region, the Yadkin-Pee Dee and Savannah River Basins, as well as the Central and Southern Florida water control projects in the South Atlantic.

Along the Gulf coast, major improvements include the Port of Tampa; comprehensive developments including power, flood control, navigation, water supply and recreation in the Alabama-Coosa, Tombigbee Basins in Alabama; the Chattahoochee in Alabama and Georgia; the Sabine River, Louisiana and Texas; and the Trinity, Brazos, and Colorado Rivers in Texas.

Major navigation improvements include the Mississippi Gulf Outlet in Louisiana; the Houston ship channel; Corpus Christi Harbor and the Port of Brownsville, Texas; and the development of many feeder channels for the Gulf Intracoastal Waterway.

Similarly, along the West Coast, major improvements which are a tribute to the vigorous support given this program by the Senior Senator from Louisiana include navigation improvements at San Diego, Los Angeles, Long Beach Harbor, San Francisco, Sacramento Deep Water Channel, Redwood City, Noyo Harbor, and Crescent City, California; Coos Bay, Tillamook Bay, and Portland Harbor, Oregon; and Seattle Harbor, Washington.

Flood control and multiple-purpose projects of very wide scope include Los Angeles County flood control, Sacramento-San Joaquin Drainage System, and Russian River Basins in California; and the great Columbia River Basin in Oregon and Washington.

In the Great Lakes Basin, improvements include the deepening of all connecting channels and major harbors, such as Duluth-Superior, Detroit, Monroe, Toledo, Buffalo, Cleveland, and Lorain—to name just a few—to accommodate the ocean-going vessels utilizing the St. Lawrence Seaway.

Many flood control projects were also built during the period that Allen Ellender was Chairman of the Subcommittee.

A large number of the projects, either completed or under construction today, would still be a dream had it not been for the long hours of interrogation of witnesses and study of the needs of the area. The information gained in this tedious process provided the basis for the Senator's recommendations for unbudgeted new starts and increased appropriations for going projects where budgeted amounts were not sufficient to maintain approved construction schedules.

Literally, it can be said that every section of the country is better off today as a result of the tireless efforts of Senator Ellender in providing the funds required to preserve and protect our two most precious resources—soil and water.

THE OHIO RIVER VALLEY

Mr. COOPER. Mr. President, I wish today to pay tribute to Senator Ellender as one person who, more than any other, has been the prime mover of what is perhaps the most productive public works programs in history—the reconstruction to modern dimensions of the navigation system of the Ohio River and its tributaries.

Just 20 years ago, the potential of the Ohio River navigation system, over 2,500 miles in extent and serving a region larger than France, lay dormant. The water-based prospects of this region were choked in an obsolete navigation system consisting of 46 antiquated low-lift locks and dams, adequate for their time but deteriorated and outmoded for the requirements of the second half of the 20th century.

The U.S. Army Corps of Engineers developed a concept whereby these 46 antiquated structures could be replaced by 19 new high-lift installations. Senator Ellender recognized the great possibilities of this plan. From his position as chairman of the Subcommittee on Public Works of the Senate Committee on Appropriations, Senator Ellender assumed the initiative in the provision of funds to get construction started, often in spite of adverse budgetary conditions. More than any other single individual, Senator Ellender has, through his initiative, maintained the impetus of the Ohio River modernization program.

Today, millions of people are living a better life, in no small measure as to consequence of Senator Ellender's foresight. When the construction program first got under way in 1954, the Ohio River was carrying less than 12 billion ton-miles of freight a year. Under this traffic load, several of the old locks were already operating close to capacity. In 1970, the river carried over 30 billion ton-miles of freight—most of it made possible by the new modern structures.

On the foundation of low-cost water transportation, Ohio Valley industries have flourished and grown. From 1950 to 1969, over 31.7 billion dollars has been invested in major new plant construction and expansion projects in counties bordering the Ohio River and its navigable tributaries. My own State of Kentucky, with 5.5 billion dollars of this investment, is second only to Pennsylvania among the Ohio Valley States in this river-based industrial expansion. Families in the valley communities now enjoy a more abundant life in an economy which benefits from the region's advanced water transportation system.

The completion of the Ohio River modernization program is now in sight. As the economy of the Ohio Valley expands into the dimensions of the final quarter of the century, it will be served by a navigable river system commensurate with the potential of its people and the promise of its resources.

The Ohio River is a tributary of the Mississippi. The huge fleets of freight-carrying vessels move in uninterrupted flow between the ports of Kentucky and the ports of Louisiana. The senior Senator from Louisiana might well be called the father of the new Ohio River system, and it is in terms of the highest respect and appreciation for his vision and leadership in the role, that I pay tribute here today to Senator ALLEN J. ELLENDER.

THE OHIO VALLEY
IMPROVEMENT ASSOCIATION,
September 24, 1971.

Senator JOHN SHERMAN COOPER,
U.S. Senate, Old Senate Office Building, Washington, D.C.:

Speaking as the voice of the extensive communities of the Ohio Valley, with respect to our water resources and with warmest appreciation for his many years of distinguished leadership, this association extends to Senator ALLEN J. ELLENDER heartiest congratulations and wishes him many years of health and prosperity that this Nation may continue to benefit from his vision and dedication.

HARRY M. MACK,
President.

EFFECT OF NEW ECONOMIC POLICY ON POOR COUNTRIES

Mr. JAVITS. Mr. President, the Overseas Development Council, a nongovernmental, nonprofit, and nonpartisan center for public education has published an excellent short survey entitled: "How Will Uncle Sam's New Economic Policy Affect the Poor Countries."

It is my understanding that the thoughts and concerns put forward in this study reflect a meeting held by the council attended by ranking administration officials, officials of international organizations, respected scholars, and some congressional aides.

The views put forward in this survey will be particularly germane as the Sen-

ate moves toward the consideration of the bilateral and multilateral assistance bills that should soon be on the Senate floor.

I ask unanimous consent that the survey be printed in the RECORD.

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

[From the Communique on Development Issues, Overseas Development Council/No. 13]

HOW WILL UNCLE SAM'S NEW ECONOMIC POLICY AFFECT THE POOR COUNTRIES?

(By James W. Howe, Senior Fellow, Overseas Development Council)

(NOTE.—The world's poor countries were innocent victims of the NEP of August 15, which sideswiped them unintentionally. Its main purpose was to deal with trade among the industrialized countries and the less developed countries got caught in the crossfire. Actually, most U.S. and foreign experts believe that if the main purpose of the New Economic Policy is attained and if some of its potentially harmful side effects are avoided, the poor countries of the world, instead of being damaged, will reap substantial benefits in the long run.)

THE AUGUST 15 POLICY

The President's New Economic Policy, announced on August 15, did more than freeze prices and wages. On the international front its effects were equally dramatic. In one stroke it cut the U.S. and therefore the whole trading world loose from its moorings to the monetary system set up by the Bretton Woods Agreement at the close of World War II. Three of the things it did are of especial interest to the poor countries:

1. It dethroned gold by announcing the dollar would no longer be redeemed in gold, thus inducing most European countries and Japan to let the market decide the value of the dollar in their own markets. This may make their goods more expensive in the U.S. and U.S. goods cheaper in their markets.

2. It imposed a ten percent surcharge on many imports into the U.S.

3. It announced a 10% cut in aid.

Much has been written about these effects but little has been heard of the impact of the U.S. actions on the hundred odd poor countries in the world. What will its effects be on them?

Many believe the long-run effects of the NEP on the LDC's will be beneficial both as a result of improving the world's trading system in general and of steeping up LDC exports to a revived, full-employment U.S. economy. The short-run effects are something else. They arise from the tone rather than the substance of the U.S. statement. The overtones of economic nationalism—blaming international speculators and our own past generosity for our current predicament, together with the 10% cut in aid—may bring out the worst in the Congress at a critical time for developing countries. This fall both the U.S. bilateral aid program and major funding proposals for virtually all the international institutions are up for decision. Foremost among these proposals is President Nixon's request for a three year U.S. contribution of $960 million to the highly important International Development Agency (IDA)—the part of the World Bank that lends money to poor countries on easy terms.

The tone of the President's announcement may play directly into the hands of protectionist and isolationist sentiment on Capitol Hill. One Congressional aide remarked that economic jingoism has now been made respectable, with the chief target being the developing countries. He added: "the small valiant group of liberal internationalists will now have to battle even greater odds" as a result of that jingoism.

THE SURCHARGE ON IMPORTS

More immediately, the developing countries are being hit by the 10% surcharge on imports. A staff study by the Organization of American States, for example, estimates that over one-fourth of Latin American exports to the U.S. are affected. Understandably, the world's poor countries feel it is unfair that they are being penalized for a deficit in the U.S. balance of payments that they were in no way responsible for bringing about. Far better, they argue, for the U.S. to exempt the poor countries from the surcharge. Such a position would also be consistent with the Administration's declaration of support for preferences—i.e. the proposed system of setting lower tariffs on the import of manufactured goods from developing countries.

Whether these countries should be exempted from our import surcharge depends largely on timing: if the surcharge is temporary, as we maintain, there is no need for exemption. Indeed exemption, by making the surcharge more complex than the simple bargaining instrument that it now is, would, by implying an expectation of quasi-permanence, tend to transform it from a temporary measure in pursuit of monetary reforms to outright protectionism. The answer is clear: don't exempt the developing countries, but rather remove the surcharge quickly.

Of course, if the surcharge fails to bring about a reform of the monetary system—say, within six months—it would become a serious and unfair burden on the poor countries. Then there would be a convincing case for exemption.

CHANGES IN EXCHANGE RATES MAY HELP THE LDC'S

The developing countries will also be affected by changes that take place in the rates of exchange between the dollar and the currencies of Europe and Japan. The OAS staff study concluded that Latin America would probably not be better off as a result of exchange rate changes, and might be worse off. Its position vis-a-vis the U.S. would deteriorate, primarily because of the surcharge, and while it would gain foreign exchange in its dealings with Europe and Japan, there would be an overall turning against Latin America in terms of trade. This means the things Latin America exports would bring less and the things she buys would cost more. The reason for this is that Latin American currencies would be devalued in relation to European and Japanese currencies.

This may be too pessimistic a view. Not only Latin America but any poor country which devalues with the dollar in relation to Europe and Japanese currencies stands to benefit for these reasons: 1) since the prices of its goods fall in Europe and Japan it should sell more there; 2) since the cost of European and Japanese imports go up in the U.S. this may open up opportunities for poor countries to sell us light manufactures, especially labor-intensive ones, at an advantage over other rich countries whose labor costs are higher. Thus, if that price advantage increases sales in the U.S., its position with the U.S. *may* improve rather than deteriorate. This is more likely if the surcharge is quickly lifted. Moreover, its position with the other rich countries *should* improve. Poor countries (especially in Africa) which continue to tie their currency to the French franc or the British pound may be disadvantaged thereby in U.S. markets. For some of them, however, the U.S. market is not very important.

Some Asian countries, like Korea, may find it advantageous to devalue with the dollar or at least to appreciate in relation to the dollar less than the yen does. In this way, they stand to gain in both markets by exporting to Japan at lower costs and by partially supplanting Japanese exports to the U.S.

THE MONETARY FUND'S "PAPER GOLD"

These problems of the trading relationship between the developing countries and the United States will be very important, and will figure significantly in their concern with what happens next. But they will also keep a close watch on another major prospect to emerge from the Administration's New Economic Policy. This prospect is the likely agreement of the major industrial nations to rely less on dollars, gold, and sterling as international reserves and to find substitutes, such as the "Special Drawing Rights" (SDR's)—the so-called "paper gold." These SDR's, which are merely bookkeeping entries that different nations agree to treat as "good as gold," are now being created by the International Monetary Fund (IMF) at the rate of about $3 billion per year. They are used as international reserves held by individual countries to settle their debts with one another. Some believe the rate of increase may have to expand to $5 billion or more per year as a result of dethroning gold and the dollar.

But how are the benefits of the SDR's—this extra "gold"—to be shared? At present, SDR's are given to IMF members in accordance with a formula which gives, nearly three quarters of the total to the ten richest members. The rest of the world, far more populous and mostly poor, gets the balance. Needless to say, these other countries were not represented in the making of the initial decisions.

Now, however, various plans have been put forward to introduce some greater equity into the system, and to give the poor countries a greater share of the windfall from creating SDR's. Some plans would give the poor countries all the windfall—for example, by making rich countries pay something for the SDR's (instead of getting them free), with the proceeds going to the developing world. To say the least, this would represent an ethical improvement over the present system. These proposals are often discussed under the heading of "the link"—that is, as a way of linking creation of SDR's to assistance for development.

The subject of the link is opened up by the growing awareness that a new reserve is needed—such as the SDR—to supplement and in part to substitute for existing assets. But the issue is complex. In the U.S. there is considerable support for the link—both in Government and among outside experts. But there is little support for the link in Europe where there are fears that this would distort the creation of SDR's from its primary purpose. I believe the Europeans are wrong, and that their fears are ill-founded. But those fears are so real that some monetary experts sympathetic to the link believe that pushing it at this time might actually kill the chances for monetary reform.

So what should the LDC's do? On the one hand, it is clearly unfair that the use of SDR's should be continued and expanded under the present formula where the rich get the lion's share and the poor get the leavings. But on the other if pushing the link prematurely causes the Europeans to kill monetary reform everyone would be worse off. One may well doubt whether, after August 15, the Europeans have any choice but to agree to expanding the use of SRD's. Hence the fear they will kill the expansion may well be overthrown.

Once the immediate job of monetary reform is done, LDC's will be properly justified in turning the pressure on for the distribution of the SDR windfall. This might be done over the next two years, perhaps in connection with the next round of negotiations on replenishment of IDA, the soft-loan affiliate of the World Bank. The subject is also likely to come up at the next meeting of the UN Conference on Trade and Development. Given enough pressure, it is unlikely the world would long tolerate anything as blatantly "rich man take all" as the present system for distributing SDR's.

FOREIGN AID REDUCTIONS

In addition to these matters of monetary reform, the August 15 package included a 10% cut in U.S. aid. This was a measure inspired more by its expected domestic appeal than by a reasoned case that the poor countries had done something for which the cut was a fair and just response—or that they did not need as must aid—or that we could not afford it. Indeed, developing countries may view it as a decision by the U.S. that poor countries should tighten their belts so that U.S. consumers can buy more cars. Later announcements make it clear the cut will not apply to Latin America and it is still not clear whether it will apply to security-related aid. Thus the cuts may fall heavily on technical and capital aid to Asia and Africa and on U.S. contributions to multilateral agencies. Some believe the 10% cut in expenditures can be managed without disastrous results by slowing certain programs provided there is not a further cut in the already tight expenditure ceiling recently handed out for next year. The more serious damage of the aid cut in expenditures may be to invite the Congress to make even deeper cuts in appropriations needed to start new programs. Already there is talk that opponents of aid will use this to argue for cuts of 30% or more in funding of multilateral and bilateral programs. This would really hurt development abroad and would leave further behind the richest country in the world, which already is lagging behind Europe in sharing the burden of development.

To make matters worse, the administration surprisingly announced a delay in its willingness to untie aid. Last year the U.S. had opened an initiative—which was well on the road to success—for an agreement among aid-givers under which all would simultaneously untie their aid. At present American and most other aid consists not of money which the recipient can spend where he can get the best bargain, but rather of goods and services from the aid-giving country. Nearly 100% of U.S. bilateral aid is so "tied." Some have estimated this cuts the value of the aid by about 15% compared with a system of world-wide competitive procurement. Obviously if the NEP makes U.S. goods more competitive it would be to our advantage to untie all aid. Therefore the logical thing would be for the U.S. to resume the initiative for untying. If such an agreement were reached it would be a major boon to the poor countries.

EFFECTS ON PRIVATE INVESTMENT IN LDC'S

What will the NEP do to the flow of private investment from the U.S., Europe and Japan to the developing countries? Such investment helps growth in the LDC's by providing capital, technology, ready made markets and entrepreneurial ability to LDC's often at a cost geared to the profitability of the industry. There has been growing opposition in U.S. labor circles to U.S. investments abroad especially in labor intensive industry. This reflects labor's concern about growing unemployment in the U.S. The August 15 initiative, if successful in reducing unemployment, may reduce opposition to U.S. investment in LDC's.

In addition to hopefully relieving domestic U.S. anxieties about investment abroad, the NEP should help shift some investment from Europe and Japan into LDC's who devalue with the dollar. There may be some relocation of Japanese labor-intensive industry into Asian LDC's. Such a relocation from developed Europe to less developed Mediterranean countries is also a possibility.

IF THE NEP SUCCEEDS

At the outset of this article I said the tone of the August 15 statement had a great, though unintended, potential for harm even as its substance had great potential for good. By the same token, if the "valiant few" in Congress can avert that potential harm, then the August 15 policy can have enormous benefits far beyond its commercial, investment and monetary effects. By giving Americans a resounding success, particularly in our pocketbook, it may restore to us a sense of perspective and confidence necessary if we are to play a constructive role in the world. For if we default and turn inward, it is hard to imagine who on this shrinking planet would fill the moral vacuum.

If the New Economic Program succeeds in its primary objective, then it will also succeed in helping LDS's. To succeed in its primary objective would involve the following:

1. Less unemployment and inflation at home; full employment in the U.S. would benefit LDC's more than any other factor;
2. Realigning exchange rates to favor the U.S. (and LDC's who remain pegged to the dollar);
3. Reforming the international monetary system to provide more flexibility and a new mix of international reserves;
4. Removing the surcharge in the very near future; and
5. Avoiding protectionist, isolationists trends here at home.

If these things come to pass, the whole world can congratulate itself and the poor countries of the world will benefit, probably out of proportion to the world in general. Should the August 15 program fail, LDC's will probably suffer disproportionately more than does the world in general.

SENATOR ALLEN J. ELLENDER

Mr. HART. Mr. President, I would like to record a brief note of congratulations to the senior Senator from Louisiana (Mr. ELLENDER), who has observed his 81st birthday.

Those many of us in this body who admire his vigor and acumen would do well to study his habits and history. As an admiring student of his energy and diet, I have already resolved to eat shrimp gumbo on all possible occasions.

His legislative accomplishments are legendary. His recipes deserve equal fame.

My relationship with the distinguished Member has been both pleasant and instructive. We have had, I think, only one item of longstanding disagreement. We have never, regrettably, been in accord in the merits of civil rights legislation.

Naturally, I would like to think that my position has been one in which the Supreme Court has concurred. But it may still be many years before history makes a final judgment.

Through all of the many debates on civil rights issues, the Senator from Louisiana has earned a reputation as an earnest student of the Constitution and there is no doubt that he has been consistently motivated by concerns that proposed legislation went further than the Constitution allowed.

As a man who has on occasion been his legislative opponent, I do feel qualified to speak about his unfailing courtliness and courtesy.

Moreover, the entire Nation owes him a thank you for the efficiency he has inevitably displayed as chairman of the Appropriations Committee—certainly one of the most difficult and trying posts in the Senate.

Under his chairmanship, the committee has moved with great dispatch on even the most complicated of issues and he is establishing a record that the Senate will long be able to note with pride.

TENSE SITUATIONS IN BUREAU OF INDIAN AFFAIRS

Mr. FANNIN. Mr. President, during the past several weeks a number of tense situations have arisen in the Bureau of Indian Affairs, and they have had repercussions reaching far beyond the BIA itself. The end result has been that BIA programs have been obstructed while one group quarrels or sets itself against another. The chief victims are the Indian people whom the BIA is supposed to be serving.

Some groups and individuals inside and outside the BIA have suggested that the BIA is being steered way from the policy of greater Indian involvement in the management of their own affairs.

Knowing Secretary Rogers Morton as a forthright and progressive-minded public official, I have been wholly unconvinced that any such fears are warranted. On the contrary, I have sensed that the Secretary will get programs going that will correct some basic problems in our Nation's Indian programs. Every step taken by Rogers Morton since he became Secretary of the Interior last January has been aimed at effecting President Nixon's program of strengthening Indian involvement in managing their own affairs.

On October 4, Secretary Morton held a press conference in which he outlined significant new programs and steps he is taking toward this end. They are based on the considered judgments of foremost Indian leaders with whom he has been conferring. Although some of us may disagree in part with the intent of certain portions of proposed legislation, each of us must acknowledge that the Secretary's statement to the press exemplifies the thoroughness with which he is dealing with fundamental issues including the need for massive road construction to develop reservation areas, the need for training programs to enable Indians to manage their own affairs well, and the need for greater authority to permit some of BIA's operations to be contracted out to tribal governments. Mr. President: I ask unanimous consent that Secretary Morton's statement of October 4 be printed in the RECORD.

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

[Press Conference, October 4, 1971, Washington, D.C.]

STATEMENT ON INDIAN AFFAIRS BY SECRETARY OF THE INTERIOR ROGERS C. B. MORTON

I have called this news conference today to announce a series of actions relating to Indian water rights, contracts, roads, self-government, and legislative programs.

My purpose in taking these initiatives towards Indian self-government is setting a course for the Bureau of Indian Affairs designed to protect Indian resources and deal effectively with the root of Indian dissatisfaction—poverty, unemployment, and inadequate educational background. In my opinion this approach will do much to advance the cause of the Indian people of this Nation.

First, Water Rights. Most reservations are in the arid West and depend for development upon adequate water supplies. In the past, Indian rights have not been protected. I intend to change that. I intend to do my best to see that Indians get their fair share of water.

To insure effective advocacy of Indian water rights, I am establishing an Indian Water Rights Office. It will serve as an interim body until enactment of legislation proposed by the President which calls for creation of an Indian Trust Counsel Authority.

This Office will include members of the Solicitor's Office, the Bureau of Indian Affairs, and the Geological Survey. It will be the focal point for seeing that appropriate action is taken to protect Indian water rights—including timely preparation of suits for submission to the Justice Department for filing in the courts.

This Office will report to the Commissioner of Indian Affairs, and he will report directly to me on water rights matters. In this way, we can assure that proper emphasis and priority continues to be given to this activity. I am also inviting the National Tribal Chairmen's Association to appoint an advisory board to work with the Indian Water Rights Office.

After further consultation with Indian leaders, we will announce the director, deputy director and other appointees to this Office. Supplementing their work will be field teams correspondingly constituted.

Two million dollars will be funded for the first year's operation of the Indian Water Rights Office and its field team program.

I have recommended to the Justice Department that it file suit to protect underground water rights of the Lummi Indians in the State of Washington. The Department is also intervening in the Escondido case now before the Federal Power Commission, and in a State of Idaho proceeding (Duck Valley). Moreover, the Department also intends to intervene in another Federal Power Commission matter involving the Chippewa Dam.

Next, Contracting and Self-Government Programs. The expressed desire of many Indian tribes and groups is to contract with the BIA so that they may provide services hitherto performed by the BIA. In addition to the 724 contracts with Indians that have been renewed since May 1, 1971, I have approved 93 new contracts with a total value of $2,435,000.

These numbers show that contracting has by no means come to a halt, despite allegations from a few quarters that this is the case. Nevertheless, there is much more to be done in this direction.

I feel confident that the House and Senate Interior Committees will soon provide us an opportunity to appear before them in support of the President's proposed new legislation providing for broader contracting authority.

In the meantime we will continue to work out self-governing agreements under the authority of the Snyder Act, the Johnson-O'Malley Act and the Buy Indian Act. To the greatest extent possible within budgetary restraints we will continue to issue contracts for the procurement of goods and services from Indians and Indian groups.

Moreover, we are establishing a full-time training program to train BIA employees and prospective contractors in procedures and methods relating to the contracting process, to insure that effective arrangements will result. We will also work with Indian organizations, tribal or otherwise, to help them equip themselves to qualify for contracts. Existing training projects now handled under the Office of Economic Opportunity will be expanded. Tribal and government management training contracts will be set up in cooperation with the Department of Labor.

Next, Roads for Indian Reservations. A modern network of roads is the prime physical system upon which social and economic development depend. Indian reservation communities live in the 1930's with respect to the adequacy of their surface transportation roadways. This is an obstruction to health services, to day schooling, to industry, tourism, to housing and sanitation.

Until 1935, no roads were constructed on Federally related Indian reservations. Since that time, the pace of construction has fallen far short of being commensurate with highway and road-building in the U.S. as a whole. The Indian areas are doomed to continuing isolation and poverty until modern roads are built. The BIA has developed a comprehensive construction plan under the direction of Alexander McNabb. I am working with the Office of Management and Budget and the Department of Transportation to seek funding that will open up Indian communities through modern roads systems.

Now, A Few Comments on Legislation. I am releasing the text of a letter (attached) of September 20, 1971, from Assistant Secretary Loesch to Senate Interior Committee Chairman Henry Jackson clarifying the Department's position on the importance of items in the President's Indian legislation program. Certainly, the creation of an Indian Trust Counsel Authority is of prime importance to implement the President's program for Indians.

I will be the lead-off witness for the Indian Trust Counsel and other Presidential legislative proposals as soon as the Senate Interior Committee confirms its schedule of hearings on these bills.

I am delighted to see the House and Senate Interior Committee action on the Alaskan Native Claim bill, a matter so important to Indians. The bills reported out are very close to the version proposed by the President. What this shows is that there is a consensus among the Executive and the lawmakers of both parties reflecting fairness and equity in matters vitally affecting this Nation's first Americans. I am sure the other Indian measures proposed by the President will receive equally favorable treatment in Congress.

Now, Two Other Actions I Am Taking. On the recommendation of the Board of Directors of the National Tribal Chairmen's Association, I am creating an advisory board to assure better communications among the Bureau of Indian Affairs, the Secretary's office and the national Indian community. As the NTCA Board suggested, the group will be comprised of 15 members, including representatives from the National Congress of American Indians, the National Tribal Chairmen's Association, and other Indian groups, both reservation and otherwise.

I am instructing Assistant Secretary Loesch and Commissioner Bruce to have a special briefing prepared on the fiscal year 1973 Budget of the Bureau of Indian Affairs. This briefing will be presented for information and advice to officers of the National Tribal Chairmen's Association and of the National Congress of American Indians prior to the Secretary's final approval thereof.

I feel that these measures will help move the BIA efficiently and successfully on its course of implementing President Nixon's program which he outlined in his July 1970 Message to Congress.

But I do not suggest that these steps are the only ones necessary. As further needs become apparent, or additional new directions are needed we are committed to responding constructively to them.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., September 20, 1971.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your letter of September 8 asking again for our view of the relative priority of Administration proposed legislation on Indian affairs.

There are a number of bills before the Committee enumerated in the President's special message of July 8, 1970, as well as another bill, S. 2237, subsequently recommended by this Department.

We believe all of these to be highly important and urge the Congress to act on them during this session. Among them we consider as most important the Indian Trust Counsel authorization and the two Indian self-help bills, S. 1573 and S. 1574. We hope, however, that any need for protracted hearings on any one of these bills would not become an obstacle to early enactment of the others.

Sincerely yours,

HARRISON LOESCH,
Assistant Secretary of the Interior.

ATTACHMENT A

NAME OF CONTRACT, TYPE OF SERVICES PROVIDED, DATE AWARDED, AND AMOUNT

Cherokee Boys Club, Dump Truck Rental, September 14, $15,000.

Miccosukee Corporation, Management & Operation of educational and social welfare programs for Miccosukee Indian people, May 14, $23,904.

Cherokee Boys Club, Youth Conservation Corps Camp, May 17, $35,800.

Cherokee Boys Club, Housing Improvement Program, September 13, $14,416.

Shoshone-Paiute Tribe Duck Valley, Land subjugation, June 28, $234,751.

Less S. Thomas, LST Construction, Provide and install L.P. Gas System, Keams Canyon, June 28, $25,182.

Blackfeet Indian Housing Authority, Housing Development, May 5, $5,000.

Blackfeet Land Management Service, Irrigation Pasture Demonstration, May 27, $2,650.

Blackfeet Indian Housing Authority, Home Ownership Training, May 27, $10,200.

Confederated Salish & Kootenai Tribes, Forest Rehabilitation, May 17, $5,000.

Confederated Salish & Kootenai Housing Authority, Housing Development, May 19, $6,000.

Confederated Salish & Kootenai Housing Authority, Home Ownership Training, May 27, $8,400.

Ft. Belknap Housing Authority, Home Ownership Training, May 27, $4,200.

Ft. Peck Housing Authority, Home Ownership Training, May 13, $4,200.

Lummi Tribe, Ground Water Study, May 20, $7,000.

Spokane Tribe, Water Resources Inventory, May 17, $25,000.

Yakima Tribe, Water Resources Inventory, May 17, $36,000.

Colville Tribe, Training for AFDC Recipient, May 1, $6,000.

Colville Tribe, Community Development Project, May 25, $7,000.

Shoshone Bannock, Training of Truck Drivers and Heavy Equipment Operators, May 1, $4,480.

Warm Springs Tribe, Furnish Field Data for Timber Sales, May 3, $5,803.

Quileute Tribe, Management Services for Organizing a Housing Authority, June 17, $1,500.

Swinomish Tribe, Management Services for HUD low rent projects, June 16, $1,500.

Lummi Tribe, Water Resources Inventory, June 7, $20,000.

Lower Elwha Tribal Council, Management Services for HUD projects, June 9, $1,500.

Frank Archambault, Study of Modular Home Industry, June 7, $3,000.

Tulalip Tribe, Construct Duplex building, June 7, $13,000.

Muckleshoot Tribe, Home repairs, June 7, $6,930.

Quileute Tribe, Survey of resources, June 2, $5,000.

Muckleshoot, Management Services for HUD, June 1, $2,000.

Quinault, Management Services for HUD, June 1, $2,000.

Yakima Indian Contractors, Repair water line, June 4, $1,475.

Northern Cheyenne Housing Authority,

Housing Landscape Development, May 18, $3000.

Northern Cheyenne Housing Authority, Home Ownership Training, May 21, $11,000.

Chippewa-Cree Housing Authority, Home Ownership Training, May 24, $5,400.

Chippewa-Cree Tribe, General Assistance & Tribal Work Experience Program, July 1, $83,000.

Wind River Housing Authority, Home Ownership Training, May 4, $4,200.

Shoshone & Arapahoe, Housing Improvement Program, July 1, $75,000.

R.C.K. Inc., Albuquerque, Maintenance & Custodial Services—SWPT Institute, July 1, $348,413.

R.C.K. Inc., Albuquerque, Install water filter Zuni, Blackrock, May 25, $21,771.

Ramah Navajo Chapter, Tribal Work Experience, May 6, $3,125.

Southern Ute Tribe, Igancio, Indian Education, May 27, $5,000.

Santa Dominto Pueblo, Summer Program, July 1, $3,500.

Mescalero Apache Tribe, Receiving Home Services, July 1, $9,280.

Zuni Tribe, Compile & Publish Zuni History text, June 3, $12,500.

Nez Perce Tribe of Idaho, Develop cultural material & publish history text, May 14, $15,000.

Lukee Enterprises, Grants, Laundry Services, July 21, $14,700.

Ute Fabricating Ltd. (Ft. Duchesne), Furniture—Haskell, August 23, $23,800.

Ute Fabricating Ltd., Dorm Furniture—Intermountain, August 23, $424,502.

Ute Fabricating Ltd., Kitchen Cabinets, September 7, $5,327.

Smith Electric Co., Install Electric Service, May 27, $2,129.

Yakima Indian Contractors, Roofing of building, May 21, $2,415.

Yakima Indian Contractors, Framing of building, May 4, $2,465.

Hoopa Valley Tribe, Sidewalks and curbs, May 13, $2,030.

Hoopa Valley Tribe, Irrigation System, May 21, $7,000.

Pit River Coop. Assn., Repairs to Pit River Flume, May 28, $2,000.

Pala Indian Tribe, Housing Material, May 28, $1,000.

Tule River Tribe, Repairs to Irrigation Systems, May 27, $2,000.

Susanville Indian Rancheria, Adult Education Training Center, June 28, $2,520.

Inter-Tribal Council of California, Welfare Grants, May 24, $5,000.

Covelo Indian Community, Meetings, August 12, $2,000.

Ft. Bidwell Indian Tribe, House Repairs (HIP), May 24, $1,200.

Hoopa Valley Tribe, Forestry air services and look-out services, August 27, $6,700.

Standing Rock Sioux Tribe, Library reference resource material—Adult Education, May 19, $2,835.

Yankton Sioux Tribe, Summer Education and Recreation Program, May 21, $11,175.

Standing Rock Sioux Tribe, Summer Education and Recreation Program, May 21, $15,500.

Standing Rock Sioux Tribe, Judicial and Enforcement Services, May 21, $15,000.

Flandreau Santee Sioux Tribe, Furnish and Spread Gravel, May 4, $5,000.

White Eagle Industries Inc., Mattresses, June 5, $6,803.25.

Rosebud Sioux Tribe, Rental earth moving equipment, May 10, $3,000.

Rosebud Sioux Tribe, Rental earth moving equipment, May 10, $2,220.

Cheyenne River Sioux Tribe, Warehouse rental, May 21, $1,000.

LaRosa Industries, Lawn Services, May 22, $3,000.

Winnebago Tribe, Provide Indian Culture Program (encampment 50 youth on welfare), June 21, $12,700.

Crow Creek Sioux Tribe, Advertising & promotion Ft. Thompson Complex, May 22, $33,000.

Three Affiliated Tribes, Advertising & promotion of Four Bear Park, June 22, $35,000.

Yankton Sioux Tribe, Employment Assistance, July 1, $10,000.

Omaha Tribe of Nebraska, Employment Assistance, July 1, $32,393.

Nebraska Indian Inter-Tribal, Training and employment project, July 1, $13,386.

Omaha Tribe of Nebraska, Scholarship and boarding school processing, July 1, $97,450.

Omaha Tribe of Nebraska, Adult Education, July 1, $9,750.

Turtle Mountain Band of Chippewa Indians, Adult Education, July 9, $12,500.

Sisseton Wahpeton Sioux Tribe, Adult Education, July 1, $1,282.

Devils Lake Sioux Tribe, Operation of St. Michael's School, July 9, $220,000.

Yankton Sioux Tribe, Judicial Prevention and Enforcement, July 1, $32,000.

Sisseton Wahpeton Sioux Tribe, Administer Reservation Program, July 8, $25,000.

Yankton Sioux Tribe, Administer Community Development Program, July 1, $17,900.

Sisseton Wahpeton Sioux Tribe, Administering a guidance and Counselling Program, August 16, $26,544.

Standing Rock Sioux Tribe, Comprehensive Pilot Program Title VIB, September 15, $22,520.78.

T. P. Construction, Refinish Gym Floor, September 22, $3,490.

Donald D. Isberg, School biulding addition, September 21, $47,530.88.

T. P. Construction, Rework windows—heating plant, September 21, $2,960.

Philip S. Byrnes, Sr., Grading and draining on 2.140 miles of Cedar Creek Road, $24,568.59.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

FURTHER CONTINUING APPROPRIATIONS, 1972

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of Calendar No. 391, House Joint Resolution 916.

The PRESIDENT pro tempore. The joint resolution will be stated by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 916) making further continuing appropriations for the fiscal year 1972, and for other purposes.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

(Mr. MANSFIELD assumed the chair as Presiding Officer.)

Mr. ELLENDER. Mr. President, the Committee on Appropriations met yesterday afternoon and unanimously adopted the joint resolution that is up for consideration at this moment. This joint resolution simply continues a previously adopted resolution and extends it from October 15 to November 15.

Mr. President, the existing continuing resolution under which certain departments and agencies of the Federal Government are operating expires on October 15, 1971—Friday of next week. And, since it is apparent that the four remaining annual appropriation bills will not be enacted by that date, it is necessary for the Congress to provide authority for those departments and agencies, still unfunded for fiscal year 1972, to continue to obligate funds in the pursuance of their responsibilities. That is what this extension resolution does—it simply extends the expiration date of the current resolution from October 15 until November 15, 1971.

There are four regular annual appropriation bills still to be enacted—the military construction, District of Columbia, foreign assistance, and Department of Defense appropriation bills. As I have stated in previous comments here in the Senate, the Senate committee, for the most part, has completed its hearings on these bills and is awaiting their referral from the House of Representatives before that the House Committee on Appropriations is ready to report these bills as soon as the required authorizations are cleared. The Senate this week passed the Department of Defense authorization bill, and the differences between the House and Senate versions will have to be resolved in conference. The military construction authorization bill is presently in conference; the foreign assistance authorization bill is in the markup process in the Senate committee; and it is hoped that the District of Columbia revenue legislation will be forthcoming shortly.

Under these circumstances, Mr. President, I believe the extension until November 15 provided in this continuing resolution reflects a prudent acknowledgement of the time required to complete the appropriation tasks still before us, and I, therefore, urge the adoption of House Joint Resolution 916.

The PRESIDING OFFICER. The joint resolution is open to amendment.

If there be no amendment to be proposed, the question is on the third reading of the joint resolution.

The joint resolution (H.J. Res. 916) was ordered to a third reading, read the third time, and passed.

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

The PRESIDING OFFICER (Mr. KENNEDY). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

AUTHORITY FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS NEXT TUESDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Tuesday, October 12, immediately following the recognition of the two leaders under the standing order, there be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

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

AUTHORITY FOR THE VICE PRESIDENT, THE PRESIDENT PRO TEMPORE, OR THE ACTING PRESIDENT PRO TEMPORE TO SIGN BILLS AND JOINT RESOLUTIONS DURING ADJOURNMENT OF THE SENATE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that during the adjournment of the Senate from the close of business today until 12 o'clock noon on Tuesday next, the Vice President, the President pro tempore, and the Acting President pro tempore be authorized to sign duly enrolled bills and joint resolutions.

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

AUTHORITY FOR THE SECRETARY OF THE SENATE TO RECEIVE MESSAGES FROM THE HOUSE OF REPRESENTATIVES DURING THE ADJOURNMENT

Mr. BYRD of West Virginia. I ask unanimous consent that during the same periods of adjournment, the Secretary of the Senate be authorized to receive message from the House of Representatives.

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

SUPPLEMENTAL APPROPRIATIONS FOR THE DEPARTMENT OF LABOR, 1972

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar 390, House Joint Resolution 915.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 915) making a supplemental appropriation for the Department of Labor for the fiscal year 1972, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

Mr. MANSFIELD. Mr. President, it is my understanding that the consideration of this joint resolution in this manner meets with the full approval of the distinguished chairman of the subcommittee concerned, the Senator from Washington (Mr. MAGNUSON), and that the Chairman of the full committee has been requested to take up the matter at this time.

Mr. ELLENDER. The Senator is correct. There is no objection to this joint resolution, which is a part of the supplemental appropriation package sent to Congress about 2 weeks ago by the President.

The joint resolution simply provides for a supplemental appropriation of $270,500,000 for unemployment compensation for Federal employees and ex-servicemen, and trade adjustment allowances.

This amount was requested by the President on September 27, 1971 as being urgently needed—(H. Doc. 92–164).

Because of the urgency, the Congress is considering this request as an individual item rather than holding it for the regular supplemental appropriation bill which will be acted on in the subsequent weeks of this session.

The current appropriation for fiscal year 1972 is $274,500,000, the same as the amount requested, of which $125 million was advanced for use in fiscal year 1971, thereby reducing the current availability of funds to $149,500,000. These funds are expected to be exhausted this week.

Under this supplemental request, mandatory payments would be provided as follows:

A. $74,000,000 to claimants for trade adjustment benefits to workers, as provided by the Trade Expansion Act of 1962.

B. $36,716,000 for unemployment benefits to former Federal employees.

C. $159,784,000 for unemployment benefits for ex-servicemen.

Total—$270,500,000.

Total costs for this account for fiscal year 1971 were $442,080,000. With this supplemental request, the fiscal year 1972 availability of funds will be $320,000,000—about $122 million less than fiscal year 1971 costs. Undoubtedly, a further request and appropriation will be necessary before the end of the fiscal year, as the requests continue to be underestimated. It is my hope, and that of the committee, I believe, that the insufficiencies of these requests for this account can be rectified in the future.

I am very hopeful, Mr. President, that this resolution will pass. It was reported out by the committee unanimously, without objection.

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

Mr. ELLENDER. I yield.

Mr. YOUNG. Mr. President, I would like to associate myself with the remarks made by the senior Senator from Louisiana (Mr. ELLENDER). Over the past few years the estimates presented to the Appropriations Committee for unemployment compensation for Federal employees and ex-servicemen, have been way off the mark. I believe the time has come, for the Office of Management and Budget, and the Department heads, to present a more realistic estimate to our committee, so that it will not be necessary, to go through this exercise two or three times a year.

While we are providing the full budget request from the Department today, we know they will be back again this year for additional funds.

It is very necessary that this appropriation be approved.

The PRESIDING OFFICER. The question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 915) was ordered to a third reading, read the third time, and passed.

INDIAN EDUCATION ACT OF 1971

Mr. MANSFIELD. Mr. President, I ask that the unfinished business be laid before the Senate.

The PRESIDING OFFICER (Mr. KENNEDY). The Chair lays before the Senate the unfinished business, which the clerk will state.

The assistant legislative clerk read as follows:

A bill (S. 2482) to authorize financial support for improvements in Indian education and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

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

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

Mr. KENNEDY. Mr. President, almost 4 years ago, on August 31, 1967, Senate Resolution 165 authorized a Special Subcommittee on Indian Education of the Committee on Labor and Public Welfare to "examine, investigate, and make a complete study of any and all matters pertaining to the education of Indian children." While not a legislative subcommittee, the Special Indian Education Subcommittee paid particular attention to the need for development of national legislation dealing with the programs of the Federal Government relating to Indian education.

At one of the first hearings of the subcommittee, Senator Robert Kennedy observed:

The Indian is the forgotten citizen of this country . . .; it is our intention to work with Indian children to see whether we can improve their educational possibilities so that they can become first-class citizens, so that 10 years from now people will not look at the Indians and say that they are forgotten, that they are deprived, that they are living in poverty because of our neglect, the neglect of the white people, the neglect of Congress.

Senator Robert Kennedy devoted an enormous amount of time and energy to the work of the Indian Education Subcommittee, and in a brief period of time his concern became a national concern. He transformed the problems of the inequality and ineffectiveness of Indian education into issues of national concern, and he initiated the efforts in this body to bring about realization of the rising expectations of Indian communities concerning the education of their children. As to Indian children in the public schools—around 70 percent of all Indian children enrolled in school—S. 2482 represents a culmination of the efforts initiated 4 years ago.

In fact, Mr. President, even in 1967 the Labor and Public Welfare Committee was no stranger to Indian education. Through the efforts of this committee, public schools serving Indian children on or near reservations became eligible in 1953 to participate in Public Law 815 that provided funds for school construction to federally impacted areas. In 1958 Public Law 874, which provided moneys to local educational agencies for additional expenses of education caused by increased attendance resulting from Federal activities, was amended by the action of this committee to include Indians on Federal reservations.

Indians in public schools could, of course, from the first, participate in general Federal education programs under the Elementary and Secondary Educa-

tion Act of 1965. In 1966, however, the Labor and Public Welfare Committee extended programs and services available through titles I, II, and III of ESEA to Indian children enrolled in federal schools operated by the Bureau of Indian Affairs. In subsequent years Indian involvement in other Office of Education programs have been expanded. I ask unanimous consent to have printed in the RECORD at this point a summary of funds expended by the Office of Education for Indians over the past 5 years, and the projected cost estimates of new programs established under S. 2482.

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

Funds obligated or expended by U.S. Office of Education for Indian Education

1966	[1] $2,015,988
1967	25,741,470
1968	35,173,173
1969	36,936,125
1970	39,493,311

[1] Reported as not available or not funded in tables submitted by OE, pp. 1927–1929 (see source below).

Source: For all data, except Public Law 815/874 is from Senate. Committee on Labor and Public Welfare. Education Amendments 1971, part 4, pp. 1927–29. Public Law 815/874 OE budget office, by phone 8–4–71.

ESTIMATED NEW OBLIGATIONAL AUTHORITY—FISCAL YEARS 1973, 1974, 1975

[In millions of dollars]

Subject	1973	1974	197
Section 2:			
(a) Entitlement to llocal educational agencies	75.5	82.5	90.8
(b) Transfer to Secretary of Interior	12.0		
Section 3:			
(a) Special programs and projects	35.0	35.0	35.0
(b) Transfers to Secretary of Interior	0.5		
Section: 4 Adult education	8.0	8.0	8.0
Total	131.0	125.5	133.8

Mr. KENNEDY. In September of last year, Senator MONDALE and I introduced an Indian Education Act addressing itself to both public and Federal school programs for Indian children.

And I might mention here that the hard work and dedication of the distinguished Senator from Minnesota—from his immense contributions to the work of the Special Subcommittee on Indian Education to his support for this bill today—has made this legislation a reality.

The bill was reintroduced with some revisions on February 25 of this year as an amendment—No. 6—to the Higher Education Act Amendments of 1971 and was referred to the Education Subcommittee of the Labor and Public Welfare Committee.

I have indicated from the start that the bill as originally introduced was a draft to be molded and built upon by the Indian people. All told, over a thousand copies of the bill were circulated among tribal chairmen, Indian organizations, Indian publications, and educators. In April and May the Education Subcommittee held 3 days of hearings on the Indian education amendment and testimony, statements, and correspondence relating to that amendment constitute over 465 pages of hearing record.

A number of changes have been made since these Indian education provisions were originally introduced. The bill originally would have affected Indian participation in title I of Public Law 874 and would have substituted a new Indian entitlement provision in its place. Because of the basic strength of Public Law 874 in Congress and because of the fundamental role its funds play in some districts, part A of the bill was revised to leave the authorization under Public Law 874 as it previously had been and to provide that funds authorized under the new amendment would be supplemental to and in addition to funds provided through 874.

Perhaps one of the most important changes in this bill was the deletion last summer of a provision which would have established a National Board of Indian Education. The Indian Education Subcommittee had concluded that improvement of Indian education in Federal schools was not possible under the present structure of the Bureau of Indian Affairs. The BIA was felt to be perennially unresponsive to the educational needs of Indian students, and the organization structure of the BIA was not believed to be consistent with designing or conducting exemplary education programs or with allowing Indian communities to design or conduct their own programs. Thus this bill as originally introduced provided for the transfer of administration of Indian education programs from the Bureau to a new National Board of Indian Education.

Some tribes voiced unequivocal opposition to fragmenting the Bureau through removal of its education functions to a new agency. The Senate Interior Committee was considering—and presently still has before it—bills relating to the structure of Indian education in the BIA. It thus remains the feeling of the Labor and Public Welfare Committee, and that of Senator MONDALE and myself especially, that legislative action relating to BIA education programs should await consideration and discussion by the Indian community and action on the part of the Interior Committee within the next few months.

I recognize that because S. 2482 does not deal with Bureau schools or programs, it cannot be considered a comprehensive approach to Indian education. Hearings have been held before the Interior Committee on proposals dealing with this area, and I understand that further hearings will be scheduled this year. It has certainly become an axiom in the Bureau of Indian Affairs that no changes are made in education programs until the outside pressures toward changes become greater than the bureaucratic inertia opposing it.

For example, there had been extended negotiations between the Office of Education and the Bureau of Indian Affairs over an agreement for administering title I funds, but it took a Senate hearing to bring both agencies together to culminate the agreement. The BIA has been considering revision of Johnson-O'Malley regulations for almost a year now, but the revised regulations have not even been cleared from the education division of the Bureau yet.

Despite recent and continuing outcries over off-reservation boarding schools, the Bureau continues to "study" the situation. And since the Labor Committee hearings on this bill last spring, only one school takeover contract has been agreed to by the Bureau, though numerous others have been proposed by Indian tribes. Very little movement in education contracting has occurred in recent months, and I think it would be useful to include in the record and ask unanimous consent to have printed in the RECORD at the end of my statement information compiled in July by the BIA on contracts for school operation, Johnson-O'Malley programs, and title ESEA programs.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered. (See exhibit 1.)

Mr. KENNEDY. Mr. President, I believe that on this occasion of the consideration of the first bill in Congress dealing solely and specifically with Indian education programs, it would be useful to continue the efforts of the Special Subcommittee on Indian Education in setting an agenda for action in this field. I could not agree more with the Senator from Arizona in his separate statement in the report on S. 2482 that there are omissions in this bill.

Indian education does not lend itself to simplistic or monolithic approaches. There are over 450 recognized tribes in the United States and over 230 spoken Indian languages. Education services for Indian children are provided by State school systems, mission schools, private schools, Bureau-operated schools, special schools for the handicapped, and private corporations. Some BIA schools are day schools; some are off-reservation boarding schools. Some Bureau schools are run by the local Indian community; some have Indian advisory school boards; some have no local Indian involvement in school programs or policies.

The Senate's best efforts to deal comprehensively with Indian education over the past few decades are best illustrated by Senate Joint Resolution 110 in the 84th Congress, authorizing a study and investigation of Indian education by the Secretary of the Interior—which was never funded or initiated—and Senate Resolution 165 in the 90th Congress authorizing the activities of the Special Subcommittee on Indian Education. In short, Congress in the past has not even been willing to commit itself to a partial effort on Indian education. Consideration of S. 2482 begins this process and initiates this commitment.

The continued integrity of Indian cultures and traditions and values depends on the ability of the Indian people to preserve and transmit those cultures and traditions and values from generation to generation. This—and not merely the preparation of each individual to earn a living and make his way in the greater society—is in large part the role and the goal of education. The rhetorical statement of general principles and initiation of extensive studies do little to further this objective. All legislation and administrative activities must be fully committed to two principles: local community involvement in the formulation

of educational policies and operation of programs, and an adequate funding base to support exemplary educational systems. S. 2482 is dedicated to these ends for public school education involving Indian children.

This leaves us with an agenda which I hope the Congress and the executive will respond to in the next few months. On the legislative front, House action will be required before S. 2482 can become law, and before Indian children will benefit in any way from the efforts of the past 4 years. And Congress must turn its attentions to the restructuring of BIA education programs.

I have said before that I believe the Bureau of Indian Affairs, as presently constituted, is structurally incapable of providing substantial reforms in its education programs. Thus Congress must develop legislation under the direction of the Indian community that will bring about the restructuring of the BIA and the redirecting of its education programs, through contracting or otherwise.

Finally, Congress must act to provide a substantially higher level of construction funds for schools serving Indian children.

On the administrative level, new contract procedures in the BIA must be adopted immediately to insure opportunities for communities to take over operation of their schools with greatest flexibility and with continuing support services and technical assistance from the Bureau.

Much-needed new regulations for funding through the Johnson-O'Malley Act must be promulgated without delay.

The Bureau must take action on the abuses and failures involved in the off-reservation boarding schools, closing those schools and providing on-reservation alternatives according to a definite schedule. The now infamous Intermountain School, mentioned extensively in our hearings on this bill, would be a good starting place.

Finally, even where Indian communities do not wish to take over complete control of their schools, they should still be involved in an advisory capacity on the budgeting, programing, and policy-making concerning those schools. Community involvement must become the rule, not the exception, in Bureau schools.

S. 2482 establishes three new programs: The first would assist local educational agencies in meeting the special needs of Indian students; the second would provide funds for special programs and projects to improve Indian educational opportunities; and the third would support the improvement of adult Indian education. To administer these and other programs under the jurisdiction of the Office of Education, a special Office of Indian Education—with bureau status—in OE, will be established. Finally, a presidentially appointed National Advisory Council on Indian Education is established to participate in reviewing applications, evaluating programs, formulating the budget, and generally advising the Commissioner of Education with regard to education programs in which Indians participate.

Part A of S. 2482 will provide over $75 million in funds for supplemental education programs for Indian children attending public schools. But more important than the funds provided, are three key sections in part A the purpose of which is to promote Indian community involvement in Indian education programs. S. 2482 has from the first provided that a committee of parents of the Indian children to be served under the part A entitlement program be involved in approving the application for funds, and that the Indian community be involved in the planning for and evaluation of programs funded under the part.

Two important new sections were added to S. 2482 by the Labor and Public Welfare Committee at its executive session last month. One section, relating to extension of the ESEA set-aside programs for BIA schools, would treat the Department of the Interior as a State educational agency for the purposes of administering and regulating title I programs. Thus Indian parental involvement in BIA title I funded programs will become for the first time a mandate of law. A second section, initially proposed by Senator MONDALE and supported fully by the Labor Committee, requires parental participation on the part of the Indian community in the local administration of funds provided under Public Law 874. Thus, in every Indian education program to be administered by the Office of Education, parental involvement will be mandatory. This is what Indian control and self-determination is all about.

Part B of S. 2482 provides $25 million the first year and $35 million thereafter for demonstration projects to improve educational opportunities for Indian children. And part C provides $5 million the first year and $8 million for the next 3 years for adult Indian education projects and programs.

A final important Indian-control provision is written into the bill in the form of a National Advisory Council on Indian Education. This Council, consisting of native Americans appointed by the President, will not only advise the Commissioner of Education on programs in which Indians participate, but will also review applications for assistance under new programs established by this bill, evaluate Indian education programs and projects, assist in formulating regulations for 874 grants, and make recommendations on Indian education programs to Congress.

Perhaps most importantly, however, is the authority and responsibility of the National Council to provide technical assistance to local educational agencies and to Indian educational agencies, institutions, and organizations to assist them in improving the education of Indian children. Presently some 78 public schools have predominantly Indian school boards, and those schools have generally proved to be in the forefront of developing effective programs for the education of Indian children. A memorandum on "Predominantly Indian School Boards in Public School Districts" has been prepared for me by the Bureau of Indian Affairs Education Division, and I ask unanimous consent that this memorandum be printed in the RECORD at the end of my remarks, so that some of the accomplishments of these boards can be recognized. I believe that the National Council can assist in the multiplication of these local Indian efforts in public schools.

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

(See exhibit 2.)

Mr. KENNEDY. Mr. President, I believe that S. 2482 has the firm support of the people affected by its provisions. The Education Subcommittee hearing record contains extensive correspondence and comprehensive statements in support of the bill. On August 6 I introduced in the CONGRESSIONAL RECORD numerous telegrams supporting this measure, and ask unanimous consent to have printed in the RECORD a list of those who indicated support at that time.

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

TELEGRAMS RECEIVED IN SUPPORT OF INDIAN EDUCATION ACT

Will Antell, President, National Indian Education Association.

Alaska Native Brotherhood.

Wayne V. Zunigha, Executive Director, United Southeastern Tribes, Inc.

Donald R. Wright, Chairman, Legislative Committee, National Tribal Chairman's Assoc. also—President, Alaska Federation of Natives.

Morgan Otis, President, California Indian Education Association.

Virginia Brown, Small Tribes Organization of Western Washington.

Frances McKinley, Executive Director, National Indian Training and Research Center.

Robert A. Roessel, Navajo Community College.

Dr. James J. Wilson, Executive Director, Southwestern Cooperative Educational Laboratory.

Dillon Platero, Director, Rough Rock Demonstration school.

Edward E. Claplanhoo, Chairman, National Indian Council, also Board of Directors, National Tribal Chairman Assoc.

Buffalo Tiger, Chairman, McCouskee Tribe of Indians of Florida.

Henry W. Allen, President, Ponkawa Tribe of Oklahoma.

Edward E. Claplanaho, Chairman, Macah Tribal Council.

John Stevens, Governor of Passamaquoddy Tribe of Maine.

Leonard Biggoose, Chairman, Ponca Tribal Council.

A. Bruce Fones, Chairman of the Board, Lumbee Regional Development Association.

Ronald Senungetuk.

Wayne A. Newell.

Richard Whittaker, Alaska State Representative.

Rev. James H. Woods, Secretary Treasurer of Lumbee Indian Parents Organization.

Mr. James Brewington, President, Independent Americans for Progress.

Clarence Jackson, President, Southeast Alaska Community Action.

Joe Williams, Mayor, City of Saximan, Alaska.

California Indian Legal Services.

Deganawidah Quetzalcoatl University.

Elizabeth Whiteman, Crow Indian from Montana.

Artley M. Skenandore, Executive Director, Minnesota Indian Affairs Commission.

The American Indian Law Students Association.

Mr. KENNEDY. Mr. President, the Interior Committee hearings on this bill last month provided additional support for the bill, and I am pleased that the major substantive recommendations of Indian representatives have been incorporated into this final product.

Instead of detailing individually the provisions of S. 2482, I believe that the Labor and Public Welfare Committee report section on that title fully explains the objectives and intentions of the sponsors of the bill. I ask unanimous consent that relevant excerpts from that report be printed in the RECORD, with the explanations of two key amendments included.

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

EXTRACTS FROM S. REPT. 92-384

VIEWS OF COMMITTEE ON LABOR AND PUBLIC WELFARE

S. 2482 establishes three new programs: the first would assist local educational agencies in meeting the special needs of Indian students; the second would provide funds for special programs and projects to improve Indian educational opportunities; and the third would support the improvement of adult Indian education. An Office of Indian Education in the Office of Education and a National Advisory Council on Indian Education also would be established. Nonreservation Indians are eligible to participate in programs established under the bill, and community participation in programs for the specific benefit of Indian children is required.

BACKGROUND

In 1968 the special Subcommittee on Indian Education of the Committee on Labor and Public Welfare was established, and funded by a Senate Resolution, to examine, investigate, and make a complete study of any and all matters pertaining to the education of Indian children.

That subcommittee held hearings in all parts of the country, visited schools, examined studies and reports, and heard testimony from Indians, Government officials, and others with relevant expertise. In seven volumes of subcommittee hearings and five volumes of committee prints, the subcommittee documented the full details of the failure of Federal and State programs and policies relating to Indian education.

In November 1969 the subcommittee issued its final report entitled "Indian Education: A National Tragedy—A National Challenge" (S. Rept. 91-501), which recommended a number of legislative measures to raise Indian education to an exemplary level. The primary recommendation in that report was: "That there be presented to the Congress a comprehensive Indian education act to meet the special education needs of Indians both in the Federal schools and in the public schools." S. 2482 is a vital first step in responding to this recommendation.

S. 2482 was originally introduced as Amendment Number 6 to S. 659, the Education Amendments of 1971, and was reported favorably at Title IV of S. 659. On August 6, 1971, by unanimous consent, the Senate ordered Title IV deleted from S. 659 and that title was introduced as an independent bill (S. 2482) and was referred jointly to the Labor and Public Welfare Committee and the Interior Committee.

SCOPE OF PROBLEM AND NEED

There are currently almost 200,000 Indians, Eskimos, and Aleuts in this nation's public schools. This constitutes over 70 percent of the total Indian student population, the remaining children being enrolled in private schools and schools run by the Bureau of Indian Affairs. In three states—South Dakota, Alaska, and New Mexico—Indian enrollment amounts to 5 percent or more of the total state public school enrollment.

The public school education received by Indian students has been subsidized to some extent by the Federal Government since the 1890s. The purpose of the legislation appeared to be twofold. First, it gave legislative authority to the policy of integrating Indians into the white culture, thus establishing the goal of assimilation with the public schools as the vehicle for attaining that goal. Second, it established the precedent of providing subsidies to public schools in order to encourage them to assume the responsibility for Indian education.

This approach, initially established by authorizing the Office of Indian Affairs to reimburse public schools for the extra expense incurred by instructing Indian children, was formalized by the enactment of the Johnson-O'Malley Act of 1934, which permitted the Bureau of Indian Affairs to contract with states to provide for the education of Indian students. Indian education was further subsidized in 1951 with the enactment of the federally impacted area legislation—Public Laws 815 and 874 of the Eighty-first Congress. Indian children have, since 1966, also benefited from specific participation in various programs under the Elementary and Secondary Education Act.

In spite of these federal efforts, the Indian Education Subcommittee in 1969 found Indian education to be a national tragedy. Some of its general findings include the following:

Dropout rates are twice the national average in both public and Federal schools. Some school districts have dropout rates approaching 100 percent;

Achievement levels of Indian children are 2 to 3 years below those of white students; and the Indian child falls progressively further behind the longer he stays in school;

One-fourth of elementary and secondary school teachers—by their own admission—would prefer not to teach Indian children;

Indian children, more than any other minority group, believe themselves to be "below average" in intelligence, even though evidence is contrary to this belief.

While local school districts themselves must share part of the responsibility, the Indian Education Subcommittee concluded that the Federal Government had failed to live up to its responsibilities in providing funds and leadership for assisting public school districts to better understand and meet the special needs of Indian students.

We have concluded that our national policies for educating American Indians are a failure of major proportions. They have not offered Indian children—either in years past or today—an educational opportunity anywhere near equal to that offered the great bulk of American children. Past generations of lawmakers and administrators have failed the American Indian. Our own generation thus faces a challenge—we can continue the unacceptable policies and programs of the past or we can recognize our failures, review our commitments, and reinvest our efforts with new energy.

One general principle which applies to the range of Indian education programs established in this bill is that they are addressed to all Indians, Eskimos, and Aleuts in this country. The bill generally recognizes that as to urban Indians, terminated tribes, and other non-Federal Indians, there exists a responsibility on the part of the Federal Government—at minimum, remedial in nature—to provide educational assistance. Both the termination policies of the 1950s and the continuing relocation programs have intensified the impoverishment and educational deprivation of many of the so called non-Federal Indians. Thus the grant and entitlement provisions of this bill, by applying to all Indians, are directed in part at remedying the consequences of past Federal policies and programs.

PART A—SUPPLEMENTAL INDIAN EDUCATION PROGRAMS IN PUBLIC SCHOOLS

Public Law 874 was enacted in 1950 to provide financial assistance where Federal activities—especially military installations—resulted in loss of part of the tax base for local school systems. Indians were not included in Public Law 874 when first enacted, and its original purpose was unrelated to Indian education. This law is now, however, a major source of Federal funds for public school districts with substantial Indian enrollments.

Many school districts, having large numbers of Indian children, have become heavily dependent upon funding under Public Law 874. Recent studies have indicated, however, that discriminatory allocation of educational services in local districts often means that 874 funds do little to improve educational opportunities of Indian children. Although a school district receives Impact Aid funds corresponding to a count of Indian children, this has not meant that Indians necessarily get their fair share of that money or of the district's total revenues.

Federal law does not require, for example, that Indian children receive a share of the Public Law 874 funds equal to that of all other children. Nor are there any present procedures for preventing discrimination against Indian students in the allocation of state and local resources. Thus a recent Legal Defense Fund report on federal Indian education programs entitled "An Even Chance" found that in large districts where Indian enrollment is concentrated in certain schools close to reservations, there is usually a vast difference in the quality of education and facilities and resources offered in these schools from those offered in predominantly non-Indian schools. "The differences are so obvious," concludes the report, "as to lead to the inescapable conclusion that Indian children are not receiving an equal share of anything."

In fact, public schools serving predominantly Indian children are often in greater need of assistance than other eligible schools because of the special remedial education requirements of Indian children. Yet Public Law 874 makes no distinction in their favor. Furthermore, the participation of Indian parents in the educational processes relating to their children is virtually nonexistent.

Part A does not affect the funding provisions of Public Law 874 in any way. It simply adds a new title III to be known as the "Indian Elementary and Secondary School Assistance Act." It is designed to provide new funds for special Indian education programs and to give Indian communities a voice in the use of those funds. Under this title, the Commissioner of Education is authorized to make grants to local educational agencies based on the number of Indian children in average daily attendance.

Grants may be used for planning, including pilot projects to test the effectiveness by plans developed; and the establishment, maintenance and operation of specially designed programs, including minor remodeling and acquisition of specially designed equipment, to meet educational needs of Indian children. They are authorized during a three-year period, from fiscal 1972 through 1975.

Under section 305(b)(2)(B) the parents of children participating in the new entitlement program are to participate in each stage of planning, application, conduct, and evaluation of programs under this part. The committee reaffirms its conviction that it is important that parents be afforded the opportunity to participate in the educational progresses affecting their children. Part A requires open consultation by the local educational agency with parents of Indian children to be served, including public hearings at which they will have full opportunity to understand the program; approval of the application by a committee composed of a majority of such parents and selected by them; and continuing involvement in and evaluation of the programs set up under the grant. In order to enable the parent committee to function effectively with respect to its responsibilities under this part, funds may be allocated for their conducting necessary and pertinent business.

Indians eligible for assistance under part A, as defined in section 9 of the bill include

Alaska Natives and state-recognized, terminated, and urban Indians. The definition includes Indians recognized by the Secretary of Interior for any purpose, such as those residing in California, and provides further that the Commissioner of Education may promulgate regulations under which groups or individuals otherwise excluded would be included under part A programs, to allow for situations not presently foreseen. The Committee intends that the definition be viewed as inclusive rather than exclusive; for example, one standard that the Commissioner may adopt in administering this part is one involving a community recognition mechanism, utilizing the parent committee to certify students as "Indians". This approach might be particularly opposite in urban areas.

Section 303(b) provides for an additional authorization of 5 percent of the amounts appropriated for payments under part A to enable the Commissioner of Education to provide financial assistance to schools on or near reservations which are not local educational agencies or have not been such for more than three years. The Committee intends that the funds provided under this section be used to support and encourage community run schools that may not be affiliated or may only be newly affiliated with the state system. In recent years several innovative Indian-run schools have been established. Although these schools are run under different jurisdictions and administrative arrangements, they have proved that Indians can free themselves of non-Indian domination of their schools. And, more importantly these Indian efforts have proved educationally productive.

One of the primary problems communities face when attempting to take over schools formerly run by the Federal Government is that of obtaining adequate funding. The funds authorized under this section should assist Indian communities in getting off the ground with locally controlled schools or school districts.

It is the intention of the Committee that funds under section 303(b) be used to support these efforts, and that the Commissioner actively solicit proposals for such Indian school development.

PART B—SPECIAL PROGRAMS

The Indian Education Subcommittee studies indicate that Indian students in Federal schools score more than 2 years below national norms on achievement tests. Forty percent of the students drop out before graduation. Public schools enrolling Indians rarely include coursework which recognizes Indian history, culture, or language, and in fact often use materials and approaches which are derogatory toward Indians. Clearly the educational opportunities for Indian children are in desperate need of improvement.

Part B adds a new section 810 to title VIII of the Elementary and Secondary Education Act (ESEA) which will authorize the Commissioner of Education to make grants for:

Planning, pilot, and demonstration projects to improve educational opportunities for Indian children;

Program to provide educational services not available in sufficient quantity or quality for Indian children, and to establish exemplary programs and centers to enrich Indian education;

Training or retraining of educational personnel serving Indian children; and

Dissemination of information on Indian education and the evaluation of federally assisted programs.

For these grants, $25,000,000 is authorized in fiscal 1972 and $35,000,000 for each of the three succeeding fiscal years.

After June 30, 1972, funds for library resources, supplementary educational centers and services, and education of the handicapped—titles II, III, and IV of the Elementary and Secondary Education Act—which were formerly allotted to the Department of Interior, will be discontinued. Funds for these purposes will be available under this new section of title VIII. Schools serving Indian children will remain eligible to participate in bilingual programs under title VII, ESEA.

Indian tribes, Indian educational agencies, and Indian organizations are eligible grantees under the various provisions of this part. Indian educational agencies, organizations, and institutions are to be given preference as grantees under this program. In the administration of these grants, the Commissioner should take affirmative action to insure that an adequate number and variety of applications from Indian sources have been filed for the funds available through this part. The Commissioner should assist Indian organizations and agencies in applying for these funds by providing information about the kinds of programs that can be funded, by providing technical assistance in writing proposals, and by providing all other appropriate assistance. There must be substantial participation by the parents of the children to be served and of tribal communities, where relevant, in the planning, development, operation, and evaluation of the project. Approval of applications or programs by tribal governments is not, however, required.

In title III, ESEA, Congress provided that 15 percent of the funds appropriated be used for programs for handicapped children. To insure maximum flexibility, the Committee has not required a fixed percentage set-aside for programs for the handicapped under this part. The Committee observes, however, that 15 percent is an appropriate figure to be allocated for such programs, and the Committee will review grants made under this section after its first year of operation to determine whether the needs of handicapped Indian children are being met to the extent feasible without specific direction of a set percentage of the funds.

It is contemplated that Indian institutions of higher education will be preferred applicants among institutions of higher education, and that Indian controlled local educational agencies be preferred applicants among such agencies.

Increased development of culturally relevant and bilingual curriculum materials should also be emphasized through grants made under this part.

PART C—ADULT EDUCATION FOR AMERICAN INDIANS

The Commission on the Rights, Liberties, and Responsibilities of the American Indian observed in 1961:

"Indian parents, without a tradition of formal education behind them, find it hard to understand its needs or benefits. Poor families must sacrifice to keep their young ones in school. They have a hard time earning enough money for clothes and shoes and are loath to surrender the potential wage the children might earn. Such parents rarely give youngsters the incentive to attend school regularly or to continue to higher levels. In such cases, adult education, which benefits not only the parents but indirectly the child, is called for."

About 75,000 Indian adults have not completed a fifth grade education. Less than one-fifth of the adult Indian population has completed high school. Functional illiteracy is one of the major causes of Indian poverty and unemployment, and almost nothing is being done about it. The Indian Education Subcommittee observed:

"A major commitment should be made to the adult education programs for American Indians. The national need for such a commitment is all too evident in the low economic status, rise in alcoholism, lack of employment capabilities, the inability of too many Indian adults to read and write, and the general lack of fulfillment of Indian adults on reservations."

Part C of title IV adds a new section to the Adult Education Act. It would authorize the Commissioner of Education to make grants to support planning, pilot, and demonstration projects, the dissemination of information, and the evaluation of adult Indian education programs. In addition, the Commissioner is authorized to assist in the establishment and operation of adult Indian basic education programs, to support a major research and demonstration effort in their field, and to determine accurately the extent of illiteracy and lack of high school completion of Indian adults.

Again, as in part B providing for special programs at the elementary and secondary level, this part

Gives preference to Indian applicants;

Requires participation by tribal communities and individuals to be served in the planning, operation, and evaluation of the project; and

Includes reservation Indians as eligible participants.

Five million dollars is authorized for fiscal 1972 and eight million dollars for each of the three succeeding fiscal years.

PART D—OFFICE OF INDIAN EDUCATION; NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

Part D establishes an Office of Indian Education within the Office of Education to administer Indian education programs under the jurisdiction of that Office. It also provides for the appointment by the President of an all Native 15 member National Advisory Council on Indian Education, to oversee and participate in administration of Office of Education programs in which Indians participate. The Deputy Commissioner is to be appointed by the Commissioner from a list of names provided by the National Council. The National Council is subject to part C of the General Education Provisions Act.

In administering this title, the Office of Education should establish a responsive complaint mechanism which would permit complaints of alleged violations of law or regulations to be brought to the highest appropriate level for consideration.

This Committee believes that in the past the Office of Education has not recognized the priorities needed in Indian education and has failed to keep adequate data in this field. Furthermore, evaluation of programs funded by OE and dissemination of program information has likewise proved inadequate. It is believed that the centralization of authority and responsibility in a new bureau will go far towards remedying these past inadequacies.

Section 462 of the bill establishes the National Advisory Council on Indian Education. One of the primary findings of the Senate Special Subcommittee on Indian Education and the Education Subcommittee hearings was evidenced of an overriding paternalism in Federal policy, resulting in programs and administration which crushed Indian culture and values. The Committee intends that the National Council, composed of Indians and Alaska Natives, shall have sufficient policy voice in the Office of Education to reverse this paternalism.

The National Council is to participate in all facets of the operation of the Office of Indian Education, through advising the Commissioner regarding administration of programs affecting Indians, advising the Commissioner on the budget and funding process, reviewing applications submitted to the Bureau, evaluating Indian education programs funded through the Bureau, and reporting directly to Congress, with recommendations for improvements of Federal Indian education programs. Indian programs should thus be fashioned to meet Indian needs and preserve Indian culture, language, and traditional values.

The Committee also intends that through review of the use of section 303(b) funds, and by technical assistance, the Council will strengthen and expand Indian participation and influence educational government at the local level.

PART E—MISCELLANEOUS PROVISIONS

Various provisions of the Education Professions Development Act—title V of the Higher Education Act—are amended to reflect the educational personnel needs of Indian children and schools. Title III of the Higher Education Act, designed to strengthen developing institutions of higher education, is amended in section 122 of this act so as to include recently created institutions on or near Indian reservations, in order to increase the availability of higher education for Indians.

EXPLANATION OF COMMITTEE AMENDMENTS

Background of legislation

On August 6, 1971, by unanimous consent agreement, Title IV of S. 659 (the provisions on Indian Education as included in the Higher Education Act) was stricken from the bill and the language in that title was introduced as S. 2482, which was jointly referred to the Committees on Interior and Insular Affairs and Labor and Public Welfare with instructions that it be reported back to the Senate not later than October 1, 1971. Sponsors of S. 2482 are Senators Pell, Allott, Burdick, Fannin, Jackson, Kennedy, McGee, Metcalf and Mondale.

S. 2482 is identical with Title IV as reported by the Committee on Labor and Public Welfare. It does not contain any provision which would eliminate impact aid funds from public schools on or near reservations.

The Committee on Interior and Insular Affairs held an open hearing on S. 2482 on September 20, 1971, to receive testimony from spokesmen for the National Congress of American Indians, the National Tribal Chairmen's Association, the National Indian Education Association, the All-Pueblo Council and a spokesman for the Inondaga Nation. The witnesses proposed several amendments which were subsequently agreed to by the Committee.

The Committee on Interior and Insular Affairs met in executive session on September 23, 1971, and, having considered the bill, reported it favorably, with amendments.

The Committee on Labor and Public Welfare met on September 28, 1971, considered the amendments approved by the Committee on Interior and Insular Affairs, and made technical amendments thereto which were subsequently approved by the Committee on Interior and Insular Affairs.

PAYMENTS TO THE SECRETARY OF THE INTERIOR

(Amendments designated (4) and (10))

The amendments designated (4) and (10) extend for one year the authority of the Commissioner of Education to make payments to the Secretary of the Interior for special education programs for Indian children on reservations serviced by elementary and secondary schools operated for Indian children by the Department of the Interior.

In its report on the Elementary and Secondary Education Amendments of 1969 (Report No. 91-634, page 6), the Committee on Labor and Public Welfare recommended that the authorities extended by the Amendments expire by July 1, 1972. That Committee expressed the desire that prior to that expiration date, a comprehensive Indian education act could become law and be implemented. Since that time, the Committee on Labor and Public Welfare has reviewed the prospects of enactment and implementation of an Indian education act prior to July 1, 1972, and has concluded that one more year may be needed with transfer payments under present law. In recommending a one-year extension of those transfer authorities, the Committee is also recommending that the law be amended to make clear that the Department of the Interior stands in the same relationship with the Commissioner of Education as a State educational agency does under those programs.

AMENDMENTS RELATING TO PUBLIC LAW 874

(Amendment designated (5))

Section 2 of the bill is proposed to be amended to require that school districts receiving assistance under the "Impact Aid" program based upon the attendance of children residing on tax exempt Indian lands to provide satisfactory assurance that Indian children will participate on an equitable basis in all school programs. In addition, the amendment requires the Commissioner of Education to exercise the authority under section 415 of the General Education Provision Act to require parental participation with respect to use of Indian Impact Aid funds.

The committee on Labor and Public Welfare finds these provisions necessary to insure that school districts receiving Indian Impact Aid, do not discriminate against Indian children in the distribution of funds. Parent participation and assurance of equitable distribution of funds are two major recommendations of the report An Even Chance by the NAACP Legal Defense and Educational Fund, with the co-operation of the Harvard Center for Law and Education. The need is documented by the hearings of the Special Subcommittee on Indian Education.

Failure to spend an equal amount, on a per capita basis, on Indian as other children is *prima facie* evidence, in the absence of a reasonable explanation, of inequitable treatment. Parental participation requirements should in no event be less comprehensive than those presently in force with respect to title I of the Elementary and Secondary Education Act of 1965, as amended.

The committee on Labor and Public Welfare expects the Office of Education to insure compliance in fact with assurances of equitable treatment and parental participation requirements.

Mr. KENNEDY. Finally, Mr. President, I ask unanimous consent to have printed in the RECORD at the end of my remarks tables showing the funding that would be provided to a sampling of school districts under part A of S. 2482. The basic table is based upon an assumption of full funding of that part. These funds would be mandated for use for special programs to meet the special needs of Indian children, and would be supplemental to other Federal, State, and local contributions. Districts receiving impact funds under Public Law 874 would continue to receive moneys under that act, and they would be eligible for additional supplemental assistance through part A.

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

(See exhibit 3.)

Mr. KENNEDY. Mr. President, I again would like to observe that S. 2482 is not the comprehensive legislation that was envisioned by the Special Indian Education Subcommittee. It does not deal with the problems in the administration of the Johnson-O'Malley Act. It does not affect the structure of BIA Indian education administration or programs. I hope that Congress will soon turn its attention to these matters.

I think that this bill, given its scope, represents a momentous occasion in the efforts of Congress to provide exemplary education for American Indians and Alaska Natives. Its thrust and intent, as well as its specific provisions, emphasize Indian involvement and participation and control to the greatest feasible extent at the local level. I believe that the Senate can be proud of this step toward giving Indians a controlling voice in the education of their children. I believe the Senate can be proud of this step to give Indians the tools to build excellence into Indian education.

BIA EDUCATION CONTRACTING

EDUCATION OPERATING CONTRACTS—SCHOOL AND PRESENT STATUS

Aberdeen

Stefan High School: Being renegotiated for F.Y. 1972.

Loneman: Proposal underway.

Billings

Busby: Proposal under consideration.

Wind River: Proposal under consideration.

Navajo

Borrego Pass: Proposal under consideration.

Rough Rock: Being negotiated for F.Y. 1972.

Rock Point: Proposal for School Board participation under consideration. Board considering operation of school in 1972–73.

Ramah: Being renegotiated.

Miccosukee:

1972 contract negotiated.

Phoenix

Blackwater: Being renegotiated for 1972.

St. Michael's: Being renegotiated for FY 1972.

Juneau

Kotzebue: Under consideration by School Board.

Mekoryuk: Under consideration by School Board.

CONTRACTS FOR JOHNSON-O'MALLEY PROGRAM ADMINISTRATION

Aberdeen

United Tribes of North Dakota: Being renegotiated for 1972.

United Tribes of South Dakota: Being renegotiated for 1972.

Omaha Tribe (Nebraska): Being renegotiated for 1972.

Nebraska Intertribal Development Corp.: Being renegotiated for 1972.

Minneapolis

Minnesota Chippewa Tribe: Expressed interest.

Great Lakes Intertribal Council: Expressed interest.

HIGHER EDUCATION

Billings

Montan United Scholarship Services, Inc.: Under consideration.

Albuquerque

All Indian Pueblo Council: Being renegotiated for 1972.

TITLE I ESEA—CONTRACTS WITH TRIBES

A considerable number of contracts are made with tribes to run Title I programs. Services provided by these tribes include: accounting and bookkeeping services; supervision of personnel, procuring supplies and equipment; providing for liaison with school, community, and parents; training staff, parents, and tribal leaders; hiring local aides and personnel; evaluation, etc.

Representative of tribes with whom contracts have been made during this past year include:

Navajo, White Mountain Apache, Hopi, Southern Pueblo, Cherokee, Pima, Seminole-Miccosoukee, Devils Lake-Sioux, Lower Brule-Sioux, Sisseton-Wahpeton-Sioux.

Three affiliated tribes: Arikara, Mandan, Gros Ventre.

Oglala Sioux, Salt River, Northern Pueblo, Choctaw, Papago, Supai, Cheyenne-Sioux, Crow Creek-Sioux, Rosebud-Sioux, Standing Rock-Sioux.

Our estimation is that close to $4 million was contracted with tribes last year. An equal or greater amount will probably be contracted with tribes in the coming year's operation.

Background information

In the case of the Phoenix, Albuquerque, and Aberdeen Areas, most of their Title I monies are contracted to tribes. Eighty to ninety percent is contracted in Juneau because few or no legal contracting tribal entities exist. Navajo contracts about $100,000 to tribes. This is low—local Native school boards do not want to contract with tribes because they want "their people to be paid." Apparently there is some problem of getting pay checks out on time.

JULY 20, 1971.

PREDOMINANTLY INDIAN SCHOOL BOARDS IN PUBLIC SCHOOL DISTRICTS

In a very quick survey of Indian areas, 78 public schools have been identified as schools with duly elected, predominantly Indian school boards. Areas reporting the largest number of such schools are Muskogee (31), Billings (10), Navajo (9), Phoenix (8), and Juneau (8). The Anadarko Area in western Oklahoma reported no predominantly Indian school boards.

Most of the predominantly Indian school boards seem to be operating very effectively and some of the individuals serving on them have proven themselves leaders in their communities and in Indian education.

A listing of the 78 schools is attached. Brief narrative information about some of the school boards follow:

JUNEAU AREA

Of the eight schools involved, the Alaska State Department of Education considers the schools board at Hoonah to be the most active and concerned about its education program.

Hoonah had two school systems until 1946, one operated by the Territory of Alaska and the other by the Alaska Native Service (BIA). From 1946 until statehood in 1949, the school was operated as an independent school district with a locally elected school board. After statehood the system reorganized as Hoonah City Schools and is presently operated as such.

There are five members on the Board. Four are Tlingit Indians, and the other member is non-Native. The Board is aided by a 14-member Education Advisory Committee that is made up of Native parents.

Some highlights of the school program which has been developed under the direction of this Board are:

1. Head Start Program which is housed in the school.
2. A State-funded day-care center.
3. A Follow-Through Program funded by the U.S. Department of Education and O.E.O. This program is based on the University of Arizona Model and is monitored by them.
4. Multi-age grouping in the classrooms, which utilize interest centers.
5. A special education program which includes students from the first through the twelfth grade.
6. Teacher aides—through the sixth grade level.
7. A Title I project in Tlingit Culture which includes both the teaching of the language and the heritage.
8. Another Title I project on environmental enrichment supervised by the secondary science department.
9. A school supervised community recreation program.

The Hoonah School has an enrollment of 200 elementary and 120 secondary students. There are 22 teachers and eight aides. The school operates on a budget of more than $600,000 per year.

The President of the School Board is Mrs. Marleen Johnson. Mrs. Johnson has been on the Board for a number of years, and seems to be its most energetic member. Mrs. Johnson has also worked with OEO and Head Start programs. She is active in Native organizations and community projects.

NAVAJO AREA

Crownpoint, located in the Checkerboard Area of the Eastern Navajo Agency, is a part of the Gallup-McKinley County School District in New Mexico. Three of the five members of this board are Navajo, including the Board President, Mr. Ernest C. Becenti of Church Rock, New Mexico.

Two other Navajo board members who were elected in February are Messrs. Abe Plummer of Ramah and John C. Martin of Coyote Canyon. Martin is also a member of the Navajo Tribal Council and is Chairman of the Navajo Tribal Education Committee.

Becenti is the prime example in the Navajo country of the Indian who is taking an active interest in the education of his children and children of other races. Though he is only a high school graduate himself, Becenti has long recognized the value of education, particularly the need for his people to become educated so they can compete in the white man's world. As far back as 1958, Ernest became interested in the PTA in his home community and served as President of the Church Rock PTA before running successfully for the school board in 1962. He was the first Navajo to serve on the consolidated county board, despite the fact that the county is heavily populated with Navajos. Mr. James Nahkai of Tohatchi, New Mexico, served on the county board previous to this when the county was divided into two districts.

Asked why he became interested in public school activities, Becenti replied that he came to the realization that better communication and cooperation were needed between the Indian and non-Indian people of McKinley County, and that the Navajo children needed someone "to look up to." He figured rightly that he could set an example for Navajo children to follow. "I wanted to show the youngsters that they could be somebody," was the way he put it.

Though he has been on the Board for almost nine years, he recognizes that much remains to be done in improving communications and relations between the varied races in McKinley County. He has also come to realize, he said, that bilingual education is needed for Navajo students and that the Navajo people need to retain their own culture and traditions.

Becenti, who is 45 years old, was employed for 26 years at the Wingate Ordnance Depot east of Gallup; but this installation was recently closed and Ernest has obtained a job with the Bureau of Indian Affairs at Wingate High School. His work with the Church Rock PTA earned him a singular recognition—being named an honorary member of the national organization—the only Indian to have such a distinction.

Mr. Becenti is also Vice President of District 1 of the New Mexico School Boards Association. The district includes public schools at Farmington, Kirtland, Shiprock, Aztec, Bloomfield, and Gallup. He is also President of the Eastern Navajo Agency Council and also President of the Eastern Navajo Housing Association. In addition he was recently elected President of the Church Rock Chapter. He is second Vice President of the Eastern Navajo Industrial Corporation, a company formed to develop industry in the Checkerboard Area. He is also a member of the Inter-Tribal Ceremonial Association in Gallup, New Mexico.

In addition to the nine predominantly Indian school boards, the public school boards at Bloomfield, Cuba, and Magdalena, New Mexico, each have one Navajo board member, and the public school board at Sanders, Arizona, just off the reservation, has one Indian member.

PORTLAND AREA

The Taholah, Washington, District School Board of five Quinault Indian members is actively engaged in a program which will expand the Taholah school system from a kindergarten through grade six program to a kindergarten through grade eight program. New buildings are being planned; innovative programs have been introduced. The school has received national recognition for its accomplishments in Indian education. All members of the board are actively and personally involved in all phases of education at Taholah from Headstart to higher education.

The Neah Bay School Board does not have a majority of Indians, but its Chairman is Indian. The school is currently involved in a unique program with Stanford University as a participant school under an urban-rural school development program. Plans are underway to turn the operation of the school over to a school-community council composed of school, community, and tribal personnel. Enthusiasm for this development is demonstrated by the large attendance at school-community council meetings.

Most of the schools with substantial Indian enrollments have some Indian representation on the school boards.

ALBUQUERQUE AREA

The Dulce Independent School District was originally formed by combining the BIA's boarding school in Dulce with the off-reservation public school at Lumberton, New Mexico. Last school year, 640 students were enrolled in grades K–12. 725 students are expected to enroll for the coming school year. Included in this enrollment are 65 students who reside in the BIA public school dormitory to enable them to attend this school.

There are three Indian members on the present school board; one is the president and two are members. Competition for the positions is keen and all communities vie for the positions. Of the four candidates for election to two positions during the last election, three were Indian.

Legal powers for the board deriving from the State include: power to negotiate contracts, power to develop curriculum (provided it meets State minimum requirements), and power to adopt a plan of operation.

The present board is concerned about more adequate staffing, more adequate plant, staff and community involvement in curriculum development, and curriculum follow-through.

Working with the community, the Board has developed considerable parent participation and good rapport. Under its direction, the school sponsors and participates in parent-teacher conferences, art shows, community recreation, and community entertainment. Participation is considered good.

PHOENIX AREA

The all-Indian board in the Sacaton Elementary School District in Pinal County has been functioning for three and one-half years.

One of its major accomplishments was the phasing out of a BIA school into the public school. This transition was completed two years earlier than scheduled and both Bureau and public school officials were pleased with the extremely smooth operation. The district superintendent has said that the board members are quite good in the development of new programs and the overall supervision of the school system.

The District piloted the use of the DISTAR reading program in the State and was one of the first schools to use touchtone transmission of average daily attendance to the State Education Department. The school district has also been a leader in the use of Indian para-professionals as instructors using programmed material in small group sessions. It has an excellent career development and incentive program for these para-professionals.

A cross-cultural workshop for 25 teachers and 25 aides was held on the Pima reservation at Sacaton during the summer of 1970.

MUSKOGEE AREA

A Creek Indian, Robert Miller, has been a member of the Morris Public School District Board, Okmulgee County, since 1962. He is

now the President of the Board, consisting of two Indians and three non-Indians. During the time that Mr. Miller has served on the Board, the school has nearly doubled its enrollment and faculty, increased the academic requirements and developed an excellent vocational-agricultural program. The school operates a 20-acre farm and has strong 4–H and FFA programs.

Robert Miller's brother, David, has also served as a school board president at Twin Hills.

ABERDEEN AREA

The Couture School District on the Turtle Mountain Reservation was created in 1960 and since that time all school board members have been Indian.

It is estimated that revenue from P.L. 874 funds in the coming year will be more than $300,000. The District also benefits greatly from Teacher Corps, Follow-Through, and other special programs.

Board members are realistic and aware that they must work with other officials and agencies in developing plans and proposals. They have been particularly concerned to promote community involvement in their efforts to improve educational opportunities. The number of voters in school board elections has increased each year.

MINNEAPOLIS AREA

Only Red Lake and Nett Lake now have predominantly Indian school boards—which is not, however, a completely accurate indication of Indian involvement in public school education.

Jerry Buckanaga, who has been principal of the Pine Point Demonstration School, has been a member of the State Education Committee and a recognized leader in Minnesota education circles.

Ruth Myers is an elected member of the Duluth Board and a very active community leader.

Ted Mahto is a non-elected advisor to the Minnesota Board and participates in all meetings.

Mrs. Joyce Oliver is an elected member of the Red Lake Board, on the Minnesota Scholarship Committee and a member of the Flandreau School Board.

Until July 1, 1971, five other smaller schools also had predominantly Indian boards. These schools have been annexed by larger districts and Indian membership on these boards will depend on upcoming elections.

In the State of Wisconsin there are no predominantly Indian boards, but Indian committees working with the boards have proven to be quite effective.

PREDOMINANTLY INDIAN SCHOOL BOARDS IN PUBLIC SCHOOL DISTRICTS

	Members	
	Board	Indian
ABERDEEN AREA		
New Town, N. Dak., Twin Buttes Day School	3	3
Fort Berthold, N. Dak., Mandaree Day School	3	2
Belcourt, N. Dak., Couture School District	3	3
Turtle Mountain, N. Dak., Ingelbretson School District	3	3
Macey, Nebr., Macey School District	6	6
Winnebago, Nebr., Santee School	3	2
ALBUQUERQUE AREA		
Dulce, N. Mex., Dulce School	5	3
BILLINGS AREA		
Browning, Mont., Bobb School	3	2
Blackfeet Agency, Montana:		
East Glacier School	3	2
Browning School	5	5
Hart-Butte School	3	3
Crow Agency, Montana, Pryor School	3	3
Ronan, Mont., Elmo School	3	2
Harlem, Mont., Hayes-Lodge Pole School	3	3
Lame Deer, Mont., Brockton School	3	2
Fort Peck, Mont., Lame Deer School	5	4
Fort Washokie, Wyo., Fort Washokie School	3	2
Wind River Agency, Wyoming, Mill Creek School	3	2
MINNEAPOLIS AREA		
Red Lake, Minn., Red Lake School	5	5
Nett Lake, Minn., Nett Lake School	6	5
NAVAJO AREA		
Arizona:		
Window Rock-Fort Defiance District	5	3
Chinle District	5	3
Ganado District	5	4
Tuba City District	5	3
Kayenta District	3	2
Monument Valley High School	3	2
Tuba City High School	5	3
New Mexico:		
Central Consolidated District	5	3
Gallup-McKinley District	5	3
PHOENIX AREA		
Keams Canyon, Ariz., Keams Canyon School	3	2
Fort Apache, Ariz., Whiteriver School	5	3
Sacaton, Ariz., Sacaton School	3	3
Sells, Ariz., Indian Oasis School	5	5
San Carlos Agency:		
Rice School	3	2
Fort Thompson School	5	3
Fort Thompson High School	5	3
White Mountain Agency, Alachesey High School	5	3
PORTLAND AREA		
Colville, Inchalium School	5	5
Spokane Agency, Wellpintit School	5	5
Western Washington, Tahalah School	5	5
JUNEAU AREA [1]		
Craig, Craig City School		
Hoonah, Hoonah City School		
Hydaburg, Hydaburg City School		
Kake, Kake City School		
King Cove, King Cove City Schools		
Klawock, Klawock City School		
St. Mary's, St. Mary's Public School		
Yakutat, Yakutat City Schools		
MUSKOGEE AREA		
Adair County:		
Skelly	3	2
Christy	3	2
Peavine	3	2
Maryetta	3	2
Rocky Mountain	3	2
Dahlonegah	3	3
Bell	3	3
Bryan County:		
Shilo	5	3
Bochitta School	5	3
Cherakee County:		
Owen School	2	2
Lost City	3	2
Shady Grove	3	2
Chawtaw County: Sulphur	5	5
Creek County: Mounds	5	3
Delaware County:		
Colcord	5	5
Oaks Mission	5	3
Leach		
Kenwood School	3	3
Mosley	3	2
La Flore County:		
Talihina	5	4
Panama	5	3
Mayes County:		
Prior School	5	3
Wickliff	3	2
McCurtain County:		
Baptist School	3	3
Holly Creek	3	2
Lukfata	3	3
Pittsburg County:		
Haileyville	5	3
Crowder	5	3
Pittsburg	5	3
Pontotoc County: Pickett Center	3	3
Sequoyah County: Henderson School	3	3

[1] Predominantly Indian, figures not given.

EXHIBIT 3

TABLE I.—ENTITLEMENTS UNDER THE INDIAN ELEMENTARY AND SECONDARY SCHOOL ASSISTANCE ACT (PROPOSED AMENDMENT TO PUBLIC LAW 874) IN SELECTED MODEL SCHOOL DISTRICTS WITH AMERICAN INDIAN STUDENT ENROLLMENT

(A) School district or agency; State	(B) Indian entitlement [1] under Public Law 874, title I—Fiscal year 1971	(C) Estimated additional [2] Indian entitlement under the proposed Indian Elementary and Secondary School Assistance Act—Fiscal year 1971	(D) Estimated total Indian entitlement under the proposed amended Public Law 874 (B and C) Fiscal year 1971
Alaska Department of Education Rural School District, Alaska		$5,282,599	
Window Rock Elementary School District, Arizona	$696,941	1,305,423	$2,002,364
Los Angeles Unified School District, California	0	715,043	715,043
Denver School District, Colorado	0	191,123	191,123
Dade County Board of Public Instruction, Florida	9,939	106,924	116,863
St. Mary Parish School District, Louisiana	0	19,586	19,586
Pleasant Point School District, Maine	0	55,445	55,445
Red Lake School District, Minnesota	299,475	598,554	898,029
St. Paul No. 625, Minnesota	0	326,354	326,354
Browning Elementary School District No. 9, Montana	$468,190	$739,500	$1,207,690
Rocky Boy's School District No. 2, Montana	155,221	151,753	306,974
Washoe County School District, Nevada	82,128	333,134	415,262
Gallup-McKinley School District, New Mexico	2,153,674	3,721,272	5,874,946
LaFayette Central School District, New York	0	367,705	367,705
York County School District No. 3 of Rock Hill, South Carolina	0	27,399	27,399
Todd County School District, South Dakota	620,581	802,177	1,422,758
Mount Adams School District No. 209, Washington	183,248	430,892	614,140
Shawano School District, Wisconsin	0	582,394	582,394

[1] Office of Education. Public Law 874 Grant Applications, fiscal year 1971.

[2] Based on the formula provided in the Indian Elementary and Secondary School Assistance Act, Sec. 303. Average daily attendance was estimated by multiplying the total estimated Indian student enrollment by 0.9, the factor used in similar computations involving Public Law 874 by the Office of Education. The State average expenditure per pupil figures used in computing the (C) estimates are from the Office of Education, expenditures per pupil in average daily attendance (for the purposes of Public Laws 81–874 and 89–10).

TABLE II.—AMERICAN INDIAN STUDENT ENROLLMENT AND ELIGIBILITY FOR PUBLIC LAW 874 IN SELECTED MODEL PUBLIC SCHOOL DISTRICTS, FISCAL YEAR 1971

(A) School district or agency; State	(B) Indian students eligible under [1] Public Law 874, title I, fiscal year 1971 A's	B's	Total	(C) Estimated total Indian [2] student enrollment in the school district, fiscal year 197
Alaska Department of Education Rural School District, Alaska	4,863	1,236	6,099	6,099
Window Rock Elementary School District, Arizona	2,230	37	2,267	2,267
Los Angeles Unified School District, California	0	0	0	1,110
Denver School District, Colorado	0	0	0	335
Dades County Board of Public Instruction, Florida	29	0	0	184
St. Mary Parish School District, Louisiana	0	0	0	40
Pleasant Point School District, Maine	0	0	0	108
Red Lake School District, Minnesota	835	5	840	840
St. Paul No. 625, Minnesota	0	0	0	458
Browning Elementary School District No. 9, Montana	842	124	966	1,228
Rocky Boy's School District No. 2, Montana	237	3	239	252
Washoe County School District, Nevada	228	124	352	554
Gallup-McKinley School District, New Mexico	6,242	552	6,794	7,250
LaFayette Central School District, New York	0	0	0	354
York County School District No. 3 of Rock Hill, South Carolina	0	0	0	71
Todd County School District, South Dakota	1,385	187	1,572	1,572
Mount Adams School District No. 209, Washington	415	263	678	678
Shawano School District, Wisconsin	0	0	0	850

[1] Office of Education, Public Law 874 grant applications, fiscal year 1971.
[2] Totals for the Alaska Department of Education, the Window Rock Elementary School District, the Red Lake School District, the Todd County School District, and the Mount Adams School District are based on the Office of Education Public Law 874 eligibility totals for fiscal year 1971. All other total Indian enrollment figures are based on sources within each school district.

TABLE III.—SELECTED CHARACTERISTICS OF MODEL PUBLIC SCHOOL DISTRICTS WITH AMERICAN INDIAN STUDENT ENROLLMENT

(A) School district of agency; State	(B) Participant in Public Law 874 due to eligible Indian students—fiscal year 1971	(C) General classification for Indian population in the school district
Alaska Department of Education Rural Schools District, Alaska.	Yes	Rural, Federal services.
Window Rock Elementary School District, Arizona	Yes	Federal reservation.
Los Angeles Unified School District, California	No	Urban.
Denver School District, Colorado	No	Do.
Dade County Board of Public Instruction, Florida	Yes	Urban, Federal reservation.
St. Mary Parish School District, Louisiana	No	Limited Federal services.
Pleasant Point School District, Maine	No	State reservation.
Red Lake School District, Minnesota	Yes	Federal reservation.
St. Paul No. 625, Minnesota	No	Urban.
Browning Elementary School District No. 9, Montana	Yes	Federal reservation.
Rocky Boy's School District No. 2, Montana	Yes	Do.
Washoe County School District, Nevada	Yes	Do.
Gallup-McKinley School District, New Mexico	Yes	Do.
LaFayette Central School District, New Mexico	No	State reservation.
York County School District No. 3 of Rock Hill, South Carolina	No	Do.
Todd County School District, South Dakota	Yes	Federal reservation.
Mount Adams School District No. 209, Washington	Yes	Do.
Shawano School District, Wisconsin	No	Terminated Federal services.

Mr. MONDALE. Mr. President, first of all, let me commend the distinguished Senator from Massachusetts (Mr. KENNEDY) for bringing to our attention this whole problem of Indian education, and the tragic conditions of life which face most American Indians even in this day of affluence and prosperity.

I also wish to commend the chairman of the Education Subcommittee, the distinguished Senator from Rhode Island (Mr. PELL) for his impressive efforts. And I thank the distinguished chairman of the Committee on Interior and Insular Affairs, the Senator from Washington (Mr. JACKSON) and the members of the committee, for the prompt manner in which they acted on the pending bill after it was withdrawn at their request from the Education Amendments of 1971, which passed the Senate last August.

Also, Mr. President, let me thank the distinguished Senator from New Mexico (Mr. MONTOYA), who has been a leader in the effort to reform Indian education, as well as many Senators on the other side of the aisle.

For almost 2½ years the Senate Special Subcommittee on Indian Education under the able and dedicated leadership of the late Senator Robert F. Kennedy, and later under the equally able and dedicated leadership of Senator EDWARD M. KENNEDY, explored the educational plight of American Indian children.

In November 1969 the subcommittee, on which I was privileged to serve, issued a shocking report: "Indian Education: A National Tragedy—A National Challenge." Four hundred years of incredible insensitivity and neglect have borne bitter fruit:

Fifty thousand Indian families live in unsanitary, dilapidated dwellings, many in huts, shanties, even abandoned automobiles; the average Indian income is 75 percent below the national average; the unemployment rate among Indians is more than 10 times the national average; the average age of death of the American Indian is 44 years, while for all other Americans it is 65; the infant mortality rate is twice the national average; and thousands of Indians have migrated into cities only to find themselves untrained for jobs and unprepared for urban life.

The history of Indian people in this country is a record filled with injustice. But no injustice is more apparent—or more devastating—than our failure to provide educational opportunities to Indian children.

Their drop-out rates are twice the national average, in some cases approaching 100 percent; their achievement levels are 2 to 3 years below those of white students; one-fourth of elementary and secondary school teachers by their own admission would prefer not to teach Indian children; and most tragic of all, Indian children, more than children of any other minority group, mistakenly believe themselves to be "below average" in intelligence.

The pending bill is a first step toward desperately needed reform of Indian education. If fully funded it would provide approximately $75 million to assist public school districts—with the participation of parents and members of local communities—in meeting the special educational needs of Indian children. These needs—for curricula sensitive to the proud and tragic role of the Indian in American history, for remedial services, for teachers who respect Indian students—will not be met without substantial Federal support.

In addition to provision of special services to children in public schools, the bill would:

Authorize special pilot and demonstration programs—conducted by Indian tribes, institutions and organizations as well as public schools and state education agencies—in the education of Indian children; provide for extending educational opportunities to Indian adults, less than one-fifth of whom have completed high school; amend the Education Professions Development Act to insure attention to the need for teachers and other education professionals sensitive to the needs of Indian children; establish an Office of Indian Education and a National Advisory Council on Indian Education in the Department of Health, Education, and Welfare to insure that Indian education programs conducted by the Department are responsive to Indian needs.

Public schools serving children who live, or whose parents work, on tax-ex-

empt reservation lands presently receive $23 million under the so-called impact aid program—title I of Public Law 81–874—in lieu of taxes. My own State of Minnesota alone receives over $900 million.

But too often Indian children fail to receive a fair share even of impact aid benefits, and suffer severe discrimination in the allocation of general school resources. The report "An Even Chance," by the NAACP legal defense and educational fund with the cooperation of the Harvard University Center for Law and Education, found:

> In large districts where Indian enrollment is concentrated in certain schools close to the reservation, there is typically a vast difference in the quality of education, the condition of the school, and the provision of books and supplies offered in these schools from those offered in predominantly non-Indian schools. The differences are so obvious as to lead to the conclusion that Indian children are not receiving an equal share of anything.

The report concludes:

> The discriminatory allocation of educational services in local districts means that Impact Aid funds do little to improve the educational opportunities of Indian children.

The pending bill does not alter the allocation of Indian impact aid funds. Under my sponsorship, however, a provision was added to assure that where school districts receive Indian impact aid, Indian children will participate on an equitable basis in school programs, and to assure parent participation with respect to expenditure of Indian impact aid funds. With these amendments, I believe that impact aid can be a powerful tool for improving the education of all children in school districts on or near reservations.

Nearly 200,000 Indian children—over 70 percent of the Indian student population—attend our public schools. The pending bill will go far to assure that these children are provided the educational opportunities they deserve.

But most of the remaining children attend schools operated by the BIA. Conditions in these schools are often shocking: The average educational level of Indians under Federal supervision is 5 school years; only 18 percent of students in Federal Indian schools go on to college, although the national average is 50 percent; in 1953 the BIA began a crash program to improve education for Navaho children.

Between then and 1967, supervisory positions in BIA headquarters increased 113 percent; supervisory positions in BIA schools increased 144 percent; administrative and clerical positions in the BIA schools increased 94 percent. Yet, teaching increased only 20 percent.

In 1969 the BIA spent only $18 per year per child on textbooks and supplies compared to a national average of $40.

The Indian Education Act of 1971 as originally introduced by Senator KENNEDY and myself would have established a National Board of Indian Education, to effect reform of the BIA school system by placing control at the Federal and local level in the hands of the Indian community. Senator JACKSON has introduced a similar proposal—S. 1401—to establish a National Board of Regents of Indian Education.

Both of these proposals may need revision with the guidance of the Indian community, but they can, I am sure, provide the basis for essential and lasting reform.

We have already delayed too long. Those of us in the Congress and in the Indian community concerned for the well-being of Indian children must insist upon passage of a measure to reform the BIA school system during the present Congress.

And we must insist that the administration lend its active support to our efforts.

In his message on Indian policy issued in July 1970, the President said:

> One of the saddest aspects of Indian life in the United States is the low quality of Indian education.

Yet, although the pending bill has received the support of the Indian community, and bipartisan support in the Senate, the administration found itself unable to join us.

The President also said:

> We believe every Indian community wishing to do so should be able to control its own Indian schools.

And yet now, more than a year after the President's statement, the Bureau has contracted with only six communities.

With respect to the education of Indian children—as with respect to almost every aspect of reservation life—the administration now has power to extend control of Indian institutions to Indian people. Cosmetic personnel changes within the Department of the Interior are not enough. The Indian people expect to see concrete changes in their daily lives.

Mr. President, the pending bill is a hopeful and promising beginning, but it is only a beginning. I look forward to working with the distinguished chairman of the Committee on Interior and Insular Affairs to complete comprehensive reform of Indian education in the 92d Congress.

Mr. President, one can go on for some time about the problems of providing sensitive and effective educational opportunities to the Indian children of this country. Much remains to be done. The pending bill is an important beginning, but only that. And the key element in providing a decent education for American Indian children was pointed out time and time again before the Subcommittee on Indian Education. As the subcommittee report recommends, we must have a national commitment to achieving educational excellence for the American Indian, with control by over Indian educational programs, and the assurance of sufficient Federal funds to carry these programs forward.

In that one sentence, there is summarized what I believe to be the key fundamental, and indispensable requirement for a decent system of education for the American Indian.

Until we begin to treat Indian citizens with respect, until Indian parents are given the same power—to control the direction, the quality, and the nature of the education given to their children—that we have expected and practiced with our own children from the beginning of this country, there simply will not be a system of equal education for the American Indian children.

The greatest fault to find, in my opinion, with American Indian education is that we have insisted since the beginning of this country that Indians have to be good white people, have to believe in our principles and in our philosophy, have to speak our language and adopt our culture, while rejecting their own.

Running through all of our Indian programs has been a profound insult—a belief that the Indian has no right to respect himself, to be proud of who he is, and what he stands for.

If the pending bill passes, we will move closer toward an administration of programs for the education of Indian children under which those children will be treated with the respect they deserve. But the pending bill provides help only for children in public schools. We must act with the greatest speed to extend reforms for children in federally run schools.

It is one of the great failures of democracy that the BIA has been able to resist direct orders from the President of the United States to turn local schools over to Indian control. President Johnson ordered them to do that. They turned over one school board, I believe. President Nixon insisted on the same principle.

It is amazing the extent to which the bureaucracy has been able to resist this basic principle of Indian controlled education. Until that principle is established in a meaningful, solid, substantial way—and it is not a revolutionary principle; it is what we have in our local systems throughout the country—the American Indian educational system in this country, in my opinion, will continue to be one of the great scandals and disgraces of American life.

Mr. MONTOYA. Mr. President, I have listened very attentively to what has been said this morning by the distinguished Senator from Massachusetts (Mr. KENNEDY) and the distinguished Senator from Minnesota (Mr. MONDALE). I commend both Senators for being leaders of innovation in the field of Indian education in this country. I know that they have worked hard. Many hearings have been held, and they speak this morning with great authority. The bill which they have introduced signals a beginning of meaningful concern on the part of Congress.

I speak in support of S. 2480, a bill to authorize financial support for improvements in Indian education. The first session of this Congress could well prove to be the "Indian Education Congress." The bill begins a two-step phase in the development of legislation that will bring proper education to American Indians and Alaskan Natives.

A second and even more comprehensive bill is now being drafted with the joint cooperation of myself, Senator JACKSON, Senator KENNEDY, and Senator MONDALE, as well as the other members of the Labor and Public Welfare and Interior and Insular Affairs Committees. I am sure that this cooperative effort will be hailed by the Indian communities, because it is something they have

asked for since this subject first came up for discussion this session.

It is time that we in this country begin to realize that paternalism over American Indians must be eliminated. The dominant theme must become local control.

Mr. Benny Atencio, chairman, All Indian Pueblo Council, New Mexico, recently said in testimony concerning S. 2482 that—

> The need for local control of educational programs cannot be overemphasized. The bill should mandate greater participation of the Indians in making policies and determining the types of educational programs they want for their children.

I agree completely with this objective, and have struggled consistently for the adoption of this policy nationwide. When I introduced my own Indian Education Act on August 4 of this year, I made the following statement:

> The . . . philosophy of placing with the Indian communities the responsibility for administering ther own affairs, planning their own programs and solutions, and managing their own funds brought about significant changes and positive shifts in the lives of Indian people and in the administration of local, state, and federal Indian affairs. Indians are asking that this philosophy permeate all facets of Indian life, including education.

When the bill before us was first drafted, it contained many aspects that would develop local control of Indian education, but it was incomplete. It also emphasized the role of the national board, which attracted a great deal of opposition among Indians. The troublesome features of this bill have now been eliminated. Let me refer specifically to a number of these items, since their elimination has led to rather widespread support among the Indian community now.

Committee amendment No. 5 would insure that impact aid funds would still be available for schools with high Indian populations. In addition, this amendment calls for parental participation with respect to the use of Indian impact aid funds. Participation by parents and assurance of equitable distribution of funds were the two major recommendations of the Legal Defense and Education Fund Study of Indian Education. This is an extremely important change in this bill.

Committee amendments No. 4 and 10 will insure that special education funds will be available for Indians in Federal schools. Transfer authority from the office of Education to the Department of Interior is assured by these amendments. I am happy to see this change, because the Indian communities and school districts were very much afraid that they might lose the $12 million for such purposes received by them in 1970.

Other amendments insure that sparsely settled areas with small Indian enrollments will still gain their fair share of funds, and that private agencies will not be allowed to usurp the rightful place of Indian organizations in the participation in programs of Indian education.

I would like to compliment the work of the Committees on Labor and Public Welfare and Interior and Insular Affairs. Indian education is going ahead at a much more rapid rate in the last 2 months, because of the close cooperation that is now developing between members and staffs of these committees. I commend Senators PELL, MONDALE, JACKSON, and KENNEDY for their work on this issue and look forward to working with them in developing a comprehensive bill later in this session.

The 200,000 Indians now enrolled in public schools will benefit greatly from this bill. My State is one of the three in which more than 5 percent of the total public school enrollment comes from the Indian population of our State. With the help of this and other bills, the dropout rate of Indians, which is presently twice that of the national average, might well begin to drop.

The Senate has before it today the first phase of a new philosophy in Indian education. I hope that it will join together unanimously and support this new direction for the education of America's first people.

Mr. KENNEDY. Mr. President, I ask for yeas and nays.

The PRESIDING OFFICER (Mr. GAMBRELL). Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. FANNIN. Mr. President, S. 2482 has refocused the Senate's attention on Indian education and has attempted to provide some meaningful solutions to a most complex and difficult problem. In this sense it is commendable.

But, while S. 2482 is a step toward realizing the goal of a better educational program for our Indian children, the specifics fail its generous intent. In short, S. 2482 is not comprehensive enough to encompass the broad scope of the current problems facing Indian education. In addition, S. 2482 is deficient, because it raises serious questions which are left unanswered, and because it lacks the support of this administration.

Mr. President, I expressed my concern for S. 2482 in a statement of supplemental views which accompanied the report of this legislation. Briefly, I observed the following:

First, S. 2482 lacks a set of goals for Indian education.

Second, in amending Public Law 81–874, I question whether we are providing the best answer to insure the delivery of funds in support of Indian education programs.

Third, to be considered complete, legislation dealing with Indian education must include funds for construction of needed school facilities to serve Indian children. In my own State, at this moment, there are 20 projected costing some $29 million which cannot be funded because of the inadequate appropriations for Public Law 81–815.

Fourth, S. 2482 does not go far enough in providing clear Indian control of their educational efforts and program. If Indian participation is to be real, it is time we began to move in that direction.

Fifth, attention must also be directed toward achieving better funding levels and arrangements for State public school systems that have accepted the additional educational responsibilities involved in enrolling Indian children.

In noting these deficiencies, I am convinced that what is necessary is a more comprehensive approach to Indian education. Such legislation should provide for:

First. Development of national goals for Indian education.

Second. Adequate funding with assurances that such appropriations will reach Indian children.

Third. Construction needs.

Fourth. Administrator and teacher training and recruitment.

Fifth. Indian school board development.

Sixth. Federal organization for implementing Indian education programs.

Mr. President, I ask unanimous consent that my complete statement be printed in the RECORD at this point.

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

S. 2482, INDIAN EDUCATION ACT OF 1971—SUPPLEMENTAL VIEWS

The most commendable thing about S. 2482, as amended by the Interior and Insular Affairs Committee, is that it attempts to implement some of the recommendations of the Special Subcommittee on Indian Education of the Labor and Public Welfare Committee. This Special Subcommittee, established in 1967 upon the passage of Senate Resolution 165, was a result of my own deep concern for the direction of Indian education programs and the evident need to demonstrate through hearings, field investigations, and studies the necessity for new policies.

The result of the work of the Special Subcommittee, of which I was a member from 1967 to January 1969, was contained in a lengthy but comprehensive report entitled; *Indian Education: A National Tragedy—A National Challenge*, published in November 1969. This report, after surveying the status of Indian education programs, made some sixty recommendations to strengthen these programs and adopt new approaches. Of all these recommendations, only one, *Establishing a Senate Select Committee on the Human Needs of the American Indian*, was severely questioned by the minority members.

Yet; these very specific recommendations have not received the serious consideration they deserve. Currently, problems associated with Indian education receive only cursory treatment within the purview of the appropriations for the Department of Interior, Bureau of Indian Affairs and related ESEA programs. This process, of course, is narrow and restrained in dealing with the broad problems of Indian education.

S. 2482 has, however, refocused attention on the quality of education for our Indians and, in this sense, I have supported this effort.

While this legislation is commendable, there are a number of questions and deficiencies which I feel should be noted.

First, the most serious deficiency contained in S. 2482 is the complete lack of a set of educational goals for the Indian community. The Special Subcommittee itself in its report enunciated a set of National Goals, but to what extent these goals are shared by Indians in general is not known and which, of course, should be speedily determined. Clearly, if we are to break out of the maze of Indian education legislation, program duplications, agency overlaps, and misdirected efforts, there must be developed by both Congress and the Indians themselves a coherent set of goals. If we are, as a nation, to provide quality education for Indian citizens, we must know where we are going.

In addition, a set of educational goals would also provide an indication as to what organizational structure will be necessary to

achieve such goals. We must strive to avoid establishing a system of multiple agencies all working in the same problem area. Such a system encourages competition among institutions over budget needs, jurisdictions, and programs rather than spending their time, precious time, on the problems they were organized to solve. With resources growing scarce, such competition is something we can ill afford.

To summarize: The word "relevance" has been much used and abused, but in relationship to Indian education, let us make those *programs* and *organizations* affecting Indian education "relevant."

Second, is amending P.L. 81–874 the best answer, legislatively, to insure that education funds will, in fact, reach Indian children? The Special Subcommittee reported that "many public school districts educating Indians use Public Law 81–874 funds for a good share of their operating budgets, which results in a situation where Indian students receive insufficient benefit." This situation must obviously be rectified so that funds will support the programs for which they were intended.

The provisions of S. 2482 would seem to meet these present objections by requiring Indian parental participation in determining the use of such funds. However, I think that we must be completely assured that the funds designated for Indian education will be utilized for that purpose. In addition, it would seem advisable that we review other Indian education programs as well to see whether remedial legislation might be required to insure that the integrity of those programs are protected.

We constantly speak today of revitalizing our "delivery systems" to adequately insure that funds and services reach their program objectives. What greater contribution could we make to Indian education than to insure the proper use of such designated funds. We cannot ignore this basic legislative issue.

Beyond the problems associated with delivery of services, however, is the more basic question of whether or not we should tie Indian education funds to P.L. 81–874 or establish a separate legislative authority. This is an area requiring and deserving our attention.

Third, any legislation affecting Indian education cannot overlook the BIA schools. No matter how many times we hear of the apparent difficulties in the BIA educational system, there must first be developed, with the complete assistance of the Indians themselves, an alternative system, should that be required, before we begin phasing out the BIA school system. Until an alternative system is developed, should that be required, it would be highly unfair to deprive the BIA schools of needed assistance. The children attending such schools deserve equal concern and attention. Thus, this legislation cannot be considered complete unless the comparable assistance grants, the special programs, and the provisions for participation as provided in S. 2482 are extended to those children and parents under the jurisdiction of the BIA schools.

Fourth, one of the most serious deficiencies of S. 2482 is ignoring the need for a substantial increase in funds for construction of needed school facilities serving Indian children. By merely wishing that Indian needs should receive priority funding is to overlook the seriousness of the situation regarding PL 81–815 funds. Consider the following:

(a) The Special Subcommittee in its report noted that "lack of funding for Public Law 81–815 prevents any construction of Public school facilities for Indian students."

(b) The Special Subcommittee noted further:

1. Indians are not included in the sections or the law which are given priority funding.

2. Many public schools accepted Indian students under the impression they would receive federal money for constructing facilities necessary to educate those Indian students, yet such federal money has rarely been appropriated.

To be considered complete, any legislation affecting Indian education must include funds for construction of needed educational facilities. This can be accomplished by amending PL 81–815 or by providing for a separate appropriation.

Fifth, while S. 2482 emphasizes Indian parental participation in developing, approving, and evaluating educational programs, there is still a need to make permanent such Indian committees as a first step to instituting a local Indian school board system. Under S. 2482, Indian participation is limited to the discussion, approval, and evaluation of programs receiving grants under this legislation. What is necessary is legislation which expands this participation to include the curriculum, teacher recruitment, and other programs related to the school's educational endeavors. Concurrently, legislation should also be developed which includes the development of Indian personnel for service on school boards.

If Indian participation is to be real, it is time we began to move in that direction. A primary aim of Indians is self government, and the determination of an educational program by each Indian community is an essential part of self government.

Sixth, S. 2482 should have included much needed provisions dealing with teacher recruitment, incentives to reduce high teacher turnover, the expansion of teacher and administrator preparation programs to enable schools to provide competent, trained personnel to specifically serve Indian children and to encourage Indians themselves to become teachers, administrators, and educational leaders.

Seventh, attention must also be directed toward achieving better federal funding levels and arrangements for those state public school systems that have accepted the additional educational responsibilities involved in enrolling Indian children. This review should encompass the evident difficulties of the states to obtain greater support for this effort through the Johnson-O'Malley program. The federal government has an obligation to assist public schools which are educating Indian students, especially in the light of limited state educational aid. The Congress, therefore, should reassess its present levels of financial support to public schools.

In noting these deficiencies, I am convinced that S. 2482 is too limited in its approach. The broad problems associated with Indian education would seem to suggest a more comprehensive bill. In addition, the sixty recommendations of the Special Subcommittee deserve review to determine whether or not they are appropriate. Realizing how much is still left unattended, I can only conclude that what is necessary is the following:

1. A thorough review, with the representative Indian groups, of the sixty recommendations contained in the Report of the Special Subcommittee on Indian education.

2. A review, with Indian groups, of the role of either the BIA and/or HEW in the education of Indians.

3. The development of a more comprehensive Indian education legislation with full participation of Indian groups. Such legislation, in my opinion, should be developec with reference to:

(a) Development of national goals for Indian education.

(b) Adequate funding with assurances that such appropriations will reach Indian children.

(c) Construction needs.

(d) Administrator and teacher training and recruitment.

(e) Indian school board development.

(f) Federal organization for implementing Indian education programs.

It is time that we examine all aspects of Indian education so that we can enact a comprehensive bill. For too long we have handled Indian education on a piecemeal basis without enough reference to other problems and programs. The result of this approach has left us with a complex web of legislation which has both helped and hindered our efforts to provide quality educational porgrams.

A major comprehensive bill containing a set of educational goals will, I am sure, help us to overcome our current deficiencies and provide a viable and relevant Indian educational program.

Mr. FANNIN. Mr. President, in addition to these individual observations, we must consider the view of S. 2482 by the administration. Secretary Richardson in a letter to the chairman of the Labor and Public Welfare Committee, commented:

The provisions of S. 2482 stand in substantial contradiction to Administration education policy.

To summarize, Secretary Richardson noted the following:

First, due to the magnitude of the cost of this provision and consistent with the Administration policy of avoiding unnecessary new categorical authorities in OE grant programs, we do not support the proposed amendment to Public Law 874.

Second, the proposed amendment to Public Law 874 would extensively duplicate title I of the Elementary and Secondary Education Act since most Indian children are from low income families.

Third, an Indian Education Policy Task Group appointed by Commissioner Marland is in the process of submitting a review of the role of OE in Indian education. Since this process has not been completed we do not favor enactment of S. 2482.

Fourth, we oppose the creation by statute of a Bureau of Indian Education within the Office of Education. The legislating of administrative structure does not necessarily serve the need for comprehensive planning and flexibility to cope with changes in problems, resources, and responses over time. The Task Group is reviewing a range of possible administrative initiatives to create an optimal structure for serving the educational needs of public school Indian children.

Fifth, in S. 2482 there seems to be a potential services overlap of responsibility between the Presidentially appointed National Advisory Council and the Commissioner and his appointed Deputy Commissioner of Indian Education.

Mr. President, I ask unanimous consent to have printed in the RECORD a copy of the Secretary's letter.

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

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
September 29, 1971.

Hon. HARRISON A. WILLIAMS, JR.,
Chairman, Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This letter is in response to your request of August 11, 1971, for a report on S. 2482, a bill "To authorize financial support for improvements in Indian education and for other purposes."

The bill would add a new title to Public Law 874, School Assistance in Federally Affected Areas, to provide financial assistance to local education agencies to develop and carry out elementary and secondary programs to meet the special education needs

of Indian children. The amount of the grant to which a local educational agency would be entitled would be equal to the average per pupil expenditure for such agency multiplied by the number of Indian children enrolled in that agency as determined by the Commissioner. There would be a ratable reduction of payments to such agency in the event that appropriations for any fiscal year were not adequate to pay in full that agency's entitlement for that fiscal year.

Grants made under this title could be used for the planning, development and operation of programs specially designed to meet the special education needs of Indian children. Agencies with at least 10 Indian children, or with an enrollment of 50 percent Indian children, would be eligible to receive funds.

Part B of S. 2482 authorizes the Commissioner to make grants for projects designed to test the effectiveness of programs for improving Indian educational opportunities; programs to provide educational services not available to Indian children in sufficient quality or quantity; training programs for educational personnel; and for dissemination and evaluation of the results of Federally-assisted programs. The bill would authorize $25 million for Fiscal Year 1973 and $35 million for each of the two succeeding fiscal years for such purposes.

Part C of S. 2482 would amend the Adult Education Act by authorizing pilot and demonstration projects, research, evaluation, and operation of adult education programs for Indians. For the purposes of making grants under this part, $5 million would be authorized for Fiscal Year 1973 and $8 million for each of the two succeeding fiscal years.

The bill also provides, in part D, for the establishment of a Bureau of Indian Education within the Office of Education. The Bureau would have responsibility for administering Title III of Public Law 874, section 810 of Title VIII of the Elementary and Secondary Education Act, and section 314 of the Adult Education Act as added by S. 2482. The Bureau would be headed by a Deputy Commissioner, appointed by the Commissioner from a list of nominees submitted to him by the National Advisory Council on Indian Education. Such National Advisory Council, consisting of fifteen members appointed by the President, would have wide responsibilities for advising the Commissioner, evaluating programs, reviewing applications for assistance and providing technical assistance on Indian education to local education agencies and Indian organizations.

This bill additionally provides that, after Fiscal Year 1972, funds formerly set aside for the Secretary of the Interior under Elementary and Secondary Education Act titles I (Compensatory Education), II (Library Services), and III (Supplementary Educational Centers and Services), and under the Education of the Handicapped Act would be discontinued.

Full funding of all parts of S. 2482 would result in an estimated cost of $118.5 million for Fiscal Year 1973, the initial year of operation. Due to the magnitude of the cost of this provision, and consistent with the Administration policy of avoiding unnecessary new categorical authorities in OE grant programs, we do not support the addition of the proposed amendment to Public Law 874. Further, the proposed amendment to Public Law 874 would extensively duplicate Title I of the Elementary and Secondary Education Act since most Indian children are from low-income families.

The sections of S. 2482 summarized above treat several issues in Indian education including: (a) the role of the U.S. Office of Education in Indian education, (b) developmental and innovative needs in Indian education, (c) the organizational structure of OE's effort in Indian education, and (d) the manner in which Indian educators and Indian representatives can effectively participate in policy decisions that pertain to their people. While we applaud the spirit and the objectives of S. 2482, we are not convinced that the bill constitutes the best response to the issues listed above.

The Indian Education Policy Task Group, which Commissioner Marland established and referred to in his April testimony before the Senate Labor and Public Welfare Committee is actively reviewing the general role of the Office of Education in Indian education and is considering a number of alternatives, many of which could be instituted without additional legislation. The Task Group is in the process of submitting its review and final recommendations to the Commissioner. Since this process has not been completed, we do not favor enactment of S. 2482.

Further, we oppose the creation by statute of a Bureau of Indian Education within the Office of Education. The legislating of administrative structure does not necessarily serve the need for comprehensive planning and flexibility to cope with changes in problems, resources and responses over time. In addition, the creation of a Deputy Commissioner to head a single bureau would place that officer out of line with the existing Deputy Commissioners who administer the equivalent of more than one bureau. The Task Group is now reviewing a range of possible administrative initiatives to create an optimal structure for serving the educational needs of public school Indian children.

In his Indian message of July 8, 1970, the President expressed his support for Indian self-determination as a major goal of our national Indian policy. The Administration has proposed legislation to this end, which is currently pending before the Committee on Interior and Insular Affairs as S. 1573. We fully concur in the need for a mechanism to ensure meaningful participation of the Indian communities in the development of educational policy for Indian children. However, in S. 2482, there seems to be a potentially serious overlap of responsibility between the Presidentially appointed National Advisory Council and the Commissioner and his appointed Deputy Commissioner of Indian Education. The rather unprecedented review and evaluation authority of the Council would seem to infringe on the program and evaluation responsibilities of the Commissioner and the proposed Deputy Commissioner for Indian Education. In addition, the advisory function of the proposed National Advisory Council duplicates the advisory role of the recently created Education Subcommittee of the National Council on Indian Opportunity.

We believe that the provisions of S. 2482 stand in substantial contradiction to Administration education policy and recommend against passage of this legislation.

We are advised by the Office of Management and Budget that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

ELLIOT L. RICHARDSON,
Secretary.

Mr. FANNIN. Mr. President, for many years I have been deeply involved in finding a better educational program for our Indian children. S. 2482 is a step toward finding that program and I would have liked to support it, but knowing what is still left unattended I must argue for a more comprehensive bill. Until we find a program which will, in fact, attempt to solve the broad problems facing Indian education we will not have reached our objectives.

Mr. ALLOTT. Mr. President, first of all, I want to congratulate the senior Senator from Arizona on his statement and particularly the perspective that pertains to it. No one has pursued his duties with respect to Indian education any more avidly and sincerely than the Senator from Arizona.

I would like to call attention to the fact that the States with far and away the highest number of Indian children in school are the State of Arizona with 26,426, the State of New Mexico with 28,233, and in that group the next State is Oklahoma with 11,042, although the lack of Indian reservations there and the designation of "Indian" varies from the designations in other States.

I took my feet at this moment simply to call attention to the fact that the minority members of the Committee on Interior and Insular Affairs, particularly the distinguished Senator from Arizona (Mr. FANNIN), who is the ranking Republican member of the Subcommittee on Indian Affairs of the Committee on Interior and Insular Affairs, have themselves contributed very greatly to the formulation of this and other legislation. The Senator from Arizona has pointed out specific areas where this bill is deficient. But I would also be remiss, as ranking Republican member of the Committee on Interior and Insular Affairs, if I did not take particular note of the work done by Senators HANSEN, BELLMON, and JORDAN of Idaho on this bill.

It is my hope that we can formulate an overall bill for the perfection of Indian education. It is a difficult task because there are over 400 different tribal entities. They vary as much as any of the races anywhere in the world can vary with respect to each other in their outlook, traditions, culture, background, education, and characteristics. To get uniformity or a consensus as to what should be done among all of them is extremely difficult.

One thing I am sure of at this point is that this is a problem which is going to be one of the most difficult problems to really solve of any that the Senate or the Congress is going to deal with in the next few days.

Appropriating money, and even huge amounts of money, is not going to be the answer to it. The answer is going to be in the productive, imaginative, and constructive work that goes into the legislation, in cooperation with the Indians themselves, and in this respect I think the kind of constructive and imaginative thinking that needs to be done is the kind that the distinguished Senator from Arizona has been doing. I wanted to take note of that particularly at this time.

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

Mr. ALLOTT. I yield.

Mr. FANNIN. Mr. President, I simply wanted to commend the distinguished senior Senator from Colorado for his remarks regarding the bill and the work that we have been doing. He, of course, is the ranking Republican member of the Committee on Interior and Insular Affairs, and he has contributed greatly of his time and effort and certainly has given support to all of us in permitting us to go into these matters very thoroughly. He, perhaps more than anybody else, has provided us the opportunity in this instance of considering this legis-

lation separately from the bill that was originally proposed.

I also agree with him wholeheartedly that it is not a matter of just the amount of money that is expended. It is how that money is spent. I know when we were having hearings in Arizona, at the schools, and were considering the question of the education of the Indians, a student at one of the schools said:

We do not want pity. We do not want charity. We want opportunity. We want an opportunity for an equal education.

I feel that that is exactly what those people deserve to have. They are the first Americans and they are certainly the most underprivileged people of our Nation.

I certainly commend the Senator for bringing forth that it is the opportunity and proper supervision of the educational problems that will bring about greater results, as he has said, than just the amount of money that is expended.

Mr. ALLOTT. I thank the Senator. I think our minds run along the same channels. It is the work and the imaginative and constructive thinking that go into the effort that will mean whether we win this battle relatively quickly or lose it.

Mr. DOLE. Mr. President, throughout the history of our country, the children of the American Indian have not received the full benefits from our educational system.

Recently compiled statistics demonstrate several specific areas in which Indian students have progressed at a rate far below that of the majority of American students in elementary and secondary grades.

A brief review of these figures reveals:

Dropout rates are twice the national average in both public and Federal schools. Some school districts have dropout rates approaching 100 percent.

Achievement levels of Indian children are 2 to 3 years below those of white students; and the Indian child falls progressively further behind the longer he stays in school.

Indian children, more than any other minority group, believe themselves to be below average in intelligence, even though evidence is contrary to this belief.

Mr. President, these statistics clearly point out the substandard position of Indian children in the educational system. This dilemma has persisted over the years and demands immediate corrective action. We must make every effort to provide equitable opportunities for all American children to receive the invaluable rewards of a good education.

S. 2482 is by no means the entire solution to this problem, but it is a move in the proper direction and provides a number of important benefits for these students.

Essentially, it establishes three new programs. The first would assist local educational agencies in meeting the special needs of Indian students. The second would provide funds for special programs and projects to improve Indian educational opportunities. The third program would support the improvement of adult Indian education.

A Bureau of Indian Education within the Office of Education also would be established to coordinate and develop programs in this field. Nonreservation Indians are eligible to participate in programs established under the bill, and community participation in programs for the specific benefit of Indian children is required.

A total of $87.5 million would be authorized for fiscal year 1973, $82.5 million in fiscal year 1974, and $90.8 million in fiscal year 1975.

I urge the Senate to give approval to this vitally needed legislation and lead the way for further advancements in the educational programs offered the children of the American Indian.

Mr. JACKSON. Mr. President, I am pleased to speak in support of S. 2482, to authorize financial support for improvements in Indian education, and for other purposes, which is under consideration by the Senate today.

As a result of the unique relationship Indian people maintain with the Federal Government, our Nation has assumed many responsibilities in their behalf, including a promise to provide educational opportunities for their children to prepare them for a successful livelihood in society. Unfortunately, in many respects, we, as a Nation, have failed to fulfill this promise to the Indian people and their children. The story of this dismal failure is reflected in numerous studies and official investigations on the status of Indian education in the various educational systems—Federal, public, and private—where Indian children attend school.

No lengthy recitation of statistics is required to remind my colleagues of this regrettable situation. The drop-out rate for Indian students is one of the highest in the country; Indian students fail to achieve as well as other students; and when Indian students do complete secondary studies and enroll in colleges and universities their limited academic preparation results in unusually high attrition rates. These problems are not so much related to the inability of Indian children to learn as they are to the inadequacies of the educational programs that serve them.

A more recent 2-year investigation on the status of Indian education by a special subcommittee of the Senate Labor and Public Welfare Committee brought Indian education deficiencies and problems into a new focus and perspective. The initial work of the subcommittee was launched under the leadership of the late Senator Robert F. Kennedy and was completed by Senator EDWARD M. KENNEDY. Their findings and recommendations are set forth in a comprehensive report. The outstanding work of this special subcommittee has properly laid the groundwork for action.

The measure before us today is an outgrowth of the report prepared by the special subcommittee of the Labor and Public Welfare Committee and represents a step in the direction of developing educational opporutnities that are based on the unique social, cultural political, and geographical needs of Indian children. I believe it is important in the consideration of S. 2482 to outline briefly the legislative history as the measure has progressed through the Senate.

This measure originally appeared as title IV—Indian Education—to S. 659—omnibus education amendments of 1971—which was considered before the Subcommittee on Education of the Senate Committee on Labor and Public Welfare. The bill was reported to the Senate on August 3 and was scheduled for floor action during that same week.

In response to numerous requests from the Indian leadership throughout the country, I and other members of the Interior and Insular Affairs Committee requested that action on title IV be deferred to give our committee members additional time to review the legislation in light of these concerns.

On August 6, 1971, by unanimous consent agreement, title IV of S. 659 was stricken from the bill and the language in that title was introduced as S. 2482, which was jointly referred to the Committees on Interior and Insular Affairs and Labor and Public Welfare with instructions that it be reported back to the Senate not later than October 1, 1971. Sponsors of S. 2482 are Senators PELL, ALLOTT, BURDICK, FANNIN, JACKSON, KENNEDY, METCALF, and MONDALE.

S. 2482 is identical to title IV as reported by the Committee on Labor and Public Welfare. It does not contain the provision which would have eliminated impact aid funds from public schools on or near reservations. Deletion of this provision had been agreed to by the Labor Committee before title IV was reported.

The Committee on Interior and Insular Affairs held a hearing on S. 2482 on September 20, 1971, to receive testimony from spokesmen for the National Congress of American Indians, the National Tribal Chairmen's Association, the National Indian Education Association, and the All-Pueblo Council. The witnesses proposed several amendments to improve the various provisions of the bill. The committee was impressed by the ability and sincerity of the Indian witnesses who testified on September 20. The committee's belief that the Indian people, through their leaders, should have a chance to express their views on the bill before it was considered by the Senate was justified. The Indian spokesman proposed the type of amendments which the Interior Committee subsequently approved.

The committee met in executive session on September 23, 1971, and after considering S. 2482, ordered it reported favorably to the Senate.

The Interior Committee proposed only three substantive changes in S. 2482.

Believing that a law entitled the "Indian Education Act" should not, in fact, deprive some Indian children of benefits currently available, the committee proposed to amend S. 2482 to restore programs under the Elementary and Secondary Education Act to those children who are enrolled in Federal schools operated by the Bureau of Indian Affairs.

Further, in keeping with the desire of Indian people for self-determination, the

committee proposed to amend the bill to assure that funds under the act will be directly available only to public education agencies or to Indian tribes, organizations and institutions, with preference, where appropriate, to the Indian groups.

A third amendment extends the benefits of the act to Indian children in small, isolated rural areas, where the need is often the greatest.

All but one of the other amendments are primarily editorial, or clarifying in nature. An amendment to section 5 of Public Law 874, 81st Congress, proposed by the Committee on Labor and Public Welfare was not considered by the Committee on Interior and Insular Affairs and the committee takes no position on the amendment.

I ask unanimous consent that a letter from the president-elect of the National Education Association containing their views on S. 2482 be inserted in the RECORD at the conclusion of my remarks. Several of their recommendations parallel the amendments approved by the Committee on Interior and Insular Affairs.

The Committee on Interior and Insular Affairs continues its long history of concern for improving the educational opportunity of Indian children and adults. This concern encompasses those Indians who have left the reservations as well as those who remain. The committee is convinced that education, along with resource development of Indian lands, is essential if the Indian people are to secure the full measure of self-determination to which, as citizens, they are entitled.

The committee believes that as a matter of national policy, the Federal Government must maximize educational achievement and opportunity for all Indian children, regardless of what schools they attend. We believe that any Indian education program must provide for meaningful involvement of the Indian people in planning and carrying out the educational program. Only through this procedure will the program be effective.

For too many years the Indian people have had things done to them. It is the committee's conviction that the time is overdue for the Indian people to be given the means to determine for themselves what their needs are, and the wherewithal to meet these needs. S. 2482, with the amendments proposed by the Interior and Insular Affairs Committee, as concurred in by the Labor and Public Welfare Committee, is a step in that direction.

During the September 20 hearings the Indian leaders also urged that the Congress enact a truly comprehensive Indian Education Act as soon as possible. The committee has taken this recommendation under serious consideration. In the very near future, I plan to introduce such a proposal designed to set the course of Indian education in a direction that will ultimately provide the kind of educational preparation for Indian children and adults that will offer them social and economic equality with other Americans.

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

NATIONAL EDUCATION ASSOCIATION,
September 21, 1971.

HON. HENRY M. JACKSON,
Chairman, Senate Interior Committee, New Senate Office Building, Washington, D.C.

DEAR SENATOR JACKSON: On behalf of the 1.1 million members of the National Education Association, I commend you for scheduling hearings on S. 2482, the Indian Education Act of 1971, and for restricting the witnesses to representatives of organized Indian organizations.

As then President-Elect Donald Morrison testified before the Senate Education Subcommittee on April 29, 1971, NEA will support whatever position the majority of Indian people take on legislation affecting Indians. We are aware that many Indian groups were concerned about S. 2482 when it was reported as Title IV of S. 659. The final version of Title IV as it reached the Senate floor was much improved over the bill which came from the Education Subcommittee. However, we believe that it can be further improved.

S. 2482 should be amended by deleting the language which eliminates the Bureau of Indian Affairs schools from the benefits of the Elementary and Secondary Education Act. Coverage of pupils in BIA schools should be extended through the period provided for pupils in other schools. Children enrolled in BIA schools, as American citizens, are entitled to all benefits made available to all other American citizens.

We urge that S. 2482 be amended by providing in all appropriate places in the bill that grants or contracts made under the bill be limited to public and private *non-profit* organizations, agencies, and institutions. If, after receiving a federal grant or contract, the members of the local Indian committee wish to purchase services, such as testing or instructional material development, from profit-making firms, they should be free to do so. However, we urge that grants or contracts from the Office of Education be issued only to public and non-profit agencies. The recent findings of the GAO relative to contracts to evaluate USOE and OEO projects indicate that $7.5 million of $9 million for this purpose were wasted. We have consistently contended that the misuse of federal funds for education purposes in contracts with profit-making agencies has been counter-productive. We believe this even more firmly today.

S. 2482 establishes an Advisory Committee on Indian Education in the Office of Education. We are dubious as to the usefulness of the myriad advisory committees which have been provided for in recent years. However, if the Indian people support this provision we have no strong objections to it. Perhaps this committee can be effective.

It is our hope that a truly comprehensive Indian education program can be enacted by the 92nd Congress. S. 2482 touches only one segment of the Indian children. We believe that a comprehensive bill should include the provisions of your bill, S. 1401, to create a Board of Regents for Indian Education (amended as the Indian people desire); S. 2482 as amended; a major teacher education program designed to develop educational administrators, teachers and auxiliary personnel, with preference given to Indians; and a school construction program to meet the desperate needs of schools on or near Indian reservations. We believe further that a companion bill addressed to the needs of Indian people for adult, career, vocational, and higher education should be developed for consideration as soon as possible.

We urge that work begin on other legislation as described above as soon as possible. However, we do not believe that the comprehensive Indian education program currently under consideration should be held up pending the development of the adult-career-vocational-higher education bill.

Incidentally, the NEA will request that any companion legislation that may be drawn take into account and protect the rights and benefits of persons employed in BIA schools at the time the legislation is enacted.

There is at present a tremendous concern on the part of the American people to "do something" for the Indians. Whether this concern is evidence of a national conscience, perhaps stimulated by such events as My Lai, is interesting to conjecture. Whatever the reason, it is incontrovertible that the Indian cause has never had more advocates among the non-Indian people. We urge that the Congress respond to the need and not bog down in procedural disputes which are so disillusioning to the Nation's young people.

The Interior and Labor and Public Welfare Committees both include some of the most able and astute members of the United States Senate from both political parties. We urge that these Senators move forward together to provide a meaningful program of Indian education—and to demonstrate that the "system" can work.

Sincerely yours,

MRS. CATHARINE BARRETT,
President-Elect, National Education Association.

Mr. CRANSTON. Mr. President, I rise to express my strong support for S. 2482, the Indian Education Act of 1971. Its passage by the Senate today will open a new and enlightened chapter in native American history by committing substantial Federal resources toward correcting our past failures in educating Indian children. I would like to commend the distinguished Senator from Massachusetts (Mr. KENNEDY) for his skillful and determined efforts in steering this bill through the legislative process. On behalf of the more than 100,000 Native Americans in California, I want to express a special thanks.

This bill has a long and complicated history. It begins in 1968 with the establishment of the Special Subcommittee on Indian Education. This subcommittee was instructed to investigate any and all matters pertaining to the education of Indian children. It spent 2 years crisscrossing the country, listening to Indians, Government officials, and experts. It compiled more than 4,000 pages in seven volumes of hearings. In November 1969, the subcommittee distilled the information gathered during its extensive field hearings and issued its final report: "Indian Education: A National Tragedy—A National Challenge." The bill before us today is a vital first step in meeting this national challenge.

The hearings and committee prints of this subcommittee, compiled during 2 short years, constitute massive documentation of its basic finding: that our Nation's policies and programs for educating American Indians are a national tragedy. Federal Indian policy has vacillated between two extremes—between a sort of benevolent paternalism and a conscious and deliberate intent to destroy the Indian's language, culture and self-respect, and on several occasions to destroy the Indian himself. The history of Indian-white relations, as written by the white man and taught to Indian children, views the Indian as subhuman, savage, lazy and useless. Even in the texts used in California's fairly progessive schools, the subcommitee found virtually no mention of the role of the Indian in the development of California and of the Nation.

The subcommittee summed up our Indian educational policies as "coercive

assimilation." This policy has had the following disastrous effects on Indian children:

The classroom has become a kind of battleground where the Indian child attempts to protect his integrity and identity as an individual by defeating the purposes of the school.

Schools have failed to understand or adapt to, and in fact have often denigrated, cultural differences.

Schools have failed to recognize the importance and validity of the Indian community, and the community and child have reacted by treating the school as an alien institution.

It has resulted in a dismal record of absenteeism, dropouts, negative self-images, low achievement, and, ultimately, academic failure for many Indian children. Dropout rates in parts of California have been as high as 70 percent.

Finally, and most pernicious, is the fact that this policy has served to perpetuate the cycle of poverty which undermines the effectiveness of all other Federal assistance programs.

California Indians have been especially victimized by our past Indian policies. In 1852, the Federal Government negotiated 18 separate treaties with some 400 Indian chiefs. These treaties would have granted California Indians a total of 8.5 million acres of land in addition to establishing a clear Federal responsibility for the Indians' health, education, and welfare. Unfortunately, while the Indians were moving off the lands they promised to give up in return for the 8.5 million acres, the U.S. Senate refused to ratify the treaties. The Indians thus found themselves without any land base of their own and white settlers were quick to move into the gold-rich lands they had vacated in good faith.

During the next 30 or 40 years, California Indians were nearly decimated by a series of armed conquests. Their numbers were reduced from an estimated 100,000 in 1848 to less than 20,000 in 1880, a reduction of 80 percent in the span of one generation. Without land and without legal protections, California's native Indians have remained isolated geographically, socially, and culturally from the mainstream of American life.

Today, California has two distinct Indian populations. The first is made up of those who survived the bloody conquests of the 19th century. They remain for the most part widely scattered throughout isolated rural areas, some on the tiny "rancherias" granted by the Federal Government in the early part of this century, but most living on non-Federal land. Providing schools that meet the special educational needs of these Indians is nearly impossible without a massive infusion of Federal assistance. I am very pleased that this bill is clearly directed to providing assistance available under part A—impact aid—to these isolated, widely scattered California Indians.

A second population of California Indians is concentrated in four major urban centers: Los Angeles, San Francisco, Oakland, and San Jose. There is also a growing Indian population in San Diego. These Indians are mostly from Federal reservations in other States who have come to California in search of jobs and a better life under the BIA's relocation program. Los Angeles today has the highest concentration of American Indians of any urban center in the United States, with an estimated Indian population of 60,000.

They come to California in search of a better life, but that all too often eludes them. They find, instead, that they lack the education and the skills to obtain a decent job. They are faced with tremendous language and cultural barriers. They find the urban environment overwhelming, confusing, and frightening. They move from neighborhood to neighborhood and shuttle back and forth between the city and the reservation. The urban Indian has become one of the most deprived, invisible, and least understood segments of the urban poor.

These two groups of Indians share several things: they share poverty and despair, ill-health, and a poor education. S. 2482 will be of major significance in improving the educational opportunities of these Indian children which, in turn, will help them escape the debilitating cycle of poverty in which so many are trapped. If we are to make any lasting changes, however, we must follow the Indian Education Act with other legislative and administrative remedies. Jobs, housing, health, and opportunities for self-determination remain crucially important.

The legislation we are considering today was originally introduced as amendment No. 6 to S. 659, which I cosponsored, the Education Amendments of 1971, and was reported favorably by the Labor and Public Welfare Committee as title IV of S. 659. On August 6, by unanimous consent, title IV was deleted by the Senate from S. 659 and reintroduced as a separate bill—S. 2482. It was referred jointly to the Labor and Public Welfare Committee and the Interior Committee. On October 1, both committees favorably reported S. 2482.

S. 2482 establishes three major programs. First, it adds a new title to Public Law 874—impact aid—to assist local educational agencies in meeting the special needs of Indian students. Second, it provides funds for special programs and projects to improve Indian educational opportunities. Third, it supports the improvement of Indian adult education. It also creates an Office of Indian Education in the Office of Education and a National Advisory Council on Indian Education to be composed of 15 native Americans.

Aside from the specifics of the programs established under the various parts of this bill, it incorporates several significant policy changes. First, contrary to most Indian legislation, it directs itself to all Alaska natives and Native Americans—urban, reservation, rural, and terminated Indians. I feel that this is an important recognition that all Indians are eligible for Federal services and that the Federal Government owes them, at the very least, remedial assistance.

Second, S. 2482 provides Indian communities with a real voice in how the funds authorized in the bill should be used. The parents of Indian children are to participate in the planning, application, conduct, and evaluation of programs authorized under this bill. This is particularly important because non-Indians have rarely understood the problems faced by Indian students and have therefore been unable to meet their special educational needs. In addition, the Subcommittee on Indian Education found that a major reason for the tragedy of our educational policies has been the relationship between the Indian community and the public school and the general sense of powerlessness the Indian parent feels in regard to the education of his children. The Indian Education Act thus constitutes a step toward a true policy of self-determination for Indian people.

I am pleased that the term "enrolled" was deleted from the definition of Indian. This is especially significant for Indians in California who are often not members of organized tribes and who, therefore, are not enrolled members. I am pleased that the definition is broad and that it is intended to include terminated Indians, of which there are a large number in California.

Finally, the committee amendments eliminating the eligibility of private agencies and organizations is commendable. It is consistent with a policy of self-determination that gives priority to Indian applicants. I would just like to point out that these changes do not preclude the possibility of an Indian tribe or organization or institution contracting for the services of non-Indian agencies, such as the specialized services available from library associations for the development of Indian studies programs and other educationally related projects.

I believe that the Indian Education Act before us today should be approved and that we should encourage the other House to consider this bill in the very near future. The Indian people have waited far too long for the writing of this new chapter in the history of the Indian's relationship with the Federal Government.

TO RESTORE PRIDE AND PROMISE: THE INDIAN EDUCATION ACT OF 1971

Mr. HUMPHREY. Mr. President, the enactment of the Indian Education Act of 1971, S. 2482, can be of historic importance in reversing discriminatory and paternalistic governmental policies of the past to establish a new direction and firm commitment in national policy to restore pride and promise to Indian people.

Americans pride themselves in having the finest educational system in the world. Yet few realize how miserably the system has failed when it comes to the education of the Indian child.

The average Indian student scores 2 to 3 years below the national norms on achievement tests. Forty percent of Indian students drop out of school before graduation. What ought to cause our most profound concern, however, is the general finding that Indian children, more than any other minority, believe themselves to be "below average" in in-

telligence, whatever the contrary evidence.

No one factor has caused this tragedy. There has been a general failure to improve the educational opportunities of Indian children, in part because of a totally inadequate and discriminatory allocation of educational funds and services. Under a Federal policy since the 1890's of integrating Indians into the white culture, public schools generally have failed to include Indian history, culture, or language in their curriculums. In fact, they often use materials which are derogatory to the Indian. This has had the dual effect of strengthening an Indian "inferiority complex," while simultaneously breeding prejudice among non-Indian children.

Moreover, there has been an almost complete failure to involve Indian parents in the determination of educational goals for their children. Failing to perceive the need or benefits of a formal education—where four out of five adults have not completed high school and where a major cause of Indian poverty and unemployment is functional illiteracy—they resent the sacrifice they must make to keep their children in school.

To overcome this critical neglect, a totally new direction must be mapped out in Federal programs of assistance in Indian education. Clearly, a major step in this direction is taken in the Indian Education Act of 1971.

Under a new title added to Public Law 874, school assistance in federally affected areas, increased financial assistance will be provided to local education agencies to develop and carry out elementary and secondary programs to meet the special education needs of Indian children. This new assistance is to be based directly on the number of Indian children enrolled, and their parents are to participate in the planning, conduct, and evaluation of these special-need programs. The clear intent of the Senate is that by these provisions the discriminatory allocation of educational services for Indians under Public Law 874 assistance shall end forthwith. The improvement of Indian educational opportunities is also emphasized through the authorization of $25 million to evaluate the effectiveness of special-need programs that are developed and to disseminate information on program results.

However, I regard as of central importance the provisions made in this bill for the enlistment of Indian parents in the effort to provide their children the full opportunity to obtain a quality education. In addition to their direct involvement in the development of programs to meet the special education needs of their children, they will be able to participate in adult education demonstration programs. Through experiencing the opportunity to improve basic and applied skills, they can transmit a vital incentive to their children to continue their education.

Finally, this bill establishes clear priorities for Indian education by providing for the creation of an Office of Indian Education to centralize authority, responsibility, and evaluation of Indian education programs within the U.S. Office of Education. And to reverse an overriding paternalism in Federal policy, this act provides for the appointment by the President of an all-native, 15-member National Advisory Council on Indian Education. This Council must have a strong policy voice in the administration of all Office of Education programs affecting Indians, to assure that Indian needs will be met and that Indian culture and values will be preserved.

The 1969 report by the Senate Subcommittee on Indian Education, entitled "Indian Education: A National Tragedy—A National Challenge," marked a major turning point in opening to public examination this Nation's self-deception of what it has done "for" the Indian. Now we must move forward in undertaking an exceptional effort to correct the profound abuses of the present, suffered by the Indian people, as a result of the incredible errors and hypocrisies of the past.

We must enable the Indian to again stand with pride and to have hope in the tomorrows of this great land. We must acknowledge the rich heritage this pluralistic Nation enjoys in the traditions and values of Indian people, and the strength it can receive from their direct involvement in its economic, educational, social, and political life.

Such lessons are beginning to be applied in Minnesota, the land originally of the Sioux—Dakota—and Chippewa—Ojibway—tribes. There about 7,200 Indian children attending elementary and secondary schools in our State—most of them representing less than 50 percent of the enrollment in their respective schools. About one-third of Minnesota's Indian population lives in three major cities: Minneapolis, St. Paul, and Duluth. Indian children and youth account for over 2 percent of the enrollment in Minneapolis schools—a percentage exceeded only in Tulsa, Okla., one of the eight other cities which account for over half the large-city school enrollment of Indian children.

These facts paint the background of a common picture of an Indian child lost in an alien white culture. This experience is clearly evident in the high transiency and drop-out rates of Indian school children. And it is an experience also known by the thousands of Indian families existing in rural isolation and in poverty.

Minnesota has moved forward in programs to promote educational, health care, and employment opportunities and services for Indians and to meet their vital social welfare needs. But a substantial task remains if full equality of opportunity and justice are to become a reality.

But this is the story that is repeated throughout America. The right to be Indian is a precious birthright demanding respect in the policies and programs at all levels of government affecting this great people. It is to secure this right that the Indian Education Act of 1971 marks an important beginning.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the name of the Senator from New Mexico (Mr. MONTOYA) be added as a cosponsor for S. 2482, the Indian education bill.

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

Mr. KENNEDY. Mr. President, I ask unanimous consent that the committee amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, the committee amendments will be considered en bloc; and, without objection, the amendments are agreed to en bloc.

The bill is open to further amendment.

If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

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

The PRESIDING OFFICER (Mr. GAMBRELL). The bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Texas (Mr. BENTSEN), the Senator from Nevada (Mr. CANNON), the Senator from Florida (Mr. CHILES), the Senator from Mississippi (Mr. EASTLAND), the Senator from Louisiana (Mr. ELLENDER), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Hawaii (Mr. INOUYE), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PELL), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Virginia (Mr. SPONG), the Senator from Illinois (Mr. STEVENSON), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I also announce that the Senator from Indiana (Mr. HARTKE), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Nevada (Mr. BIBLE) are absent on official business.

I further announce that, if present and voting, the Senator from Louisiana (Mr. ELLENDER), the Senator from Alaska (Mr. GRAVEL), the Senator from Florida (Mr. CHILES), and the Senator from Indiana (Mr. HARTKE) would each vote "yea."

Mr. GRIFFIN. I announce that the Senators from Tennessee (Mr. BAKER and Mr. BROCK), the Senator from Oklahoma (Mr. BELLMON), the Senators from Delaware (Mr. BOGGS and Mr. ROTH), the Senator from Massachusetts (Mr. BROOKE), the Senator from New York (Mr. BUCKLEY), the Senator from New Hampshire (Mr. COTTON), the Senator from Wyoming (Mr. HANSEN), the Senator from Nebraska (Mr. HRUSKA), the Senator from Iowa (Mr. MILLER), the Senator from Ohio (Mr. SAXBE), the Senators from Pennsylvania (Mr. SCOTT and Mr. SCHWEIKER), the Senator from Vermont (Mr. STAFFORD), the Senator from Ohio (Mr. TAFT), and the Senator from

Connecticut (Mr. WEICKER) are necessarily absent.

The Senator from Alaska (Mr. STEVENS) is absent on official business.

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

Also, the Senator from Vermont (Mr. AIKEN), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Maryland (Mr. MATHIAS) are necessarily absent.

If present and voting, the Senator from Delaware (Mr. BOGGS), the Senator from Iowa (Mr. MILLER), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Alaska (Mr. STEVENS), and the Senator from Ohio (Mr. TAFT) would each vote "yea."

The result was announced—yeas 57, nays 0, as follows:

[No. 259 Leg.]

YEAS—57

Allen	Fong	Metcalf
Allott	Gambrell	Mondale
Anderson	Griffin	Montoya
Beall	Gurney	Nelson
Bennett	Harris	Packwood
Burdick	Hart	Pastore
Byrd, Va.	Hatfield	Pearson
Byrd, W. Va.	Hughes	Percy
Case	Humphrey	Proxmire
Church	Jackson	Ribicoff
Cook	Javits	Smith
Cooper	Jordan, N.C.	Sparkman
Cranston	Jordan, Idaho	Stennis
Curtis	Kennedy	Symington
Dole	Long	Talmadge
Dominick	Magnuson	Thurmond
Eagleton	Mansfield	Tower
Ervin	McGee	Tunney
Fannin	McIntyre	Young

NAYS—0

NOT VOTING—43

Aiken	Fulbright	Pell
Baker	Goldwater	Randolph
Bayh	Gravel	Roth
Bellmon	Hansen	Saxbe
Bentsen	Hartke	Schweiker
Bible	Hollings	Scott
Boggs	Hruska	Spong
Brock	Inouye	Stafford
Brooke	Mathias	Stevens
Buckley	McClellan	Stevenson
Cannon	McGovern	Taft
Chiles	Miller	Weicker
Cotton	Moss	Williams
Eastland	Mundt	
Ellender	Muskie	

So the bill (S. 2482) was passed, as follows:

S. 2482

An act to authorize financial support for improvements in Indian education 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 "Indian Education Act of 1971".

PART A—REVISION OF IMPACTED AREAS PROGRAMED AS IT RELATES TO INDIAN CHILDREN

AMENDMENTS TO PUBLIC LAW 874, EIGHTY-FIRST CONGRESS

SEC. 2. (a) The Act of September 30, 1950 (Public Law 874, Eighty-first Congress), is amended by redesignating title III as title IV, by redesignating sections 301 through 303 and references thereto as sections 401 through 403, respectively, and by adding after title II the following new title:

"TITLE III—FINANCIAL ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES FOR THE EDUCATION OF INDIAN CHILDREN

"SHORT TITLE

"SEC. 301. This title may be cited as the 'Indian Elementary and Secondary School Assistance Act'.

"DECLARATION OF POLICY

"SEC. 302. (a) In recognition of the special education needs of Indian students in the United States, Congress hereby declares it to be the policy of the United States to provide financial assistance to local educational agencies to develop and carry out elementary and secondary school programs specially designed to meet these special educational needs.

"(b) The Commissioner shall, in order to effectuate the policy set forth in subsection (a), carry out a program of making grants to local educational agencies which are entitled to payments under this title and which have submitted, and had approved, applications therefor, in accordance with the provisions of this title.

"GRANTS TO LOCAL EDUCATIONAL AGENCIES

"SEC. 303. (a) (1) For the purpose of computing the amount to which a local educational agency is entitled under this title for any fiscal year ending prior to July 1, 1975, the Commissioner shall determine the number of Indian children who were enrolled in the schools of a local educational agency, and for whom such agency provided free public education, during such fiscal year.

"(2) (A) The amount of the grant to which a local educational agency is entitled under under this title for any fiscal year shall be an amount equal to (i) the average per pupil expenditure for such agency (as determined under subparagraph (C)) multiplied by (ii) the sum of the number of children determined under paragraph (1).

"(B) A local educational agency shall not be entitled to receive a grant under this title for any fiscal year unless the number of children under subsection (a), with respect to such agency, is at least ten or constitutes at least 50 per centum of its total enrollment: Provided, That the requirements of this subparagraph shall not apply to any such agencies serving Indian children in Alaska, California, and Oklahoma or located on, or in proximity to, an Indian reservation.

"(C) For the purposes of this subsection, the average per pupil expenditure for a local educational agency shall be the aggregate current expenditures, during the second fiscal year preceding the fiscal year for which the computation is made, of all of the local educational agencies in the State in which such agency is located, plus any direct current expenditures by such State for the operation of such agencies (without regard to the sources of funds from which either of such expenditures are made), divided by the aggregate number of children who were in average daily enrollment for whom such agencies provided free public education during such preceding fiscal year.

"(b) In addition to the sums appropriated for any fiscal year for grants to local educational agencies under this title, there is hereby authorized to be appropriated for any fiscal year an amount not in excess of 5 per centum of the amount appropriated for payments on the basis of entitlements computed under subsection (a) for that fiscal year, for the purpose of enabling the Commissioner to provide financial assistance to schools on or near reservations which are not local educational agencies or have not been local educational agencies for more than three years, in accordance with the appropriate provisions of this title.

"USES OF FEDERAL FUNDS

"SEC. 304. Grants under this title may be used, in accordance with applications approved under section 305, for—

"(1) planning for and taking other steps leading to the development of programs specifically designed to meet the special educational needs of Indian children, including pilot projects designed to test the effectiveness of plans so developed; and

"(2) the establishment, maintenance, and operation of programs, including, in accordance with special regulations of the Commissioner, minor remodeling of classroom or other space used for such programs and acquisition of necessary equipment, specially designed to meet the special educational needs of Indian children.

"APPLICATIONS FOR GRANTS; CONDITIONS FOR APPROVAL

"SEC. 305. (a) A grant under this title, except as provided in section 303(b), may be made only to a local educational agency or agencies, and only upon application to the Commissioner at such time or times, in such manner, and containing or accompanied by such information as the Commissioner deems necessary. Such application shall—

"(1) provide that the activities and services for which assistance under this title is sought will be administered by or under the supervision of the applicant;

"(2) set forth a program for carrying out the purposes of section 304, and provide for such methods of administration as are necessary for the proper and efficient operation of the program;

"(3) in the case of an application for payments for planning, provide that (A) the planning was or will be directly related to programs or projects to be carried out under this title and has resulted, or is reasonably likely to result, in a program or project which will be carried out under this title, and (B) the planning funds are needed because of the innovative nature of the program or project or because the local educational agency lacks the resources necessary to plan adequately for programs and projects to be carried out under this title;

"(4) provide that effective procedures, including provisions for appropriate objective measurement of educational achievement, will be adopted for evaluating at least annually the effectiveness of the programs and projects in meeting the special educational needs of Indian students;

"(5) set forth policies and procedures which assure that Federal funds made available under this title for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the education of Indian children and in no case supplant such funds;

"(6) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the applicant under this title; and

"(7) provide for making an annual report and such other reports, in such form and containing such information, as the Commissioner may reasonably require to carry out his functions under this title and to determine the extent to which funds provided under this title have been effective in improving the educational opportunities of Indian students in the area served, and for keeping such record and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

"(b) An application by a local educational agency or agencies for a grant under this title may be approved only if it is consistent with the applicable provisions of this title and—

"(1) meets the requirements set forth in subsection (a);

"(2) provides that the program or project for which application is made—

"(A) will utilize the best available talents and resources (including persons from the Indian community) and will substantially increase the educational opportunities of Indian children in the area to be served by the applicant; and

"(B) has been developed—

"(i) in open consultation with parents of Indian children, teachers, and, where applicable, secondary school students, including public hearings at which such persons have had a full opportunity to understand the program for which assistance is being sought and to offer recommendations thereon, and

"(ii) with the participation and approval of a committee composed of, and selected by, parents of children participating in the program for which assistance is sought, teachers, and, where applicable, secondary school students, of which at least half the members shall be such parents;

"(C) sets forth such policies and procedures as will insure that the program for which assistance is sought will be operated and evaluated in consultation with, and the involvement of, parents of the children and representatives of the area to be served, including the committee established for the purposes of clause (2)(B)(ii).

"(c) Amendments of applications shall, except as the Commissioner may otherwise provide by or pursuant to regulations, be subject to approval in the same manner as original applications.

"PAYMENTS

"SEC. 306. (a) The Commissioner shall, subject to the provisions of section 307, from time to time pay to each local educational agency which has had an application approved under section 305, an amount equal to the amount expended by such agency in carrying out activities under such application.

"(b)(1) No payments shall be made under this title for any fiscal year to any local educational agency in a State which has taken into consideration payments under this title in determining the eligibility of such local educational agency in that State for State aid, or the amount of that aid, with respect to the free public education of children during that year or the preceding fiscal year.

"(2) No payments shall be made under this title to any local educational agency for any fiscal year unless the State educational agency finds that the combined fiscal effort (as determined in accordance with regulations of the Commissioner) of that agency and the State with respect to the provision of free public education by the agency for the preceding fiscal year was not less than such combined fiscal effort for that purpose for the second preceding fiscal year.

"ADJUSTMENT WHERE NECESSITATED BY APPROPRIATIONS

"SEC. 307. (a) If the sums appropriated for any fiscal year for making payments under this title are not sufficient to pay in full the total amounts which all local educational agencies are eligible to receive under this title for that fiscal year, the maximum amounts which all such agencies are eligible to receive under this title for such fiscal year shall be ratably reduced. In case additional funds become available for making such payments for any fiscal year during which the first sentence of this subsection is applicable, such reduced amounts shall be increased on the same basis as they were reduced.

"(b) In the case of any fiscal year in which the maximum amounts for which local educational agencies are eligible have been reduced under the first sentence of subsection (a), and in which additional funds have not been made available to pay in full the total of such maximum amounts under the second sentence of such subsection, the Commissioner shall fix dates prior to which each local educational agency shall report to him on the amount of funds available to it, under the terms of section 306(a) and subsection (a) of this section, which it estimates, in accordance with regulations of the Commissioner, that it will expend under approved applications. The amounts so available to any local educational agency, or any amount which would be available to any other local education agency if it were to submit an approvable application therefor, which the Commissioner determines will not be used for the period of its availability, shall be available for allocation to those local educational agencies, in the manner provided in the second sentence of subsection (a), which the Commissioner determines will need additional funds to carry out approved applications, except that no local educational agency shall receive an amount under this sentence which, when added to the amount available to it under subsection (a), exceeds its entitlement under section 303.".

(b)(1) The second sentence of section 103(a)(1)(A) of title I of the Elementary and Secondary Education Act of 1965 is amended to read as follows: "In addition, he shall allot from such amount to the Secretary of the Interior—

"(i) the amount necessary to make payments pursuant to subparagraph (B); and

"(ii) in the case of fiscal years ending prior to July 1, 1973, the amount necessary to make payments pursuant to subparagraph (C).".

(2)(A) Section 103(a)(1) of such title I is amended by adding at the end therof the following new subparagraph:

"(C) The maximum amount allotted for payments to the Secretary of the Interior under clause (ii) in the second sentence of subparagraph (A) for any fiscal year shall be the amount necessary to meet the special educational needs of educationally deprived Indian children on reservations serviced by elementary and secondary schools operated for Indian children by the Department of the Interior, as determined pursuant to criteria established by the Commissioner. Such payments shall be made pursuant to an agreement between the Commissioner and the Secretary containing such assurances and terms as the Commissioner determines will best achieve the purposes of this part. Such agreement shall contain (1) an assurance that payments made pursuant to this subparagraph will be used solely for programs and projects approved by the Secretary of Interior which meet the applicable requirements of section 141(a) and that the Department of the Interior will comply in all other respects with the requirements of this title, and (2) provision for carrying out the applicable provisions of sections 141(a) and 142(a)(3).".

(B) The fourth sentence of section 103(a)(1)(A) of such title I is amended by striking out "and the terms upon which payment shall be made to the Department of the Interior.".

(3) The amendments made by this subsection shall be effective on and after July 1, 1972.

(c)(1) Subsection (a) of section 5 of Public Law 874, 81st Congress, as amended, is amended by inserting "(1)" after "(a)" and by inserting at the end thereof the following new paragraph (2):

"(2)(A) Applications for payment on the basis of children determined under section 3(a) or 3(b) who reside, or reside with a parent employed, on Indian lands shall set forth adequate assurance that Indian children will participate on an equitable basis in the school program of the local educational agency.

"(B) For the purposes of this paragraph, Indian lands means that property included within the definition of Federal property under clause (A) of section 303(1).".

(2)(A) The Commissioner shall exercise his authority under section 415 of Public Law 90-247, to encourage local parental participation with respect to financial assistance under title I of Public Law 874, 81st Congress, based upon children who reside on, or reside with a parent employed on, Indian lands.

(B) For the purposes of this paragraph, the term "Indian lands" means that property included within the definition of Federal property under clause (A) of section 303(1) of Public Law 874, 81st Congress.

PART B—SPECIAL PROGRAMS AND PROJECTS TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN

AMENDMENT TO TITLE VIII OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 3. (a) Title VIII of the Elementary and Secondary Education Act of 1965 is amended by adding to the end thereof the following new section:

"IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN

"SEC. 810. (a) The Commissioner shall carry out a program of making grants for the improvement of educational opportunities for Indian children—

"(1) to support planning, pilot, and demonstration projects, in accordance with subsection (b), which are designed to test and demonstrate the effectiveness of programs for improving educational opportunities for Indian children;

"(2) to assist in the establishment and operation of programs, in accordance with subsection (c), which are designed to stimulate (A) the provision of educational services not available to Indian children in sufficient quantity or quality, and (B) the development and establishment of exemplary educational programs to serve as models for regular school programs in which Indian children are educated;

"(3) to assist in the establishment and operation of preservice and inservice training programs, in accordance with subsection (d), for persons serving Indian children as educational personnel; and

"(4) to encourage the dissemination of information and materials relating to, and the evaluation of the effectiveness of, education programs which may offer educational opportunities to Indian children.

In the case of activities of the type described in clause (3), preference shall be given to the training of Indians.

"(b) The Commissioner is authorized to make grants to State and local educational agencies, federally supported elementary and secondary schools for Indian children and to Indian tribes, organizations, and institutions to support planning, pilot, and demonstration projects which are designed to plan for, and test and demonstrate the effectiveness of, programs for improving educational opportunities for Indian children, including—

"(1) innovative programs related to the educational needs of educationally deprived children;

"(2) bilingual and bicultural education programs and projects;

"(3) special health and nutrition services, and other related activities, which meet the special health, social, and psychological problems of Indian children; and

"(4) coordinating the operation of other federally assisted programs which may be used to assist in meeting the needs of such children.

"(c) The Commissioner is also authorized to make grants to State and local educational agencies and to tribal and other Indian community organizations to assist and stimulate them in developing and establishing educational services and programs specifically designed to improve educational opportunities for Indian children. Grants may be used—

"(1) to provide educational services not available to such children in sufficient quantity or quality, including—

"(A) remedial and compensatory instruction, school health, physical education, psychological, and other services designed to assist and encourage Indian children to

enter, remain in, or reenter elementary or secondary school;

"(B) comprehensive academic and vocational instruction;

"(C) instructional materials (such as library books, textbooks, and other printed or published or audiovisual materials) and equipment;

"(D) comprehensive guidance, counseling, and testing services;

"(E) special education programs for handicapped;

"(F) preschool programs;

"(G) bilingual and bicultural education programs; and

"(H) other services which meet the purposes of this subsection; and

"(2) for the establishment and operation of exemplary and innovative educational programs and centers, involving new educational approaches, methods, and techniques designed to enrich programs of elementary and secondary education for Indian children.

"(d) The Commissioner is also authorized to make grants to institutions of higher education and to State and local educational agencies, in combination with institutions of higher education, for carrying out programs and projects—

"(1) to prepare persons to serve Indian children as teachers, teacher aides, social workers, and ancillary educational personnel; and

"(2) to improve the qualifications of such persons who are serving Indian children in such capacities.

Grants for the purposes of this subsection may be used for the establishment of fellowship programs leading to an advanced degree, for institutes and, as part of a continuing program, for seminars, symposia, workshops, and conferences.

"(e) The Commissioner is also authorized to make grants to, and contracts with, public agencies, and institutions and Indian tribes, institutions, and organizations for—

"(1) the dissemination of information concerning education programs, services, and resources available to Indian children, including evaluations thereof; and

"(2) the evaluation of the effectiveness of federally assisted programs in which Indian children may participate in achieving the purposes of such programs with respect to such children.

"(f) Applications for a grant under this section shall be submitted at such time, in such manner, and shall contain such information, and shall be consistent with such criteria, as may be established as requirements in regulations promulgated by the Commissioner. Such applications shall—

"(1) set forth a statement describing the activities for which assistance is sought;

"(2) in the case of an application for the purposes of subsection (c), subject to such criteria as the Commisisoner shall prescribe, provide for the use of funds available under this section, and for the coordination of other resouorces available to the applicant, in order to insure that, within the scope of the purpose of the project, there will be a comprehensive program to achieve the purposes of this section;

"(3) in the case of an application for the purposes of subsection (c), make adequate provision for the training of the personnel participating in the project; and

"(4) provide for an evaluation of the effectiveness of the project in achieving its purposes and those of this section.

The Commissioner shall not approve an application for a grant under ubsection (b) or (c) unless he is satisfied that such application, and any documents submitted with respect thereto, show that here has been adequate participation by the parents of the children to be served and tribal communities in the planning and development of the project, and that there will be such a participation in the operation and evaluation of the project. In approving applications under this section, the Commissioner shall give priority to applications from Indian educational agencies, organizations, and institutions.

"(g) For the purpose of making grants under this section there are hereby authorized to be appropriated $25,000,000 for the fiscal year ending June 30, 1973, and $35,000,000 for each of the two succeeding fiscal years.".

(b)(1)(A) The third sentence of section 202(a)(1) of the Elementary and Secondary Education Act of 1965 is amended by striking out "July 1, 1972," and inserting in lieu thereof "July 1, 1973,".

(B) The third sentence of section 302(a)(1) of the Elementary and Secondary Education Act of 1965 is amended by striking out "July 1, 1972," and inserting in lieu thereof "July 1, 1973,".

(C) Clause (B) of section 612(a)(1) of Public Law 91–230" is amended by striking out "July 1, 1972," and inserting in lieu thereof "July 1, 1973,".

(2) For the purposes of titles II and III of the Elementary and Secondary Education Act of 1965 and part B of title VI of Public Law 91–230, the Secretary of the Interior shall have the some duties and responsibilities with respect to funds paid to him under such titles, as he would have if the Department of the Interior were a State educational agency having responsibility for the administration of a State plan under such titles.

PART C—SPECIAL PROGRAMS RELATING TO ADULT EDUCATION FOR INDIANS

AMENDMENT TO THE ADULT EDUCATION ACT

SEC. 4. Title III of the Elementary and Secondary Education Amendments of 1966 (the Adult Education Act) is amended by redesignating sections 314 and 315, and all references thereto, as sections 315 and 316, respectively, and by adding after section 313 the following new section:

"IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR ADULT INDIANS

"SEC. 314. (a) The Commissioner shall carry out a program of making grants to State and local educational agencies, and to Indian tribes, institutions, and organizations, to support planning, pilot, and demonstration projects which are designed to plan for, and test and demonstrate the effectiveness of, programs for providing adult education for Indians—

"(1) to support planning, pilot, and demonstration projects which are designed to test and demonstrate the effectiveness of programs for improving employment and educational opportunities for adult Indians;

"(2) to assist in the establishment and operation of programs which are designed to stimulate (A) the provision of basic literacy opportunities to all nonliterate Indian adults, and (B) the provision of opportunities to all Indian adults to quality for a high school equivalency certificate in the shortest period of time feasible;

"(3) to support a major research and development program to develop more innovative and effective techniques for achieving the literacy and high school equivalency goals;

"(4) to provide for basic surveys and evaluations thereof to define accurately the extent of the problems of illiteracy and lack of high school completion on Indian reservations;

"(5) to encourage the dissemination of information and materials relating to, and the evaluation of the effectiveness of, education programs which may offer educational opportunities to Indian adults.

"(b) The Commissioner is also authorized to make grants to, and contracts with, public agencies, and institutions, and Indian tribes, institutions, and organizations for—

"(1) the dissemination of information concerning educational programs, services, and resources available to Indian adults, including evaluations thereof; and

"(2) the evaluation of the effectiveness of federally assisted programs in which Indian adults may participate in achieving the purposes of such programs with respect to such adults.

"(c) Applications for a grant under this section shall be submitted at such time, in such manner, and contain such information, and shall be consistent with such criteria, as may be established as requirements in regulations promulgated by the Commissioner. Such applications shall—

"(1) set forth a statement describing the activities for which assistance is sought;

"(2) provide for an evaluation of the effectiveness of the project in achieving its purposes and those of this section.

The Commissioner shall not approve an application for a grant under subsection (a) unless he is satisfied that such application, and any documents submitted with respect thereto, indicate that there has been adequate participation by the individuals to be served and tribal communities in the planning and development of the project, and that there will be such a participation in the operation and evaluation of the project. In approving applications under subsection (a), the Commissioner shall give priority to applications from Indian educational agencies, organizations, and institutions.

"(d) For the purpose of making grants under this section there are hereby authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1973, and $8,000,000 for each of the two succeeding fiscal years."

PART D—OFFICE OF INDIAN EDUCATION

OFFICE OF INDIAN EDUCATION

SEC. 5. (a) There is hereby established, in the Office of Education, a bureau to be known as the "Office of Indian Education" which, under the direction of the Commissioner, shall have the responsibility for administering the provisions of title III of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), as added by this Act, section 810 of title VIII of the Elementary and Secondary Education Act of 1965, as added by this Act, and section 314 of title III of the Elementary and Secondary Education Amendments of 1966, as added by this Act. The office shall be headed by a Deputy Commissioner of Indian Education, who shall be appointed by the Commissioner of Education from a list of nominees submitted to him by the National Advisory Council on Indian Education.

(b) The Deputy Commissioner of Indian Education shall be compensated at the rate prescribed for, and shall be placed in, grade 18 of the General Schedule set forth in section 5332 of title 5, United States Code, and shall perform such duties as are delegated or assigned to him by the Commissioner. The position created by this subsection shall be in addition to the number of positions placed in grade 18 of such General Schedule under section 5108 of title 5, United States Code.

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

SEC. 6. (a) There is hereby established the National Advisory Council on Indian Education (referred to in this title as the "National Council"), which shall consist of fifteen members who are Indians and *Alaska* Natives appointed by the President of the United States. Such appointments shall be made by the President from lists of nominees furnished, from time to time, by Indian tribes and organizations, and shall represent diverse geographic areas of the country.

(b) The National Council shall—

(1) advise the Commissioner of Education with respect to the administration including the development of regulations and of administrative practices and policies) of any program in which Indian children or adults participate from which they can benefit, including title III of the Act of Sep-

tember 30, 1950 (Public Law 874, Eighty-first Congress), as added by this Act, and section 810, title VIII of the Elementary and Secondary Education Act of 1965, as added by this Act and with respect to adequate funding thereof;

(2) review applications for assistance under title III of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress) as added by this Act, section 810 of title VIII of the Elementary and Secondary Education Act of 1965, as added by this Act, and section 314 of the Adult Education Act, as added by this Act, and make recommendations to the Commissioner with respect to their approval;

(3) evaluate program and projects carried out under any program of the Department of Health, Education, and Welfare in which Indian children or adults can participate or from which they can benefit, and disseminate the results of such evaluations;

(4) provide technical assistance to local educational agencies and to Indian educational agencies, institutions, and organizations to assist them in improving the education of Indian children;

(5) assist the Commissioner in developing criteria and regulations for the administration and evaluation of grants made under section 303(b) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress); and

(6) to submit to the Congress not later than March 31 of each year a report on its activities, which shall include any recommendations it may deem necessary for the improvement of Federal education programs in which Indian children and adults participate, or from which they can benefit, which report shall include statement of the National Council's recommendations to the Commissioner with respect to the funding of any such programs.

(c) With respect to functions of the National Council stated in clauses (2), (3), and (4) of subsection (b), the National Council is authorized to contract with any public or private nonprofit agency, institution, or organization for assistance in carrying out such functions.

(d) From the sums appropriated pursuant to section 401(c) of the General Education Provisions Act which are available for the purposes of section 411 of such Act and for part C of such Act, the Commissioner shall make available such sums as may be necessary to enable the National Council to carry out its functions under this section.

PART E—MISCELLANEOUS PROVISION

AMENDMENT TO TITLE V OF HIGHER EDUCATION ACT OF 1965

SEC. 7. (a) Section 503(a) of the Higher Education Act of 1965 is amended by inserting after "and higher education," the following: "including the need to provide such programs and education to Indians,".

(b) Part D of title V of the Higher Education Act of 1965 is amended by adding after section 531 the following new section:

"TEACHERS FOR INDIAN CHILDREN

"SEC. 532. Of the sums made available for the purposes of this part, not less than 5 per centum shall be used for grants to, and contracts with, institutions of higher education and other public and private nonprofit agencies and organizations for the purpose of preparing persons to serve as teachers of children living on reservations serviced by elementary and secondary schools for Indian children operated or supported by the Department of the Interior.".

AMENDMENT TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 8. Section 706(a) of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

"SEC. 706. (a) For the purpose of carrying out programs pursuant to this title for individuals on or from reservations serviced by elementary and secondary schools operated on or near such reservations for Indian children, a nonprofit institution or organization of the Indian tribe concerned which operate any such school and which is approved by the Commissioner for the purpose of this section, may be considered to be a local educational agency, as such term is used in this title.".

DEFINITION

SEC. 9. For the purposes of this Act, the term "Indian" means any individual who (1) is a member of a tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and those recognized now or in the future by the State in which they reside, or who is a descendant, in the first or second degree, of any such member, or (2) is considered by the Secretary of the Interior to be an Indian for any purpose, or (3) is an Eskimo or Aleut or other Alaska Native, or (4) is determined to be an Indian under regulations promulgated by the Commissioner, after consultation with the National Advisory Council on Indian Education, which regulations shall further define the term "Indian".

Mr. KENNEDY. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. NELSON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NEW SCHOOL LUNCH GUIDELINES FOR THE DISTRICT OF COLUMBIA

Mr. HUMPHREY. Mr. President, will the Senator yield me 2 minutes?

Mr. KENNEDY. I yield 2 minutes to the Senator from Minnesota.

Mr. HUMPHREY. I appreciate the Senator's yielding to me.

Mr. President, I merely want to call the attention of the Senate and, may I say, that of the Department of Agriculture, to a story that appears in the city section of the Washington Post this morning, entitled:

PUPIL LUNCH CUT TO AFFECT 12,000 HERE—NEW GUIDELINES TIGHTEN ELIGIBILITY REQUIREMENTS

The story is a byline story by Mr. J. Y. Smith of the Washington Post staff. It says:

An estimated 12,000 children in District of Columbia public schools are expected to be dropped from the free lunch program as a result of new guidelines announced by the Nixon administration.

The new regulations would restrict free school lunches to those children whose family incomes fall within the federal definition of poverty, which is $3,940 annually for a family of four.

Mr. President, I would hope that the Department of Agriculture would take a good look at the school situation here in the District of Columbia. These school lunches are as vital to the education of the child as the books, the classrooms, and the teachers. School lunches relate to the health of the children, and it is our hope that we can make the school lunch program serve all of the children of this country who needs a nutritious meal.

Mr. President, I am not scolding; I am merely appealing to the Department of Agriculture to take another look at those guidelines, particularly in the light of the cost of living here in the District of Columbia and the necessity for not having just one standard for the entire Nation; because $3,900 in Waverly, Minn., goes a lot farther than $3,900 in New York City or Washington, D.C.

I would hope that the Department of Agriculture would have that much flexibility in its judgment, and I would urge the Department to take another look at the situation in the Washington, D.C., schools.

DISTRICT OF COLUMBIA CHARTER ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 389, S. 2652. I do this so that it may become the pending business.

The PRESIDING OFFICER (Mr. GAMBRELL). The bill will be stated by title.

The assistant legislative clerk read the bill as follows:

A bill (S. 2652), to provide an elected Mayor and City Council for the District of Columbia, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill? Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, there will be no debate on this bill today, but, at this time I ask for the yeas and nays on its final passage.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the close of morning business on Tuesday next, the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of Calendar No. 378, S. 1437, the airport and airway bill, until disposed of.

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

ECONOMIC OPPORTUNITY AMENDMENTS OF 1971

Mr. NELSON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2007.

The PRESIDING OFFICER (Mr. GAMBRELL) laid before the Senate the amendment of the House of Representatives to the bill (S. 2007) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes, which was to strike out all after the enacting clause, and insert:

That this Act may be cited as the "Economic Opportunity Amendments of 1971".

SEC. 2. (a) For the purpose of carrying out the Economic Opportunity Act of 1964 (hereinafter referred to as the "Act"), there are hereby authorized to be appropriated $2,194,066,000 for the fiscal year ending June 30, 1972; and $2,750,000,000 for the fiscal year ending June 30, 1973.

(b) Notwithstanding any other provision of law, unless expressly in limitation of the provisions of this section, of the amounts appropriated pursuant to subsection (a) of this section for the fiscal year ending June 30, 1972, and for the next fiscal year, the Di-

rector shall reserve and make available a sum sufficient to permit the funding of local initiative programs authorized under section 221 of the Act at a level not less than $350,000,000 each year.

SEC. 3. Sections 171, 245, 321, 408, 615, and 835 of the Act are each amended by striking out "five succeeding fiscal years" and inserting in lieu thereof "seven succeeding fiscal years". Section 523 of the Act is amended by striking out "four succeeding fiscal years" and inserting in lieu thereof "six succeeding fiscal years".

SEC. 4. Section 222(a)(1) of the Act is amended by adding at the end thereof the following: "The Director shall not promulgate any general eligibility requirement which requires payment for participation in projects assisted under this paragraph by members of families whose annual family income does not exceed $4,500 for a family of four, or comparable amounts in the case of other sized families, but such eligibility requirements may be varied to reflect individual family and geographic situations and special program needs."

SEC. 5. Section 222(a)(4)(A)(ii) of the Act is amended by striking out "such services may be available on an emergency basis or pending a determination of eligibility to all residents of such areas" and inserting in lieu thereof "pursuant to such regulations as the Director may prescribe, persons provided assistance through programs assisted under this paragraph who are not members of low-income families may be required to make payment, or have payment made in their behalf, in whole or in part for such assistance".

SEC. 6. (a) Section 222(a)(8) of the Act is amended by striking out the last sentence thereof.

(b) Section 222(a)(9) of the Act is amended by striking out the last sentence and inserting in lieu thereof the following: "The Director is authorized to undertake special programs aimed at promoting employment opportunities for rehabilitated addicts and assisting employers in dealing with addiction and drug abuse problems among formerly hard core unemployed so that they can be maintained in employment. In undertaking such programs, the Director shall give special priority to veterans and employers of significant numbers of veterans. The Director is further authorized to establish procedures and policies which will allow clients to complete a full course of rehabilitation even though they become non-low-income by virtue of becoming employed as a part of the rehabilitation process: *Provided, however,* That there shall be no change in income eligibility criteria for initial admission to treatment and rehabilittaion programs under this Act."

(c) Section 222(a) is further amended by inserting at the end thereof the following:

"(10) An 'Environmental Action' program through which low-income persons will be paid for working on projects designed to combat pollution or to improve the environment. Projects may include, without limitation: cleanup and sanitation activities, including solid waste removal; reclamation and rehabilitation of eroded or ecologically damaged areas, including areas affected by strip mining; conservation and beautification activities, including tree planting and recreation area development; the restoration and maintenance of the environment and the improvement of the quality of life in urban and rural areas.

"(11) A program to be known as 'Rural Housing Development and Rehabilitation' designed to assist low-income families in rural areas to construct and acquire ownership of adequate housing, to rehabilitate or repair existing substandard units in such areas, and to otherwise assist families in obtaining standard housing. Financial assistance under this paragraph shall be provided to rural housing development corporations serving areas which are defined by the Farmers Home Administration as rural areas, and shall be used for, but not limited to, such purposes as administrative expenses, revolving development funds, nonrevolving land, land development and construction writedowns, rehabilitation or repair of substandard housing, and loans to low-income families. Loans under this paragraph may be used for, but not limited to, such purposes as the purchase of new housing units, the repair, rehabilitation and purchase of existing units, and to supplement existing Federal loan programs in order that low-income families may benefit from them. The repayment period of such loans shall not exceed thirty-three years. No loans under this paragraph shall bear an interest rate of less than 1 per centum per annum, except that if the Director, after having examined the family income of the applicant, the projected housing costs of the applicant, and such other factors as he deems appropriate, determines that the applicant would otherwise be unable to participate in this program, he may waive the interest in whole or in part and for such periods of time as he may establish: *Provided, however,* That no such waiver may be granted to an applicant whose adjusted family income (as defined by the Farmers Home Administration) is in excess of $3,700 per annum: *And provided further,* That any applicant for whom such a waiver is provided shall be required to commit at least 20 per centum of his adjusted family income toward the mortgage debt service and other housing costs. Family incomes shall be recertified annually, and monthly payments for all loans under this paragraph adjusted accordingly. There are hereby authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1972, and $15,000,000 for the fiscal year ending June 30, 1973, for the purpose of carrying out this program."

SEC. 7. (a)(1) Section 225(a) of the Act is amended by striking out "the Director shall allot" and all that follows down through "He shall also reserve", and insert in lieu thereof the following: "the Director shall reserve".

(2) Section 609(1) of the Act is amended by striking out "; except that when used in section 225 of this Act the term means only a State or the District of Columbia".

(b) Section 225(c) of the Act is amended by inserting after the second sentence thereof the following new sentence: "The Director shall not require non-Federal contributions in excess of 20 per centum of the approved cost of programs or activities assisted under this Act."

SEC. 8. Section 231 of the Act is amended by adding at the end thereof the following:

"(d) If any member of a board to which section 211(b) applies files an allegation with the Director that an agency receiving assistance under this section is not observing any requirement of this Act, or any regulation, rule, or guidelines promulgated by the Director under this Act, the Director shall promptly investigate such allegation and shall consider it; and, if after such investigation and consideration he finds reasonable cause to believe that the allegations are true, he shall hold a hearing, upon the conclusion of which he shall notify all interested persons of his findings. If he finds that the allegations are true, and that, after being afforded a reasonable opportunity to do so, the agency has failed to make appropriate corrections, he shall, forthwith terminate further assistance under this title, to such agency until he has received assurances satisfactory to him that further violations will not occur."

SEC. 9. Section 244 of the Act is amended by adding at the end thereof the following:

"(8) Consistent with the provisions of this Act, the Director shall assure that financial assistance under this title will be distributed on an equitable basis in any community so that all significant segments of the low-income population are being served."

SEC. 10. (a) Section 312(b)(3) of the Act is amended by inserting after the word "Government" the words "employment or".

(b) Title V–B is amended by striking out the center caption for such part B and sections 521, 522, and 523 and substituting in lieu thereof the following:

"SEC. 521. Parts B, C, D, E, F, G, and H of this title may be cited as the 'Comprehensive Child Development Act'.

"STATEMENT OF FINDINGS AND PURPOSE

"SEC. 522. (a) The Congress finds that (1) millions of American children are suffering unnecessary harm from the present lack of adequate child development services, particularly during their 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 America's children and should be available to all children regardless of economic, social, and family background; (3) children with special needs must receive full and special consideration in planning any child development programs and, until such time as such programs are expanded to become available to 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; and (5) it is crucial to the meaningful development of such programs that their planning and operation be undertaken as a partnership of parents, community, State, and local governments.

"(b) It is the purpose of this Act 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 so as to (1) assure the sound and coordinated development of these programs; (2) recognize and build upon the experience and successes gained through the Headstart program and similar efforts; (3) make child development services available to all children who need them, with special emphasis on preschool programs for economically handicapped children and for children of working mothers and single parent families; (4) provide that decisions as to the nature and funding of such programs be made at the community level with the full involvement of parents and other individuals and organizations in the community interested in child development; and (5) establish the legislative framework for the future expansion of such programs to provide universally available child development services.

"TITLE I—COMPREHENSIVE CHILD DEVELOPMENT PROGRAMS, DIRECTION TO ESTABLISH PROGRAM

"SEC. 523. The Secretary of Health, Education, and Welfare is hereby authorized and directed to establish child development programs and services through the support of activities in accordance with the provisions of this title.

"CHILD DEVELOPMENT PROGRAMS

"SEC. 524. Funds appropriated under section 530 may be used (in accordance with approved applications) for the following activities:

"(a) planning and developing child development programs, including the operation of pilot programs to test the effectiveness of new concepts, programs, and delivery systems;

"(b) establishing, maintaining, and operating child development programs, which may include activities such as—

"(1) 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;

"(2) food and nutritional services (including family consultation);

"(3) rental, remodeling, renovation, alteration, construction, or acquisition of facilities, including mobile facilities, and the acquisition of necessary equipment and supplies;

"(4) programs designed to meet the special needs of minority groups, Indian and migrant children with particular emphasis on the needs of children from bilingual families for the development of skills in English and other language spoken in the home;

"(5) a program of daily activities designed to develop fully each child's potential;

"(6) other specially designed health, social, and educational programs (including afterschool, summer, weekend, vacation, and overnight programs);

"(7) medical, psychological, educational, and other appropriate diagnosis and identification of visual, dental, hearing, speech, nutritional, and other physical, mental, and emotional barriers to full participation in child development programs, with appropriate treatment to overcome such barriers;

"(8) incorporation within child development programs of special activities designed to ameliorate identified handicaps and, where necessary or desirable, because of the severity of such handicaps, establishing, maintaining, and operating separate child development programs designed primarily to meet the needs of handicapped children;

"(9) preservice and inservice education and other training for professional and paraprofessional personnel;

"(10) 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 become directly involved in such programs;

"(11) 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;

"(12) utilization of child advocates to work on behalf of children and parents to secure them full access to other services, programs, or activities intended for the benefit of children; and

"(13) such other services and activities as the Secretary deems appropriate in furtherance of the purposes of this Act;

"(c) staff and administrative expenses of local policy councils and child development councils.

"PRIME SPONSORS

"SEC. 525. (a) The following shall be eligible to be prime sponsors of a comprehensive child development program in accordance with the provisions of this section:

"(1) any State; or

"(2) any unit of general local government—

"(A) which is a city with a population of ten thousand or more persons on the basis of the most satisfactory current data available to the Secretary; or

"(B) which is a county or other unit of general local government with a population of ten thousand or more persons on the basis of the most satisfactory current data available to the Secretary and which the Secretary determines has general governmental powers substantially similar to those of a city; or

"(3) any combination of units of general local government having a total population of ten thousand or more persons on the basis of the most satisfactory current data available to the Secretary; which proposes to operate programs authorized by this Act through contract with public or private nonprofit agencies or organizations including but not limited to community action agencies, single-purpose Headstart agencies, community corporations, parent cooperatives, organizations of Indians, employers of working mothers and local public and private educational agencies and institutions, serving or applying to serve children in a community or neighborhood or other area possessing a commonality of interest;

"(4) an Indian tribal organization; or

"(5) any public or private nonprofit agency or organization, including but not limited to community action agencies, single-purpose Headstart agencies, community corporations, parent cooperatives, organizations of migrant workers, labor unions, organizations of Indians, employers of working mothers, and public and private educational agencies and institutions, serving or applying to serve children in a neighborhood or other area possessing a commonality of interest under the jurisdiction of any unit (or combination of units) of general local government referred to in subsection (a) in the event that (A) such unit (or combination of units) of general local government either has not submitted an application pursuant to this section within one hundred and twenty days of the implementation of this title by the promulgation of regulations by the Secretary, or has not submitted a plan pursuant to section 526 within two hundred and forty days of said implementation during the first fiscal year in which this title is funded or earlier than ninety days before the start of each succeeding fiscal year, or, although serving as a prime sponsor, is found, in accordance with the procedures contained in subsection (8) of this section not to be satisfactory implementing a child development plan which adequately meets the purpose of this title, (B) such sponsorship is for the purpose of providing comprehensive child development programs on a year-round basis to children of migrant workers and their families, or (C) the Secretary determines such sponsorship necessary to meet the needs of economically disadvantaged children, pre-schoolage children, or children of working mothers or single parents residing in the area served by a prime sponsor designated pursuant to paragraphs (1) through (4) of this subsection.

"(b) In the event that a State, a city, a unit of general local government, a county or other unit of general local government, any combinations thereof, or an Indian tribal organization have not submitted a plan under section 526 or the Secretary has not approved a plan so submitted, or where the Secretary has withdrawn authority under section 525 or where the needs of migrants, preschool-age children, or the children of working mothers or single parents, minority groups, or the economically disadvantaged are not being served, the Secretary may directly fund programs including those in rural areas without regard to population, that he deems necessary in order to serve the children of the particular area.

"(c) Any State, unit or combination of units of general local government or Indian tribal organization that is eligible to be a prime sponsor under subsection (a) and which desires to be so designated in order to enter into arrangements with the Secretary under this title shall submit to the Secretary an application for designation as prime sponsor which, in addition to describing the area to be served shall provide for—

"(1) the establishment of a Child Development Council which shall be responsible for planning, conducting, coordinating, and monitoring child development programs in the prime sponsorship area and shall submit to the Secretary a Comprehensive Child Development Plan pursuant to section 526. Each Local Policy Council shall elect at least one representative to the Child Development Council; and one-half of the members of such Council shall be elected representatives of Local Policy Councils. The balance shall be appointed by the chief executive officer of the unit or units of government establishing such Council and shall be broadly representative of the unit or units of government; the public and private economic opportunity, health, education, welfare, employment, training, and child service agencies in the prime sponsorship area; minority groups and organizations; public and private child development organizations; employers of working mothers, and labor unions, and shall include at least one child development specialist. At least one-third of the total membership of the Child Development Council shall be parents who are economically disadvantaged. Each Council shall select its own chairman.

"(2) the establishment of Local Policy Councils for each neighborhood or subarea possessing a commonality of interest or, pursuant to criteria established by the Secretary, a nongeographic grouping of appropriate size. Such Councils shall be composed of parents of children eligible under this title or their representatives who reside in such neighborhood or subareas or, in the case of a nongeographical grouping, who are working or participating in training in the common area, and who are chosen by such parents in accordance with democratic selection procedures established by the Secretary. Such Local Policy Councils shall be responsible, among other things, for determining child development needs and priorities in their neighborhoods or subareas, and shall make recommendations relating thereto and encourage project applications pursuant to section 527 designed to fulfill that plan.

"(3) the delegation by the Child Development Council to an appropriate agency (existing or newly created) of the State, unit or combination of units of general local government, Indian tribal organization, or any local educational agency as defined in section 801(f) of the Elementary and Secondary Education Act of 1965 of the administrative responsibility for developing a Comprehensive Child Development Plan pursuant to section 526, for evaluating applications for such assistance submitted to it by other agencies or organizations, for delivering services, activities, and programs for which financial assistance is provided under this title, and for continuously evaluating and overseeing the implementation of programs assisted under this title: *Provided*, That such delegate agency will be ultimately responsible for its actions to the Child Development Council and will cooperate with the Local Policy Councils.

"(d) Any public or private nonprofit agency or organization that desires to be designated a prime sponsor pursuant to subsection (a)(5) in order to enter into arrangements with the Secretary and an application for designation as prime sponsor which, in addition to describing the area to be served, shall—

"(1) demonstrate that such agency or organization qualifies as eligible prime sponsor pursuant to subsection (a)(5);

"(2) evidence the capability of such agency or organization for effectively planning, conducting, coordinating, and monitoring child development programs in the area to be served; and

"(3) provide for the establishment of a local policy council which shall be composed of parents of eligible children or their representatives who reside in such area and who are chosen by such parents in accordance with democratic selection procedures established by the Secretary.

"(e)(1) In the event that a State has submitted an application for designation as prime sponsor to serve or is acting as a prime sponsor and a city or an Indian tribal organization which is eligible under paragraph (2) or (4) of subsection (a) and which has submitted an application for designa-

tion as prime sponsor that meets the requirements of subsection (c), the Secretary shall approve the application of the city or the Indian tribal organization.

"(2) In the event that a State has submitted an application for designation as prime sponsor to serve or is acting as a prime sponsor and a unit of general local government which is a county or combination of units of local government which is eligible under paragraph (2)(B), or (3), of subsection (a) and which has submitted an application for designation as prime sponsor that meets the requirements of subsection (c), the Secretary, in accordance with such regulations as he shall prescribe, shall approve for that geographical area the application of the State or unit of general government which he determines will most effectively carry out the purpose of this title.

"(3) When a unit (or combination of units) of general local government has submitted an application for designation as prime sponsor serving a geographical area within the jurisdiction of another such unit (or combination of units) which is eligible under paragraph (2) or (3) of subsection (a) and which has submitted an application for designation as prime sponsor that meets the requirements of subsection (b), the Secretary, in accordance with such regulations as he shall prescribe, shall approve for that geographical area the application of the unit of general local government which he determines will most effectively carry out the purposes of this title.

"(4) When a unit (or combination of units) of general local government has submitted an application for designation as prime sponsor to serve or is acting as a prime sponsor serving a geographical area under the jurisdiction of an Indian reservation that has submitted an application for designation as prime sponsor that meets the requirements of subsection (c), the Secretary shall tentatively approve the later application, subject to review of the Comprehensive Child Development Plan.

"(5) When a unit (or combination of units) of general local government is maintaining a pattern and practice of exclusion of minorities, the Secretary shall give preference in the approval of applications for prime sponsorship to an alternative unit of government or to a public or nonprofit agency or organization in the area representing the interests of the minority and economically disadvantaged people.

"(f) The Governor or appropriate State agency shall be given sixty days to review applications for designation filed by other than the State, offer recommendations to the applicant, and submit comments to the Secretary.

"(g) Except as provided in subsection (c), an application 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 application including a statement of the reasons therefor;

"(2) sixty days in which to submit corrective amendments to such application 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.

"(h)(1) If any party is dissatisfied with the Secretary's final action under subsection (g) with respect to the disapproval of its application submitted under this section or the withdrawal of its 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 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 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.

"COMPREHENSIVE CHILD DEVELOPMENT PLANS

"SEC. 526. (a) Financial assistance under this title may be provided by the Secretary for any fiscal year to a prime sponsor designated pursuant to section 525(c) 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 title. Any such plan shall set forth a comprehensive program for providing child development services in the prime sponsorship area which—

"(1) identifies 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 appropriate and feasible, including (A) priority programs for pre-school children 5 years of age and under, of working mothers and single parents, (B) before and after school programs, and (C) infant care programs as well as insuring the availability of child care services for the children of single parents or working mothers who must work or attend school or other employment related training or educational activities on night shifts or night sessions;

"(3) gives priority to providing child development programs and services to economically disadvantaged children by reserving for such children from such funds as are received under section 531 in any fiscal year an amount at least equal to the aggregate amount received by public or private agencies or organizations within the prime sponsorship area for programs during fiscal year 1972 under section 222(a)(1) of the Economic Opportunity Act of 1964; and by reserving no less than 65 per centum of the remainder of its allotment under section 531 for child development programs and services for those children of families having an annual income below the lower budget for a four person urban family as determined by the Bureau of Labor Statistics of the Department of Labor;

"(4) gives priority thereafter to providing child development programs and services to children of single parents and working mothers;

"(5) provides, insofar as feasible, that such programs under this Act will be approved only if there is participation without regard to family income and in accordance with an appropriate fee schedule as provided in paragraph (6) of this subsection;

"(6) provides that 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;

"(7) provides that cooperative arrangements will be entered into under which public agencies, at both the State and local levels, responsible for the education of or other services to handicapped children, will make such services available, where appropriate, to programs approved under the plan;

"(8) provides that insofar as possible, persons residing in communities served by such projects will receive jobs, including in-home and part-time jobs and opportunities for training in programs authorized under title II of this Act;

"(9) provides that, to the extent feasible, the enrollment of children in each program within the prime sponsorship area will include children from a range of socioeconomic backgrounds;

"(10) provides comprehensive services to meet the special needs of minority groups, Indians and migrant children, 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;

"(11) provides equitably for the child development needs of children from each minority group residing within the area served;

"(12) provides that children in the area served will in no case be excluded from the programs operated pursuant to this Act because of their participation in non-public preschool or school programs or because of the intention of their parents to enroll them in nonpublic schools when they attain school age;

"(13) provides, insofar as possible, for coordination of child development programs with other social programs (including but not limited to those relating to employment and manpower) so as to keep family units intact or in close proximity during the day;

"(14) provides for direct parent participation in the conduct, overall direction, and evaluation of programs;

"(15) provides to the extent feasible for the employment as both professionals and paraprofessionals of persons resident in the neighborhoods from which children are drawn;

"(16) includes to the extent feasible a career development plan for paraprofessional and professional training, education, and advancement on a carrer ladder;

"(17) provides that, to the extent appropriate, programs will include participation by volunteers, especially parents and older children, and including senior citizens, students, and persons preparing for employment in child development programs;

"(18) 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 its delegate agency;

"(19) provides that no person will be denied employment in any program solely on the ground that he fails to meet State teacher certification standards;

"(20) assures that linkage and coordination mechanisms have been developed by preschool program administrators and administrators of school systems, both public and nonpublic, at a local level, to provide continuity between programs for preschool and elementary schoolchildren, and to coordinate programs conducted under this Act and programs conducted pursuant to section 222(a)(2) of the Economic Opportunity Act of 1964 and the Elementary and Secondary Education Act;

"(21) provides, in the case of a prime sponsor located within or adjacent to a met-

ropolitan area, for coordination with other prime sponsors located within such metropolitan area, and arrangements for cooperative funding where appropriate, and particularly for such coordination when 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;

"(22) assures coordination of child development programs for which financial assistance is provided under the authority of other laws;

"(23) establishes arrangements in the area served for the coordination of programs conducted under the auspices of or with the support of business, industry, labor, employee and labor-management organizations and other community groups;

"(24) provides assurances satisfactory to the Secretary that the non-Federal share requirements will be met;

"(25) provides for such fiscal control and funding accounting procedures as the Secretary may prescribe to assure proper disbursement of and accounting for Federal funds paid to the prime sponsor;

"(26) sets forth 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 establish by regulation;

"(27) provides that consideration will be given to project applications submitted by public, private, nonprofit, and profitmaking organizations with emphasis given to ongoing programs, and that (A) comparative costs of providing services shall be a factor in deciding among applicants, and (B) such organizations must meet the standards for service under authority of this title;

"(28) provides that programs or services under this Act shall be provided only for children whose parents or legal guardians have requested them; and

"(29) provides assurance that in developing plans for any facilities due consideration will be given to excellence of architecture and design, and to the inclusion of works of art (not representing more than one per centum of the cost of the project).

"(c) No comprehensive child development plan or modification or amendment thereof submitted by a prime sponsor under this section shall be approved by the Secretary unless he determines 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 Act or under section 222(a)(1) of the Economic Opportunity Act, has had an opportunity to submit comments to the prime sponsor and to the Secretary;

"(2) any educational agency or institution in the area to be served responsible for the administration of programs under section 222(a)(2) of the Economic Opportunity Act has had an opportunity to submit comments to the prime sponsor and the Secretary;

"(3) the Governor or appropriate State agency has, in the case of a prime sponsor that is a unit (or combination of units) of general local government or an Indian tribal organization, or public or private nonprofit agency, had an opportunity to submit comments to the prime sponsor and to the Secretary.

"(d) A comprehensive child development plan submitted under this section may be disapproved or a prior approval withdrawn only if the Secretary provides written notice of intention to disapprove such plan, including a statement of the reasons, a reasonable time to submit corrective amendments, and an opportunity for a public hearing upon which basis an appeal to the Secretary may be taken as of right.

"PROJECT APPLICATIONS

"SEC. 527. (a) Upon the recommendation of the appropriate Local Policy Council, a prime sponsor designated under section 525(c) may provide financial assistance, by grant, loan, or contract, pursuant to a Comprehensive Child Development Plan, to any qualified public or private agency or organization, including but not limited to a parent cooperative, community action agency, single-purpose Headstart agency, community development corporation, organization of migrant wrokers, Indian organization, private organization interested in child development, labor union, or employee and labor-management organization, which submits an application meeting the requirements of subsection (b).

"(b) A project application submitted for approval under this section shall—

"(1) provide such comprehensive health, nutritional, education, social, and other services as are necessary for the full cognitive, emotional, and physical development of each participating child;

"(2) provide for the utilization of personnel, including paraprofessional and volunteer personnel, adequate to meet the specialized needs of each participating child;

"(3) 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 are fully informed of project activities;

"(4) provide assurance that any person employed on such project, except for volunteers participating under section 526(a)(17), shall be paid no less than the prevailing rate of pay for such employees in the area in which the project is to be carried out: *Provided,* That in no case shall such employee be paid less than the minimum wage specified under section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 206);

"(5) otherwise further the objectives and satisfy the appropriate provisions of the Comprehensive Child Development Plan in force pursuant to section 526.

"(c) The appropriate Local Policy Council may conduct public hearings on applications submitted to the prime sponsor under this section prior to making its recommendation for funding. Further, the Local Policy Council may appeal to the Secretary any action or decision by the Child Development Council which the Local Policy Council feels does not meet the intent of this Act.

"(d)(1) The Secretary may provide financial assistance, by grant, loan, or contract, to a prime sponsor designated under section 525(a)(5), which submits a project application meeting the requirements of subsection (b).

"(2) Such financial assistance may be provided from the funds allotted under section 531 to the prime sponsorship area in which the section 525(a)(5) prime sponsor will be conducting programs, and in the case of prime sponsors designated pursuant to section 525(a)(5)(B) such financial assistance may be provided from the funds reserved pursuant to section 531(a)(1).

"(3) The Child Development Council shall conduct public hearings on such project application prior to its submission to the Secretary and shall submit the record of such hearings to the Secretary with the project application.

"ADDITIONAL CONDITIONS FOR PROGRAMS INCLUDING CONSTRUCTION

"SEC. 528. (a) Applications including construction may be approved only upon a showing 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 within twenty years after completion of any construction for which Federal funds have been paid under this title the facility shall cease to be used for the purposes for which it was constructed, unless the Secretary determines in accordance with regulations that there is good cause for releasing the applicant or other owner from the obligation to do so, 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 or projects) the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds. 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 title 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 standards 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) In the case of loans for construction, the Secretary shall prescribe the interest rate and the period within which such loan shall be repaid, but such interest rates shall not be less than 3 per centum per annum and the period within which such loan is repaid shall not be more than twenty-five years.

"(e) The Federal assistance for construction may be in the form of grants or loans, provided that total Federal funds to be paid to other than public or private nonprofit agencies and organizations will not exceed 50 per centum of the construction cost, and will be in the form of loans. Repayment of loans shall, to the extent required by the Secretary, be returned to the prime sponsor from whose financial assistance the loan was made, or used for additional loans or grants under this Act. Not more than 15 per centum of the total financial assistance provided to a prime sponsor pursuant to section 109 shall be used for construction of facilities, with no more than 7½ per centum of such assistance usable for grants for construction.

"(f) In the case of a project for the construction of facilities and in the development of plans for such facilities due consideration shall be given to excellence of architecture and design and to the inclusion of works of art (not representing more than 1 per centum of the cost of the project).

"PAYMENTS

"SEC. 529. (a)(1) Except as provided in subparagraphs (2) and (3), the Secretary shall pay to each prime sponsor an amount not in excess of 80 per centum of the cost to such prime sponsor of providing child development programs. The Secretary may, however, in accordance with regulations establishing objective criteria, 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 persons.

"(2) The Secretary shall pay to each prime sponsor approved under section 525(a)(5)(B) 100 per centum of the costs of providing child development programs for children of migrant agricultural workers and their families.

"(3) The Secretary shall pay to each prime sponsor approved under section 525(a)(4) 100 per centum of the costs of providing child development programs for children on federally recognized Indian tribal organizations.

"(b) The non-Federal share of the costs of programs assisted under this title may be provided through public or private funds and may be in the form of goods, services, or facilities (or portions thereof that are used for program purposes), reasonably evaluated, or union and employer contributions: *Provided*, That fees collected for services provided pursuant to section 526(a)(6) shall not be used to make up the non-Federal share, but shall be turned over to the appropriate prime sponsor for distribution in the same manner as the prime sponsor's allotment under section 526(a)(3);

"(c) If, in any fiscal year, prime sponsor provides non-Federal contributions exceeding its requirements, such excess may be applied toward meeting the requirements for such contributions for the subsequent fiscal year under this title.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 530. There is authorized to be appropriated for the fiscal year ending June 30, 1973, and each succeeding fiscal year such sums as may be necessary to carry out the provisions of this title.

"ALLOTMENTS AMONG PRIME SPONSORS

"SEC. 531. (a) The Secretary shall first reserve the following from the amount appropriated under this title:

"(1) not less than that proportion of the total amount available for carrying out this title 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 made available to prime sponsors under section 525(a)(5)(B);

"(2) not less than that proportion of the total amount available for carrying out this title as is equivalent to that proportion which the total number of children who are members of Indian tribal organizations bears to the total number of economically disadvantaged children in the United States, which shall be apportioned among federally recognized Indian tribal organizations for programs serving such organizations so that the amount apportioned to each such organization bears the same relationship to the total amounts reserved pursuant to this paragraph that the number of children who are members of such organization bears to the total number of children residing who are members of all such organizations:

"(3) a sum, not in excess of 5 per centum thereof, for use by him, for purposes of this Act; and

"(4) a sum, not less than 7 per centum thereof, for use by him, to guarantee special services to handicapped children pursuant to the purposes of this Act.

"(b) The Secretary shall allot the remainder of the amount appropriated under this title (after making the reservations required in subsection (a)) among the States in the following manner:

"(1) 50 per centum thereof so that the amount allotted to each State bears the same ratio to such 50 per centum as the number of economically disadvantaged children through age 14 in the State, excluding those children in the State who in the State who are eligible for services funded under subsection (a) (1) and (2) to the number of economically disadvantaged children in all the States, excluding those children in all the States who are eligible for services funded under subsection (a) (1) and (2);

"(2) 25 per centum thereof so that the amount to each State bears the same ratio to such 25 per centum as the number of children through age 5 in the State, excluding those children in the State who are eligible for services funded under subsection (a) (1) and (2) bears to the number of children through age 5 in all the States, excluding those who are eligible for services funded under subsection (a) (1) and (2);

"(3) 25 per centum thereof so that the amount allotted to each State bears the same ratio to such 25 per centum as the number of children of working mothers and single parents in the State, excluding those children in the State who are eligible for services funded under subsection (a) (1) and (2) bears to the total number of children of working mothers and single parents in all the States, excluding those who are eligible for services funded under subsection (a) (1) and (2).

"(c) The Secretary shall further apportion the amount allotted to each State among the prime sponsors in such State in the following manner:

"(1) 50 per centum thereof so that the amount apportioned to each prime sponsor bears the same ratio to such 50 per centum as the number of economically disadvantaged children through age 14 in the area served by the prime sponsor bears to the number of economically disadvantaged children in the State;

"(2) 25 per centum thereof so that the amount apportioned to each prime sponsor bears the same ratio to such 25 per centum as the number of children through age 5 in the area served by the prime sponsor bears to the number of children through age 5 in the State;

"(3) 25 per centum thereof so that the amount apportioned to each prime sponsor bears the same ratio to such 25 per centum as the number of children of working mothers and single parents in the area served by the prime sponsor bears to the number of children of working mothers and single parents in the State.

"(d) The number of children through age 5, the number of economically disadvantaged children, and the number of children of working mothers and single parents in an area served by a prime sponsor, in the State, and in all the States, shall be determined by the Secretary on the basis of the most recent satisfactory data available to him.

"(e) The portion of any allotment under subsection (b) or (c) for a fiscal year which the Secretary determines will not be required, for the period such allotment is available, for carrying out programs under this title shall be available for reapportionment from time to time, on such dates during such period as the Secretary shall fix, or to other States in the case of allotments under subsection (b), or to other prime sponsors in the case of allotments under subsection (c), in proportion to the original allotments, to such States under subsection (b), or such prime sponsors under subsection (c), for such year, but with such proportionate amount for any of such States, or prime sponsors being reduced to the extent it exceeds the needs of such State, or prime sponsor for carrying out activities approved under this title, and the total of such reductions shall be similarly reallotted among the States, or prime sponsors whose proportionate amounts are not so reduced. Any amount reallotted to a State or prime sponsor under this subsection during a year shall be deemed part of its allotment under subsection (b) or (c) for such year.

"(f) The Secretary shall pay from the applicable prime sponsor allotment the Federal share of the costs of programs which have been approved as provided in this title. Such payments may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

"(g) No State or unit (or combination of units) of general local government shall reduce its expenditures for child development and day care programs by reason of assistance under this title.

"(h) If the allotment to any State under subsection (b) for any fiscal year ending before June 30, 1973, is less than the amount received by it, and by public and private agencies in the State, during the fiscal year 1971 under the Economic Opportunity Act of 1964 (other than section 221 thereof), and title IV of the Social Security Act for purposes for which assistance may be provided under this title (as determined by the Secretary), then there shall be allotted to each such State from sums appropriated to carry out this subsection (and such appropriations are hereby authorized) the amount by which its allotment under subsection (a) from such appropriations is less than such amount so received in such fiscal year.

"OFFICE OF CHILD DEVELOPMENT

"SEC. 532. The Secretary shall take all necessary steps to coordinate programs under his jurisdiction and under that of the Federal agencies which provide child development services. To this end, he shall establish in the Department of Health, Education, and Welfare an Office of Child Development which shall be the principal agency of the Department for the administration of this Act and for the coordination of programs and other activities relating to child development. There are authorized to be appropriated such sums as may be necessary to enable the Office of Child Development to carry out its functions. The President shall take appropriate steps to establish, insofar as possible, mechanisms for coordination at the State and local level of programs providing child development services with Federal assistance.

"FEDERAL STANDARDS FOR CHILD DEVELOPMENT SERVICES

"SEC. 533. (a) Within six months of the enactment of this Act, the Secretary shall, after consultation with other Federal agencies, and with the approval of a committee established pursuant to subsection (b), promulgate a common set of program standards which shall be applicable to all programs providing child development services with Federal assistance authorized under this title, to be known as the Federal Standards for Child Development Services.

"(b) The Secretary shall, within sixty days after enactment of this Act, appoint a special committee on Federal Standards for Child Development Services, which shall include parents of children enrolled in child development programs, public and private agencies or specialists, and national agencies for organizations interested in the development of children. Not less than one-half of the membership of the committee shall consist of parents of children enrolled in programs conducted under this title, section 222(a)(1) of the Economic Opportunity Act, and title IV of the Social Security Act. Such Committee shall participate in the development of Federal Standards for Child Development Services.

"DEVELOPMENT OF UNIFORM CODE FOR FACILITIES

"SEC. 534. (a) The Secretary shall, within sixty days after enactment of this Act, 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 533.

"(b) The special committee appointed under this section shall include parents of children enrolled in child development programs and representatives of State and local licensing agencies, public health officials, fire prevention officials, the construction in-

dustry 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-half of the membership of the committee shall consist of parents of children enrolled in programs conducted under this title, section 222(a)(1) of the Economic Opportunity Act, and title IV of the Social Security Act.

"(c) Within six months of its appointment, the special committee shall complete a proposed uniform code and shall hold public hearings on the proposed code prior to submitting its final recommendation to the Secretary for his approval.

"(d) The Secretary must approve the code as a whole or secure the concurrence of the special committee to changes therein, and, upon approval, such standards shall be applicable to all facilities receiving Federal financial assistance authorized under this title or in which programs receiving such assistance are operated; and 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 the procedures described in subsections (a) through (d).

"USE OF FEDERAL, STATE, AND LOCAL GOVERNMENTAL FACILITIES FOR CHILD DEVELOPMENT PROGRAMS

"SEC. 535. (a) The Secretary, after consultation with other appropriate officials of the Federal Government, shall within sixteen months of enactment of this Act report to the Congress in 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 if appropriate services were provided, as facilities for child development programs under this Act 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 utilization.

"(b) The Secretary may require then, as a condition to the receipt of assistance under this Act, any prime sponsor that is a State, unit (or combination of units) of local government of a public school system shall 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 could be available, if appropriate services were provided, as facilities for child development programs under this Act during times and periods when not utilized fully for usual purposes, together with the prime sponsor's proposed actions for such utilization.

"REPEAL, CONSOLIDATION, AND COORDINATION

"SEC. 536. (a) 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 program authorized under this Act, the following statutes are amended, effective July 1, 1973:

"(1) Section 222(a)(1) of the Economic Opportunity Act of 1964 is repealed.

"(2) Part B of title V of the Economic Opportunity Act of 1964 is repealed.

"(3) 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.'

"(4) 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.'

"(5) Section 312 (b)(1) of the Economic Opportunity Act of 1964 is amended by striking out 'day care for children.'

"(b) The Secretary shall promulgate regulations to guarantee that other federally funded child development and related programs, including title I of the Elementary and Secondary Education Act of 1965 and section 222(a)(2) of the Economic Opportunity Act of 1964, will coordinate with the programs designed under this title. Further, the Secretary will insure that joint technical assistance efforts will result in the development of coordinated efforts between the Office of Education and the Office of Child Development.

"(c)(1) Section 203(j)(1) of the Federal Property and Administrative Services Act of 1949 is amended by striking out 'or civil defense' and inserting in lieu thereof 'civil defense, or the operation of child development facilities'.

"(2) Section 203(j)(3) of such Act is amended—

"(A) by striking out, in the first sentence, 'or public health' and inserting in lieu thereof 'public health, or the operation of child development facilities',

"(B) by inserting after 'handicapped,' in clause (A) and clause (B) of the first sentence the following: 'child development facilities,', and

"(C) by inserting after 'public health purposes' in the second sentence the following: ', or for the operation of child development facilities,'.

"(3) Section 203(j) of such Act is amended by adding at the end thereof the following new paragraph:

"'(8) The term "child development facility" has the meaning given in section 201(b)(1) of the Comprehensive Child Development Act.'

"TITLE II—FACILITIES FOR CHILD DEVELOPMENT PROGRAMS

"MORTGAGE INSURANCE FOR CHILD DEVELOPMENT FACILITIES

"SEC. 541. (a) It is the purpose of this section to assist and encourage the provision of urgently needed facilities for child care and child development programs.

"(b) For the purpose of this section—

"(1) The term 'child development facility' means a facility of a public or private profit or nonprofit agency or organization, licensed or regulated by the State (or, if there is no State law providing for such licensing and regulation by the State, by the municipality or other political subdivision in which the facility is located), for the provision of child development programs.

"(2) The terms 'mortgage', 'mortgagor', 'mortgagee', 'maturity date', and 'State' shall have the meanings respectively set forth in section 207 of the National Housing Act.

"(c) The Secretary of Health, Education, and Welfare (hereinafter referred to as the 'Secretary') is authorized to insure any mortgage (including advances on such mortgage during construction) in acordance with the provisions of this section upon such terms and conditions as he may prescribe and make commitments for insurance of such mortgage prior to the date of its execution or disbursement thereon.

"(d) In order to carry out the purpose of this section, the Secretary is authorized to insure any mortgage which covers a new child development facility, including equipment to be used in its operation, subject to the following conditions:

"(1) The mortgage shall be executed by a mortgagor, approved by the Secretary, who shall demonstrate ability successfully to operate one or more child care or child development programs. The Secretary may in his discretion require any such mortgagor to be regulated or restricted as to minimum charges and methods of financing, and, in addition thereto, if the mortgagor is a corporate entity, as to capital structure and rate of return. As an aid to the regulation or restriction of any mortgagor with respect to any of the foregoing matters, the Secretary may make such contracts with and acquire for not to exceed $100 such stock or interest in such mortgagor as he may deem necessary. Any stock or interest so purchased shall be paid for out of the Child Development Facility Insurance Fund, and shall be redeemed by the mortgagor at par upon the termination of all obligations of the Secretary under the insurance.

"(2) The mortgage shall involve a principal obligation in an amount not to exceed $250,000 and not to exceed 90 per centum of the estimated replacement cost of the property or project, including equipment replacement cost of the property or project, including equipment to be used in the operation of child development facility, when the proposed improvements are completed and the equipment is installed.

"(3) The mortgage shall—

"(A) provide for complete amortization by periodic payments within such term as the Secretary shall prescribe, and

"(B) bear interest (exclusive of premium charges for insurance and service charges, if any) at not to exceed such per centum per annum on the principal obligation outstanding at any time as the Secretary finds necessary to meet the mortgage market.

"(4) The Secretary shall not insure any mortgage under this section unless he has determined that the child development facility to be covered by the mortgage will be in compliance with the Uniform Code for Facilities approved by the Secretary pursuant to section 534 of this Act.

"(5) The Secretary shall not insure any mortgage under this section unless he has also received from the prime sponsor authorized in title I of this Act a certificate that the facility is consistent with and will not hinder the execution of the prime sponsor's plan.

"(6) That in the plans for such child development facility due consideration has been given to excellence of architecture and design, and to the inclusion of works of art (not representing more than 1 per centum of the cost of the project).

"(e) The Secretary shall fix and collect premium charges for the insurance of mortgages under this section which shall be payable annually in advance by the mortgagee, either in cash or in debentures of the Child Development Facility Insurance Fund (established by subsection (h)) issued at par plus accrued interest. In the case of any mortgage such charge shall be not less than an amount equivalent to one-fourth of 1 per centum per annum nor more than an amount equivalent to 1 per centum per annum of the amount of the principal obligation of the mortgage outstanding at any one time, without taking into account delinquent payments or prepayments. In addition to the premium charge herein provided for, the Secretary is authorized to charge and collect such amounts as he may deem reasonable for the appraisal of a property or project during construction; but such charges for appraisal and inspection shall not aggregate more than 1 per centum of the original principal face amount of the mortgage.

"(f) The Secretary may consent to the release of a part or parts of the mortgaged property or project from the lien of any mortgage insured under this section upon such terms and conditions as he may prescribe.

"(g)(1) The Secretary shall have the same functions, powers, and duties (insofar as applicable) with respect to the insurance of mortgages under this section as the Secretary of Housing and Urban Development has with respect to the insurance of mort-

gages under title II of the National Housing Act.

"(2) The provisions of subsections (e), (g), (h), (i), (j), (k), (l), and (n) of section 207 of the National Housing Act shall apply to mortgages insured under this section; except that, for the purposes of their application with respect to such mortgages, all references in such provisions to the General Insurance Fund shall be deemed to refer to the Child Development Facility Insurance Fund, and all references in such provisions to 'Secretary' shall be deemed to refer to the Secretary of Health, Education, and Welfare.

"(h)(1) There is hereby created a Child Development Facility Insurance Fund which shall be used by the Secretary as a revolving fund for carrying out all the insurance provisions of this section. All mortgages insured under this section shall be insured under and be the obligation of the Child Development Facility Insurance Fund.

"(2) The general expenses of the operations of the Department of Health, Education, and Welfare relating to mortgages insured under this section may be charged to the Child Development Facility Insurance Fund.

"(3) Moneys in the Child Development Facility Insurance Fund not needed for the current operations of the Department of Health, Education, and Welfare with respect to mortgages insured under this section shall be deposited with the Treasurer of the United States to the credit of such fund, or invested in bonds or other obligations of, or in bonds or other obligations guaranteed as to principal and interest by, the United States. The Secretary may, with the approval of the Secretary of the Treasury, purchase in the open market debentures issued as obligations of the Child Development Facility Insurance Fund. Such purchases shall be made at a price which will provide an investment yield of not less than the yield obtainable from other investments authorized by this section. Debentures so purchased shall be canceled and not reissued.

"(4) Premium charges, adjusted premium charges, and appraisal and other fees received on account of the insurance of any mortgage under this section, the receipts derived from property covered by such mortgages and from any claims, debts, contracts, property, and security assigned to the Secretary in connection therewith, and all earnings on the assets of the fund, shall be credited to the Child Development Facility Insurance Fund. The principal of, and interest paid and to be paid on, debentures which are the obligation of such fund, cash insurance payments and adjustments, and expenses incurred in the handling, management, renovation, and disposal of properties acquired, in connection with mortgages insured under this section, shall be charged to such fund.

"(5) There are authorized to be appropriated to provide initial capital for the Child Development Facility Insurance Fund, and to assure the soundness of such fund thereafter, such sums as may be necessary.

"TITLE III—TRAINING OF CHILD DEVELOPMENT PERSONNEL

"SEC. 551. Section 532 of the Higher Education Act of 1965 is amended by adding at the end thereof the following sentence. 'There is additionally authorized to be appropriated the sum of $20,000,000 for the fiscal year ending June 30, 1972, and for each fiscal year thereafter for programs and projects under this part to train or retrain professional personnel for child development programs, and the sum of $20,000,000 for the fiscal year ending June 30, 1972, and for each fiscal year thereafter, for programs and projects under this part to train or retrain nonprofessional personnel for child development programs.'.

"SEC. 552. Section 205(b)(3) of the National Defense Education Act is amended as follows, by adding after the word 'nonprofit' the phrase 'child development program,' by striking out 'and (C)' and inserting in lieu thereof the following: '(C) such rate shall be 15 per centum for each complete academic year or its equivalent (as so determined by regulations) of service as a full-time teacher in public or private nonprofit child development programs or in any such programs operating under authority of title I of the Comprehensive Child Development Act, and (D)'.

"SEC. 553. The Secretary of Health, Education, and Welfare is authorized to provide directly or through grant, contract or other arrangement for the training of personnel employed, preparing for employment or volunteering for work in a program funded under the Act.

"SEC. 554. There is authorized to be appropriated for the purposes of section 553 the sum of $5,000,000 for the fiscal year 1972 and for each succeeding fiscal year.

"TITLE IV—FEDERAL GOVERNMENT CHILD DEVELOPMENT PROGRAM

"SEC. 561. (a) The Secretary is authorized to make grants for the purpose of establishing and operating child development programs (including the lease, rental, or construction of necessary facilities and the acquisition of necessary equipment and supplies) for the children of employees of the Federal Government.

"(b) Employees of any Federal agency or group of such agencies employing eighty working parents of young children who desire to participate in the grant program under this title shall—

"(1) designate or create for the purpose an agency commission, the membership of which shall be broadly representative of the working parents 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 commission;

"(B) provides that the program will meet the Federal interagency standards for child development;

"(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 grant funds under this section unless he has received approval of the plan from the office or officials in charge of the agency or agencies whose employees will be served by the child development program.

"SEC. 562. (a) No more than 80 per centum of the total cost of child development programs under this title during the first two years of such programs' operation, and no more than 40 per centum of the total cost of such programs in succeeding years shall be paid from Federal funds.

"(b) The non-Federal share of the total cost may be provided through public or private funds and may be in the form of cash, goods, services, facilities reasonably calculated, fees collected from parents, union and employer contributions.

"(c) If, in any fiscal year, a program under this title provides non-Federal contributions exceeding its requirements under this section, such excess may be used to meet the requirements for such contributions of other programs applying for grants under the same title, for the same fiscal year.

"(d) In making grants under this title, the Secretary shall, insofar as is feasible, distribute funds among the States according to the same ratio as the number of Federal employees in that State bears to the total number of Federal employees in the United States.

"SEC. 563. There is authorized to be appropriated for carrying out this title during the fiscal year 1972, and each succeeding fiscal year, the sum of $5,000,000.

"TITLE V—EVALUATION AND TECHNICAL ASSISTANCE

"EVALUATION

"SEC. 571. (a) The Secretary shall, through the Office of Child Development, make an evaluation of Federal involvement in child development 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;

"(3) determination of effectiveness and results of such expenditures and activities; and

"(4) such recommendations to Congress as the Secretary may deem appropriate.

"(b) The results of this evaluation shall be reported to Congress no later than eighteen months after enactment of this Act.

"(c) The Secretary may enter into contracts with public or private nonprofit or profit agencies, organizations, or individuals to carry out the provisions of this section.

"SEC. 572. The Secretary shall establish such procedures as may be necessary to conduct such an annual evaluation of Federal involvement in child development, and shall report the results of such annual evaluation to Congress.

"SEC. 573. Such information as the Secretary may deem necessary for purposes of the annual evaluation shall be made available to him, upon request, by the agencies of the executive branch.

"TECHNICAL ASSISTANCE

"SEC. 574. (a) 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 Act on a continuing basis to assist them in developing and carrying out Comprehensive Child Development Plans under section 525.

"(b) Upon enactment of this Act, and during the succeeding fiscal year, the Secretary may provide financial assistance to prime sponsors and through prime sponsors to LPC's, for expenses relating to development, submission, and planning for implementation of child development plans and project applications.

"(c) Payments under this section 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.

"SEC. 575. There are authorized to be appropriated for the fiscal year ending June 30, 1972, and each succeeding fiscal year, such sums as may be necessary to carry out the provisions of this title.

"TITLE VI—NATIONAL CENTER FOR CHILD DEVELOPMENT AND EDUCATION

"DECLARATION AND PURPOSE

"SEC. 581. It is the purpose of this title 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 from research into child development and to assure that the result of research and development efforts are reflected in the conduct of programs affecting children.

"NATIONAL CENTER FOR CHILD DEVELOPMENT

"SEC. 582. (a) There is established in the Office of Child Development an agency to be

known as the National Center for Child Development (hereinafter referred to as the 'Center').

"(b) The activities of the Center shall include—

"(1) research to determine the nature of child development processes and the impact of various influences upon them; research to develop techniques to measure and evaluate child development; research to develop standards to evaluate professional, paraprofessional and volunteer personnel; and research to determine how child development programs conducted in either home or institutional settings positively affect child development processes;

"(2) evaluation of research findings and the development of these findings into effective products for application;

"(3) dissemination of research and development efforts into general practice of childhood programs, using regional demonstration centers and advisory services where feasible;

"(4) production of informational systems and other resources necessary to support the activities of the Center; and

"(5) integration of national child development research efforts into a focused national research program, including the coordination of research and development conducted by other agencies, organizations, and individuals.

"GENERAL AUTHORITY OF THE CENTER

"SEC. 583. The Center shall have the authority, within the limits of available appropriations, to do all things necessary to carry out the provisions of this title, including but not limited to, the authority—

"(a) to prescribe such rules and regulations as it deems necessary governing the manner of its operations and its organization and personnel;

"(b) to make such expenditures as may be necessary for administering the provisions of this title;

"(c) to enter into contracts or other arrangements or modifications thereof, for the carrying on, by organizations or individuals in the United States, including other Government agencies, of such research, development, dissemination or evaluation efforts as the Center deems necessary to carry out the purposes of this title, and also to make grants for such purposes to individuals, universities, colleges, and other public or private nonprofit organizations or institutions;

"(d) to acquire by purchase, lease, loan, or gift and to hold and dispose of by grants, sale, lease, or loan, real and personal property of all kinds necessary for, or resulting from, the exercise of authority granted by this title;

"(e) to receive and use funds donated by others, if such funds are donated without restriction other than that they be used in furtherance of one or more of the general purposes of the Center as stated in section 571;

"(f) to accept and utilize the services of voluntary and uncompensated personnel and to provide travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"ANNUAL REPORT

"SEC. 584. The Center shall make an annual report to Congress summarizing its activities and accomplishments during the preceding year; reviewing the financial condition of the Center and the grants, contracts, or other arrangements entered into during the preceding year, and making such recommendations as it may deem appropriate. Supplemental or dissenting views and recommendations, if any, shall be included in this report.

"COORDINATION OF RESEARCH

"SEC. 585. (a) Funds available to any department or agency of the Government for the purposes stated in section 571 or the activities stated in section 572 shall be available for transfer, with the approval of the head of the department or agency involved, in whole or in part, to the Center 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 Center for the purposes for which the transfer was made.

"(b) The Secretary shall integrate and coordinate all child development research, training, and development efforts, including those conducted by the Office of Child Development and by other agencies, organizations, and individuals.

"(c) A Child Development Research Council consisting of a representative of the Office of Child Development (who shall serve as chairman), and representatives from the agencies administering the Social Security Act, Elementary and Secondary Education Act of 1965, the National Institute of Mental Health, the National Institute of Child Health and Human Development, and the Office of Economic Opportunity, shall meet annually and from time to time as they may deem necessary in order to assure coordination of activities under their jurisdiction and to carry out the provisions of this title in such a manner 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 purposes of this title;

"(3) a setting of priorities for federally funded research and development activities related to the purposes stated in section 571.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 586. There are authorized to be appropriated such sums each succeeding fiscal year as Congress may deem necessary for the purposes of this title.

"TITLE VII—GENERAL PROVISIONS

"ADVANCE FUNDING

"SEC. 591. (a) For the purpose of affording adequate notice of funding available under this Act such funding for grants, contracts, or other payments under this Act is authorized to be included in the appropriations Act for the fiscal year preceding the fiscal year for which they are available for obligation.

"(b) In order to effect a transition to the advance funding method of timing appropriation action, subsection (a) shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

"PUBLIC INFORMATION

"SEC. 592. Applications for designation as prime sponsors, Comprehensive Child Development Plans, project applications, and all material pertaining thereto shall be made readily available without charge to the public by the prime sponsor, the applicant, and the Secretary.

"FEDERAL CONTROL NOT AUTHORIZED

"SEC. 593. No department, agency, officer, or employee of the United States shall, under authority of this Act, exercise any direction, supervision, or control over, or impose any requirements or conditions with respect to, the personnel curriculum, methods of instruction, or administration of any educational institution.

"SEC. 594. No person in the United States shall on the ground of sex be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in connection with, any program or activity receiving assistance under this Act. The Secretary shall enforce the provisions of the preceding sentence in accordance with section 602 of the Civil Rights Act of 1964. Section 603 of such Act shall apply with respect to any action taken by the Secretary to enforce such sentence. This section shall not be construed as affecting any other legal remedy that a person may have if on the ground of sex that person is excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with, any program or activity receiving assistance under this Act.

"SEC. 595. 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 moral, mental, emotional, or physical development of their children. Nor shall any section 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.

"SEC. 596. The Secretary is directed to establish appropriate procedures to ensure that no child shall be the subject of any research or experimentation under this Act 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.

"DEFINITIONS

"SEC. 597. As used in this Act—

"(a) 'child development programs' means those programs which provide the educational, nutritional, social, health, and physical services needed for children to attain their full potential; nothing in this or any other provision of this Act shall be deemed to authorize or require medical or psychological examination, immunization, or treatment for those who object thereto on religious grounds except where such is necessary for the protection of the health or safety of others;

"(b) 'children' means children through age 14;

"(c) '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 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, including factors taken into account in determining fee charges in other Federally-assisted child development programs.

"(d) 'handicapped children' means mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired children who by reason thereof require special education and related services;

"(e) 'program' means any mechanism which provides full- or part-day or night services conducted in child development facilities, in schools, in neighborhood centers, or in homes, or provides child development services for children whose parents are working or receiving education or training, and includes other special arrangements under which child development activities may be provided;

"(f) 'parent' means any person who has day-to-day responsibility for a child or children;

"(g) 'single parent' means any person who has sole day-to-day parental responsibility for a child or children;

"(h) 'working mother' means any mother who requires child development services under this Act in order to undertake or continue work, training, or education outside the home;

"(i) 'minority group' includes persons who

are Negro, Spanish-surnamed American, American Indian, Portuguese, or Oriental; and the term 'Spanish-surnamed American' includes but is not limited to any person of Mexican, Puerto Rican, Cuban, or Spanish origin and ancestry;

"(j) 'bilingual' includes but is not limited to persons who are Spanish surnamed, American Indian, Oriental, or Portuguese and who have learned during childhood to speak the language of the minority group of which they are members; the term 'bilingual family' means a family in which one or both parents is bilingual;

"(k) 'Secretary' means the Secretary of Health, Education, and Welfare; and

"(l) 'State' includes the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands."

SEC. 11. Section 616 of the Act is amended to read as follows:

"TRANSFER OF FUNDS

"SEC. 616. Notwithstanding any limitation on appropriations for any program or activity under this Act or any Act authorizing appropriations for such program or activity, not to exceed 10 per centum of the amount appropriated or allocated from any appropriation for the purpose of enabling the Director to carry out any such program or activity under the Act may be transferred and used by the Director for the purpose of carrying out any other such program or activity under the Act; but no such transfer shall result in increasing the amounts otherwise available for any program or activity by more than 10 per centum."

SEC. 12. Section 632(3) of the Act is amended by inserting at the end thereof the following: "Such plan shall be presented to the Congress no later than December 31, 1971, and documents updating such plan shall be presented to the Congress no later than December 31 of each succeeding calendar year."

SEC. 13. Part B of title VI of the Act is amended by adding at the end thereof the following new section:

"GUIDELINES

"SEC. 639. Copies of all rules, regulations, guidelines, instructions, and application forms published or promulgated pursuant to this Act shall be provided to the Senate Committee on Labor and Public Welfare and the House Committee on Education and Labor at least thirty days prior to their effective date."

SEC. 14. (a) The Act is amended by adding at the end thereof the following new title:

"TITLE IX—EVALUATION

"SEC. 901. (a) The Director shall provide for evaluations that describe and measure the impact of programs, their effectiveness in achieving stated goals, their impact on related programs, and their structure and mechanisms for delivery of services and including, where appropriate, comparisons with appropriate control groups composed of persons who have not participated in such programs. He may, for these purposes, contract or make other arrangements for independent evaluations of those programs or individual projects.

"(b) The Director shall develop and publish standards for evaluation of program effectiveness in achieving the objectives of this Act. He shall consider the extent to which such standards have been met in deciding whether to renew or supplement financial assistance authorized under any section of this Act.

"(c) The Director may require community action agencies to provide independent evaluations.

"(d) Federal agencies administering programs related to this Act shall—

"(1) cooperate with the Director in the discharge of his responsibility to plan and conduct evaluations of such poverty-related programs as he judges appropriate, to the fullest extent permitted by other applicable law; and

"(2) provide the Director with such statistical data, program reports, and other materials as they presently collect and compile on program operations, beneficiaries, and effectiveness.

"(e) In carrying out evaluations under this title, the Director shall, whenever possible, arrange to obtain the opinions of program participants about the strengths and weaknesses of the programs.

"(f) The Director shall consult, where appropriate, with State agencies, in order to provide for jointly sponsored objective evaluation studies of programs on a State basis.

"(g) The Director shall publish the results of evaluative research and evaluations of program impact and effectiveness no later than sixty days after its completion.

"(h) The Director shall take necessary action to assure that all studies, evaluations, proposals, and data produced or developed with Federal funds shall become the property of the United States.

"(i) The Director shall publish and summarize the results of activities carried out pursuant to this title in the report required by section 608."

(b) The following provisions of the Act are repealed:

(1) Section 113(a);
(2) Section 132 (b) and (c);
(3) Section 154;
(4) Section 233; and
(5) Section 314(b).

(c) Section 632(2) of the Act is amended by striking out "carry on a continuing evalution of all activities under this Act, and".

(d) Sections 132 and 314 are each amended by striking out "(a)".

SEC. 15. The Act is amended by adding at the end thereof the following new title:

"TITLE X—NATIONAL LEGAL SERVICES CORPORATION

"DECLARATION OF POLICY

"SEC. 1001. The Congress hereby finds and declares that—

"(1) it is in the public interest to encourage and promote resort 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 requires 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. 1002. (a) There is established a nonprofit corporation, to be known as the 'National Legal Services Corporation' (hereinafter referred to as the 'Corporation') which will 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 which is exempt from taxation under section 501(a) of such Code.

"PROCESS OF INCORPORATION AND ORGANIZATION

"SEC. 1003. (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 designee: the president of the American Bar Association, the president of the National Legal Aid and Defender 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 thirty days after the enactment of the Economic Opportunity Amendments of 1971 to carry out the provisions of this section. The incorporating trusteeship shall provide procedures for the provision of a list of nominees by the national professional associations of attorneys in accordance with section 1004(a).

"(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 associations of attorneys actively engaged in conducting legal services programs, and national organizations of persons eligible for assistance under this title, shall establish the initial Advisory Council to be composed of sixteen 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 and from among individuals eligible for assistance under this title. No more than eight members of the Council shall be individuals eligible for assistance under any existing legal services program.

"(2) 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 client members of the Advisory Council as established in subsection (c), and the project attorney members of the Advisory Council shall each meet and each shall submit recommendations as provided in section 1004(a) to serve on the initial board of directors.

"(e) During the ninety-day period of incorporation of the Corporation the incorporating trusteeship shall take whatever actions are necessary to incorporate the Corporation, including the filing of articles of incorporation under the District of Columbia Nonprofit Corporation Act, and to prepare for the first meeting of the board of directors, except the selection of the executive director of the Corporation.

"(f) During the ninety-day period immediately following the period specified in subsection (e) of this section the board shall

take whatever action is necessary to prepare to begin to carry out the activities of the Corporation six months after the enactment of the Economic Opportunity Amendments of 1971.

"DIRECTORS AND OFFICERS

"SEC. 1004. (a) The Corporation shall have a board of directors consisting of seventeen individuals appointed by the President, by and with the consent of the Senate, one of whom shall be elected annually by the board to serve as chairman. Members of the board shall be appointed as follows:

"(1) one member shall be appointed from lists of nominees submitted by the Judicial Conference of the United States;

"(2) seven members shall be appointed from among individuals in the general public, no fewer than three of whom shall be members of the bar of the highest court of a jurisdiction;

"(3) two members shall be appointed from among individuals who are eligible for assistance under this title after due consideration is given to the recommendations of the client members of the Advisory Council as established in 1003(c);

"(4) two members shall be appointed from among former legal services project attorneys after due consideration is given to the recommendations of the attorney members of the Advisory Council;

"(5) one member shall be appointed from lists of nominees submitted by the Association of American Law Schools;

"(6) four members shall be appointed from lists of nominees submitted by the American Bar Association, the National Bar Association, the National Legal Aid and Defender Association, and the American Trial Lawyers Association. Members appointed under this clause subsequent to the initial board shall be from lists submitted by the American Bar Association, the National Bar Association, the National Legal Aid and Defender Association, and the American Trial Lawyers Association in accordance with procedures established by the board of directors.

"(b)(1) The directors appointed under clause (1) of subsection (a) shall be appointed for terms of three years except that—

"(A) the terms of directors first taking office shall be effective on the ninety-first day after the enactment of the Economic Opportunity Amendments of 1971 and shall expire as follows—

"(1) the term of the director appointed under clause (1) of subsection (a) shall expire at the end of one year;

"(2) the terms of the remaining directors appointed under subsection (a) shall expire as designated by the President at the time of appointment, (i) in the case of directors from the general public appointed under clause (2) of subsection (a), two at the end of three years, two at the end of two years, and three at the end of one year, (ii) in the case of appointments under clause (3) of subsection (a), one at the end of two years, and one at the end of three years, (iii) in the case of appointments under clause (4) of subsection (a), one at the end of three years and one at the end of one year, (iv) in the case of the director appointed under clause (5) of subsection (a), at the end of three years, and (v) in the case of appointments under clause (6) of subsection (a), one at the end of three years, two at the end of two years, and one at the end of one year.

"(B) 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.

"(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 exofficio 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 committees of the board, and the Advisory Council 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 Advisory Council, provide for rules with respect to the subsequent meetings of the Advisory Council.

"ADVISORY COUNCIL

"SEC. 1005. (a) The board, after consulting with and receiving the recommendations of national organizations of persons eligible for assistance under this title, and after consulting with and receiving the recommendations of associations of attorneys actively engaged in conducting legal services programs, shall provide for the selection of an Advisory Council subsequent to the first such council established under section 1003(c)(1) of this title to be composed of not more than sixteen 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 and lawyers actively engaged in providing legal services in any existing program. Equal representation shall be given to lawyers and clients. 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 the council be from any one State. The Advisory Council shall advise the board of directors and the executive director on policy matters relating to legal services and 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. The Advisory Council shall submit recommendations of persons for appointment as members of the board in accordance with section 1004.

"(b) The board shall provide for sufficient resources for the Advisory Council in order to pay such reasonable travel costs and expenses as the board may determine.

"ACTIVITIES AND POWERS OF THE CORPORATION

"SEC. 1006. (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 1003 of this title;

"(3) carry out research, training, technical assistance, experimental, legal paraprofessional and clinical assistance programs;

"(4) through financial assistance and other means, increase opportunities for legal education among individuals who are members of a minority group or who are economically disadvantaged;

"(5) provide for the collection and dissemination of information designed to coordinate and evaluate the effectiveness of the activities and programs for legal services in various parts of the country;

"(6) offer advice and assistance to all programs providing legal services and legal assistance to the client community conducted or assisted by the Federal Government, including—

"(A) reviewing all grants and contracts for the provision of legal services to the client community made under other provisions of Federal law by any agency of the Federal Government and making recommendations to the appropriate Federal agency;

"(B) reviewing and making recommendations to the President and Congress concerning any proposal, whether by legislation or executive action, to establish a federally assisted program for the provision of legal services to the client community; and

"(C) upon request of the President, providing training, technical assistance, monitoring, and evaluation services to any federally assisted legal services program;

"(7) establish such procedures and take such other measures as may be necessary to assure that attorneys employed by the Corporation and attorneys paid in whole or in part from funds provided by the Corporation carry out the same duties to their clients and enjoy the same protection from interference as if such an attorney was hired directly by the client, and to assure that such attorneys are bound by the same Canons of Professional Responsibility as are applicable to other attorneys practicing in the same jurisdiction;

"(8) establish standards of eligibility consistent with those established by the Office of Economic Opportunity for the provision of legal services to be rendered by any grantee or contractor 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 or 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 provisions 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 in both urban and rural areas;

"(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 service 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 on 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) The Corporation shall insure 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.

"(d) The Corporation shall insure (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 committees request that the attorney make representations to them, and (2) that no funds provided by the Corporation shall be utilized for any activity which is planned and carried out to disrupt the orderly conduct of business by the Congress or State or local legislative bodies, for any demonstration, rally, or picketing aimed at the family or home of a member of a legislative body for the purpose of influencing his actions as a member of that body, and for conducting any campaign of advertising carried on through the commercial media for the purpose of influencing the passage or defeat of legislation.

"(e) The Corporation shall insure that no attorneys or other persons employed by it or employed or engaged in programs funded by the Corporation shall, in any case, solicit the client community or any member of the client community for professional employment; and no funds of the Corporation shall be expended in pursuance of any employment which results from any such solicitation: *Provided, however,* That solicitation, as here employed, shall not include mere announcement or advertisement, without more, of the fact that the National Legal Services Corporation is in existence and that its services are available to the client community.

"(f) The Corporation shall establish guidelines for consideration of possible appeals to be implemented by each grantee or contractor of the Corporation to insure the efficient utilization of resources. Such guidelines shall in no way interfere with the attorney's responsibilities and obligations under the Canons of Professional Ethics and the Code of Professional Responsibility.

"(g) No funds or personnel made available by the Corporation pursuant to this title shall be used to provide legal services with respect to any criminal proceeding.

"(h) At least thirty days prior to the Corporation's approval of any grant or contract application, the Corporation shall notify the State bar association of the State in which the recipient will offer legal services. Notification shall include a reasonable description of the grant or contract application.

"(i) Where any legal proceeding is brought by attorneys employed by the Corporation or by attorneys paid in whole or in part from funds provided by the Corporation then the Corporation shall be liable to any prevailing defendant or defendants for payment of reasonable legal fees and court costs awarded in connection with such proceedings.

"NONPROFIT AND NONPOLITICAL NATURE OF THE CORPORATION

"SEC. 1007. (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) Full time employees of the Corporation or of programs funded by the Corporation are subject to provisions of section 7324 of title 5, United States Code. The exemption in section 7326(1) of such title shall not be applicable in the case of such individuals.

"ACCESS TO RECORDS AND DOCUMENTS RELATED TO THE CORPORATION

"SEC. 1008. (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 contractors 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 contractor who is the subject of the evaluation, inspection, or monitoring visit.

"(c) The Corporation shall afford notice and reasonable opportunity for comment to interested parties prior to issuing regulations and guidelines, and it shall publish in the Federal Register on a timely basis all its bylaws, regulations, and guidelines.

"(d) The Corporation shall be subject to the provisions of the Freedom of Information Act.

"FINANCING OF THE CORPORATION

"SEC. 1009. 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. 1010. (a) The accounts of the Corporation shall be audited annually in accordance with generally accepted auditing standards by any independent licensed public accountant certified or licensed by a regulatory authority of a State or political subdivision. Each such audit shall be conducted at the place or places where the accounts of the Corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Corporation and necessary to facilitate the audit shall be made available to the person conducting the audit, consistent with the necessity of maintaining the confidentiality required by the best standards of the legal profession, and full facilities for verifying transactions with the balance, or securities held by depositories, fiscal agents, and custodians shall be afforded to any such person. The report of each such independent audit shall be included in the annual report required under this title. The audit report shall set forth the scope of the audit and include such statements as are necessary to present fairly the assets and liabilities, and surplus or deficit of the Corporation, with an analysis of the changes therein during the year, supplemented in reasonable detail by a statement of the income and expenses of the Corporation during the year, and a statement of the sources and application of funds, together with the opinion of the independent auditor of those statements.

"(b)(1) The accounts and operations 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 used by the Corporation pertaining to its accounts and operations, including the reports pertinent to the evaluation, inspection, or monitoring of grantees and contractors required to be maintained by section 1008(b) 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 Congress shall contain such comments and information as the Comptroller General may deem necessary to inform Congress of the 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 transaction or undertaking observed in the course of the audit, which in the opinion of the Comptroller General, has been carried on or made without authority of law. A copy of each report shall be furnished to the executive director and to each member of the board at the time submitted to the Congress.

"(c)(1) Each grantee or contractor, other than a recipient of a fixed price contract awarded pursuant to competitive bidding procedures, under this title shall keep such records as may be reasonably necessary to fully disclose the amount and 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 of any books, documents, papers, and records of the recipient that are pertinent to assistance received under this section. 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. 1011. The Corporation shall prepare an annual report for transmittal to the

President and to 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. 1012. 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;

"(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.

"FEDERAL CONTROL

"SEC. 1013. 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, 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. 1014. 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 contractor 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 contractor has been afforded reasonable notice and opportunity for a timely, full, and fair hearing.

"COORDINATION

"SEC. 1015. 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 contractors to the extent not inconsistent with other applicable law.

"TRANSFER MATTERS

"SEC. 1016. (a) Notwithstanding any other provision of law, on and after such date as may be prescribed by the Director of the Office of Management and Budget, or six months after the enactment of the Economic Opportunity Amendments of 1971, whichever is the earlier, 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.

"(c) 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.

"(d) Effective six months after the date of enactment of this Act, section 222(a)(3) of the Economic Opportunity Act of 1964 is repealed.

"(e) 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.

"(f) 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 X, and no reference to this Act unless such reference refers to title X, shall be construed to affect the powers and activities of the National Legal Services Corporation.'"

SEC. 16. (a) Section 611(a) of the Older Americans Act of 1965 (42 U.S.C. 3044(b)) is amended by adding at the end thereof the following new sentence: "The Director of Action may approve assistance in excess of 90 per centum of the cost of the development and operation of such projects if he determines, in accordance with regulations establishing objective criteria, that such action is required in furtherance of the purposes of this section."

(b) The amendment made by subsection (a) of this section shall be effective from the date of enactment of this section. In the case of any project with respect to which, prior to such date, a grant or contract has been made under such section or with respect to any project under the Foster Grandparent program in effect prior to September 17, 1969, contributions in cash or in kind from the Bureau of Indian Affairs, Department of the Interior, toward the cost of the project may be counted as part of the cost thereof which is met from non-Federal sources.

Mr. NELSON. Mr. President, I move that the Senate disagree to the amendment of the House of Representatives to S. 2007 and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. GAMBRELL) appointed the following conferees on the part of the Senate:

Mr. NELSON, Mr. KENNEDY, Mr. MONDALE, Mr. CRANSTON, Mr. HUGHES, Mr. STEVENSON, Mr. RANDOLPH, Mr. TAFT, Mr. JAVITS, Mr. SCHWEIKER, Mr. DOMINICK, and Mr. BEALL.

COLUMBUS DAY—1971

Mr. PASTORE. Mr. President, in every part of America—in every American heart of whatever race or nationality—Monday will mark a significant day, a symbolic day, truly, a sacred day in American history.

It is the day of the discovery of America.

It is Columbus Day.

We pay honor to the boy of Genoa who had the courage to brave the unknown seas, who had the skill to steer his tiny ships to triumph, who had the character to instill confidence into his frightened sailors.

We honor Columbus whose firm faith in God is shown in the dedication of his first discovery—his first land—San Salvador—to the Holy Savior.

I like to believe that Columbus set the daring, discovery spirit of America.

This is the spirit to explore—to create—to invent—to make the world not only bigger but better.

This is the all-American spirit—the spirit of American industry—American science—American government.

It is the creation of opportunity—of blessings to be shared. It is the warmhearted welcome that brought the millions from old, tired lands to share the dangers and the destiny of the New World.

Here—on this Senate floor—we recalled—one June day—that John Kennedy had exalted this land as "a nation of immigrants." We Senators said that to commemorate the voyage of Columbus would be to honor the courageous generation after generation of immigrants who came here in hope and stayed here in happiness.

We then legislated Columbus Day into the law of the land. Thus—for the first time—the Senate salutes Columbus Day as a legal public holiday—to have its honored observance on the second Monday of each October.

Mr. President, I want to say that even this Senate will be in recess, happily, on Monday next.

I feel that the day is even more significant—more symbolic—even more sacred—though it has come some 500

years after the discovery—after almost 200 years of our independence as a nation.

We are now a nation of some 200 million people—and each of us has in his own family—someone who came here with all the courage of Columbus—they came with the character and culture of many races—to make us good sons and daughters in the home—good citizens in the community.

I like to believe that Columbus gave us the example of the dauntless spirit that led us to conquer space and walk the moon.

And I like to believe that we have the spirit to conquer the trials and tribulations of the very earth that Columbus dedicated to a happier and holier destiny.

I believe the answer is in the composite American character—blended of the gifts of many races. Surely we have the means and the minds. We have the learning—and we must have the loyalty. We must have the hearts to control our heads—to guide us with something of the divinity and dedication that inflames every explorer as it did Columbus.

I believe that we have that moral resource—that American something that will lead us—as individuals and as a Nation—on the course to unity, prosperity, and security.

The sanity of America will steer our course beyond the troubled seas of our times—beyond the indecisions and disappointments of today—to the brighter destiny of tomorrow.

This is the inspiration of Columbus Day.

It makes us grateful for his gift of discovery.

It makes us determined to protect, preserve, and promote the riches of America.

Beyond the material riches are the spiritual riches—our American freedoms balanced by our American responsibilities.

We shall keep them in balance by our promise and our performance. We pledge that sanity—humanity—and America shall be inseparable for eternity and another day.

QUORUM CALL

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

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

MILITARY PROCUREMENT AUTHORIZATION, 1972—APPOINTMENT OF CONFEREES

Mr. STENNIS. Mr. President, I move that the Senate insist on its amendments on H.R. 8687 and request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. ALLEN) appointed Mr. STENNIS, Mr. SYMINGTON, Mr. CANNON, Mr. MCINTYRE, Mr. BYRD of Virginia, Mrs. SMITH, Mr. THURMOND, Mr. TOWER, and Mr. DOMINICK conferees on the part of the Senate.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. Mr. President, this means that the bill would automatically go to the House.

The PRESIDING OFFICER. The Senator is correct. The bill will automatically go back to the House.

Mr. STENNIS. I thank the Chair.

MESSAGE FROM THE HOUSE—ENROLLED JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled joint resolution (H.J. Res. 915) making a supplemental appropriation for the Department of Labor for the fiscal year 1972, and for other purposes.

The enrolled joint resolution was subsequently signed by the President pro tempore.

PROGRAM

Mr. MANSFIELD. Mr. President, for the information of the Senate and so that it will be in the RECORD, the Senate, when it completes its business shortly, will stand in adjournment until the hour of 12 o'clock noon on Tuesday next.

At the conclusion of the morning business on Tuesday next, which I understand will take 30 minutes or less, the unfinished business will be temporarily laid aside and the Senate will proceed to consider Calendar No. 378, S. 1437, a bill to amend the Airport and Airway Development and Revenue Acts of 1970 to further clarify the intent of Congress as to priorities for airway modernization and airport development, and for other purposes.

The PRESIDING OFFICER. Under the previous order, that will be the pending question until disposed of.

Mr. MANSFIELD. I thank the Chair.

Following that the Senate will turn to the consideration of Calendar No. 389, S. 2652, a bill to provide an elected mayor and city council for the District of Columbia, and for other purposes. The yeas and nays have been granted on that bill.

On Wednesday next it is anticipated that the Senate will turn to the consideration of Calendar No. 332, S. 215, a bill to provide procedures for calling constitutional conventions for proposing amendments to the Constitution of the United States, on application of the legislatures of two-thirds of the States, pursuant to article V of the Constitution.

That, may I say to the distinguished acting minority leader, is about as good as we can do at this time. There will be a rollcall vote on Tuesday on the District of Columbia home rule bill.

AUTHORITY FOR ALL COMMITTEES TO FILE REPORTS AND FOR THE SECRETARY OF THE SENATE TO RECEIVE MESSAGES FROM THE PRESIDENT AND HOUSE OF REPRESENTATIVES ON MONDAY NEXT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on Monday next all committees be authorized to file reports and that the Secretary of the Senate be prepared to receive messages from the House and the President.

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

ADJOURNMENT TO TUESDAY, OCTOBER 12, 1971

Mr. MANSFIELD. Mr. President, if there be no further business to come before the Senate, I move that the Senate stand in adjournment until the hour of 12 o'clock Tuesday next.

The motion was agreed to; and (at 12 o'clock and 17 minutes p.m.) the Senate adjourned until Tuesday, October 12, 1971, at 12 noon.

CONFIRMATION

Executive nomination confirmed by the Senate October 8, 1971:

FEDERAL POWER COMMISSION

Rush Moody, Jr., of Texas, to be a member of the Federal Power Commission for the term of 5 years expiring June 22, 1976.

EXTENSIONS OF REMARKS

WE MUST EDUCATE

HON. FRANK CHURCH

OF IDAHO

IN THE SENATE OF THE UNITED STATES

Friday, October 8, 1971

Mr. CHURCH. Mr. President, recently a speech by the president of Boise State College in Boise, Idaho, came to my attention.

The address, by Dr. John Barnes, gives a concise summary of six gaps in higher education on American campuses.

I ask unanimous consent that the text of the address be printed in the Extensions of Remarks.

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

SIX GAPS IN AMERICAN HIGHER EDUCATION

(By Dr. Barnes)

Over 100 years ago a theologian named Lyman Beecher gave a strident warning to this nation. He warned: "We must educate! We must educate! Or we must perish by our own prosperity. If we do not, short will be our race from the cradle to the grave. If in