A. Warner & Harris, Inc., 1030 15th Street NW., Suite 840, Washington, D.C.
D. (6) $6,902. E. (9) $5,833.

A. Leonard Warner, 1030 15th Street NW., Suite 840, Washington, D.C.
B. Warner & Harris, Inc., 1030 15th Street NW., Suite 840, Washington, D.C.
D. (6) $1,375.

A. James A. Warren, 5500 Prospect Place, Chevy Chase, Md.
B. REA Express, Inc., 219 East 42d Street, New York, N.Y.
D. (6) $450. E. (9) $150.

A. Herman Webb, 400 First Street NW., Washington, D.C.
B. International Brotherhood of Electrical Workers, O'Hare Office Bldg., 10400 West Higgins Road, Rosemont, Ill.
D. (6) $708.43.

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

A. Weissbrodt & Weissbrodt, 1614 20th Street NW., Washington, D.C.
B. Central Council of the Tlingit and Haida Indians of Alaska, Box 529, Juneau, Alaska.
E. (9) $185.40.

A. Westbay Associates, 1750 Pennsylvania Avenue NW., Washington, D.C.

A. Western Railroad Association, 224 Union Station Building, Chicago, Ill.

A. Donald F. White, 1616 H Street NW., Washington, D.C.
B. American Retail Federation, 1616 H Street NW., Washington, D.C.
E. (9) $750.

A. Ed White, 280 Union Station Building, Chicago, Ill.
B. Western Railroad Association, 224 Union Station Building, Chicago, Ill.

A. Robert E. Wick, 815 15th Street NW., Washington, D.C.
B. Pan American World Airways, 815 15th Street NW., Washington, D.C.
E. (9) $117.

A. J. D. Williams, 1130 17th Street NW., Washington, D.C.
B. International Utilities Corp., 1500 Walnut Street, Philadelphia, Pa.

A. Williams & Jensen, 1130 17th Street NW., Washington, D.C.
B. C. Brewer & Co., Ltd., P.O. Box 3470, Honolulu, Hawaii.

A. Kenneth Williamson, 1 Farragut Square South, Washington, D.C.
B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill.
D. (6) $2,042.50. E. (9) $977.14.

A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C.
B. Oil Investment Institute, 1 Greenwich Plaza, Greenwich Court, 1 Dupont Circle NW., Washington, D.C.
D. (6) $200. E. (9) $5.

A. Peter L. Wolff, 1 Dupont Circle NW., Washington, D.C.
B. Association of American Law Schools, 1 Dupont Circle NW., Washington, D.C.

A. William E. Woods, 440 National Press Building, Washington, D.C.
B. The National Association of Retail Druggists, 1 East Wacker Drive, Chicago, Ill.
D. (6) $750. E. (9) $150.

A. Robert C. Zimmer, 1775 K Street NW., Washington, D.C.
B. Charge Account Bankers Association, 1775 K Street NW., Washington, D.C.
D. (6) $1,500. E. (9) $325.

A. John L. Zorack, 1000 Connecticut Avenue NW., Washington, D.C.
B. Air Transport Association, 1000 Connecticut Avenue NW., Washington, D.C.
D. (6) $1,415. E. (9) $418.90.

SENATE—*Monday, December 13, 1971*

The Senate met at 12 meridian 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:

Eternal Father, we lift our hearts in thanksgiving for the ancient message "unto us a child is born, unto us a son is given, and the government shall be upon His shoulder."

When our work is done may we rest this Government on His shoulder, commit all our labors to divine keeping, and join the hosts across the world in the celestial anthem "Glory to God in the highest and on earth peace, good will toward men."

We pray in the name of Him who is called Wonderful, Counselor, the Mighty God, the Everlasting Father, the Prince of Peace. Amen.

MESSAGES FROM THE PRESIDENT—APPROVAL OF A BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on December 10, 1971, the President had approved and signed the act (S. 1483) to further provide for the farmer-owned cooperative system of making credit available to farmers and ranchers and their cooperatives, for rural residences, and to associations and other entities upon which farming operations are dependent, to provide for an adequate and flexible flow of money into rural areas, and to modernize and consolidate existing farm credit law to meet current and future rural credit needs, and for other purposes.

EXECUTIVE MESSAGE REFERRED

As in executive session, the President pro tempore laid before the Senate a message from the President of the United States submitting the nomination of Whitney Gillilland, of Iowa, to be a member of the Civil Aeronautics Board, which was referred to the Committee on Commerce.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Saturday, December 11, 1971, be dispensed with.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

RESIGNATION OF DAVID PACKARD AS DEPUTY SECRETARY OF DEFENSE

Mr. MANSFIELD. Mr. President, I did not know of the resignation of David Packard as Deputy Secretary of Defense until after the Senate had adjourned on Saturday last.

I regret the resignation of this man who has performed so outstandingly and with such high integrity in the difficult position which he occupied for just under 3 years. His loss will be felt by all of us in Government. It will be a real and a deep loss, in my opinion, to the Department of Defense.

I asked the Department of Defense to send me a biography of Mr. Packard, and they have done so. I ask unanimous consent that the biography of this man, whose resignation I deeply and personally regret very much, be printed in the RECORD.

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

DAVID PACKARD, DEPUTY SECRETARY OF DEFENSE

David Packard was nominated as Deputy Secretary of Defense by President Richard Nixon on January 20, 1969, and confirmed by the United States Senate on January 23, 1969. He was administered oath of office by Secretary of Defense Melvin R. Laird at a Pentagon ceremony on January 24, 1969.

Prior to assuming his new position, Mr. Packard was Chairman of the Board and Chief Executive Officer of the Hewlett-Packard Company of Palo Alto, California.

Mr. Packard was born in Pueblo, Colorado, on September 7, 1912, and attended public schools there, graduating from Centennial High School in 1930. He entered Stanford University, Palo Alto, California, that year, graduating from the University with a Bachelor of Arts degree in 1934. He then began post graduate study at the University of Colorado, subsequently entered business and then returned to Stanford University, receiving his Electrical Engineering degree from Stanford in 1939.

That same year, Mr. Packard and William R. Hewlett formed a company in partnership to design and manufacture electronic measurement instrumentation. The firm was incorporated in 1947 and Mr. Packard was elected President. He later was elected Chairman of the Board and Chief Executive Officer in 1964. The company became an international organization with 17 manufacturing plants and more than 13,000 employees, producing more than 2,000 different test instruments and devices. It is a world leader in design and manufacture of electronic, biomedical and analytical equipment.

At Stanford University, Mr. Packard received letters in football and basketball, served as president of his college social fraternity, Alpha Delta Phi, and held membership in Phi Beta Kappa, Tau Beta Pi and Sigma Xi. Continuing his interest in social and community activities during his years in private business, he has been a member and past Vice Chairman of the Business Council, member of the Chase Manhattan Bank International Advisory Committee, Co-Chairman of the Stanford Mid-Peninsula Urban Coalition, Fellow in the Institute of Electrical and Electrionics Engineers and a member of the Board of Trustees of Colorado College, as well as Stanford University. Mr. Packard also served as President of the Board of Trustees of Stanford from 1958 to 1960.

Mr. Packard also has served as a director of several business organizations including Crocker Citizens National Bank, General Dynamics Corporation, Stanford Research Institute, United States Steel Corporation, California State Chamber of Commerce, Committee for Economic Development, National Merit Scholarship Corporation, Universities Research Association, and San Francisco Bay Area Council. He also was a member of the advisory board of the Hoover Institute at Stanford and a member of the Committee for Support of American Universities.

Mr. Packard is the recipient of a number of awards including a silver anniversary All-America Award from Sports Illustrated Magazine in 1958; the American Way of Life Award in 1963, presented annually by the Pueblo Sertoma Club to a Coloradoan who has achieved national recognition for his public service; the Herbert Hoover Medal in 1966, the highest honor awarded by the Stanford University Alumni Association; Peninsula Manufacturers' Association "Man of the Year for 1968," February, 1969; American Management Association "Gantt Medal Award," February, 1970; American Ordnance Association "Crozier" Gold Medal, April, 1970.

He was elected to the National Academy of Engineering in April, 1971, for advanced development of electronic test instruments contributing to effective design of modern electronic systems. This is the highest professional distinction that can be conferred on an American engineer. He holds honorary degrees of Doctor of Science from Colorado College, 1964; Doctor of Laws from the University of California, 1966, and Doctor of Laws from Catholic University, 1970.

Mr. Packard was married April 8, 1938, to the former Lucile Salter of San Francisco and they have four children—David Woodley, Nancy (Mrs. Robin Burnett), Susan (Mrs. Franklin M. Orr, Jr.) and Julie.

Mr. SCOTT. If the distinguished majority leader will yield, I should like to say that David Packard is an exemplar of the kind of private citizen who, at considerable sacrifice and not asking the odds, was willing to serve his country for this 3-year period of time.

He served it brilliantly and ably, and I join the majority leader in congratulating him on his eminent service to his country and wish him well in his future career.

WAIVER OF THE CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rules VII and VIII, be dispensed with.

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

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period of 30 minutes for the transaction of routine morning business, with statements therein limited to 3 minutes.

PROGRAM

Mr. MANSFIELD. Mr. President, if the Senate will indulge me to respond to a prior inquiry by the distinguished minority leader, the Senate is awaiting the results of various conferences either now in being or to be held, obviously shortly.

We hope that the conference report on H.R. 9961, concerning Federal credit unions, filed in the House on December 8, and the conference report on Senate Joint Resolution 176, concerning the extension of certain laws relating to housing, banking, and urban development, filed in the House on December 9, will become available to the Senate today.

In addition, other conference reports are expected to be filed which have to be considered in the House before the Senate can act on them.

They include: H.R. 11932, the District of Columbia appropriations bill for 1972; H.R. 11731, the defense appropriation bill for 1972; and S. 2891, the Economic Stabilization Act amendments. There may or may not be other items.

The PRESIDENT pro tempore. Is there any further morning business?

THE WAR BETWEEN INDIA AND PAKISTAN

Mr. SAXBE. Mr. President, a week ago, the Indian army invaded East Pakistan. At that time, there was also aggravation by the Pakistan Air Force in the bombing of some six Indian air installations.

I believe we can pretty well agree that events have progressed as we would have thought. India is moving relentlessly against diminishing opposition. There is great damage. Dacca probably will fall before the end of this week.

I was there a week ago. I say both leaders of India and Pakistan and tried to avert the headlong flight into war which both were undertaking.

There is no sense at all to this war because the underlying questions will still remain, even though a military solution may be imposed. There is the undercurrent of religious animosity as well as a great deal of personal animosity between the leaders. This is certainly a Muslim-Hindu fight which has continued ever since the partition in 1947.

I cannot understand India's thinking in believing that, somehow she will settle the influx of 10 million refugees, mostly Hindus, who are from Pakistan. I cannot understand why she believes this war will solve her problem. What will happen, after East Pakistan is devastated? There will be about 30 million refugees—with the same problem remaining.

Somehow, they will have to feed these people. We are witnessing the spectacle in India at the present time of people holding up signs "Spurn United States Aid." We are being derided by Indian leaders. They are saying we are on the side of Pakistan. We are being accused of fomenting the war.

But, as soon as there is a truce, we will find the Bangla Desh, together with India, will be asking the world to bail them out of the situation in which they have found themselves.

The feeding of 30 million refugees is obviously beyond the capacity of India, so we will see the same results as usual, the United States shouldering at least half the burden and the rest of the countries, primarily India's great good friend, now Russia, giving only token support.

I hope that any support we give at this time—and I certainly realize that we never turn down a request for humanitarian aid—will be done through the consortium, and we should be talking about that at the present time.

The PRESIDENT pro tempore. The time of the Senator from Ohio has expired.

Mr. MANSFIELD. Mr. President, I yield myself 3 minutes and yield it to the Senator from Ohio.

Mr. SAXBE. I thank the Senator from Montana.

Mr. President, the reason I say this is that when we try to go in on an humanitarian basis, we get into the position of the man who sets up his brother-in-law in business, and the brother-in-law resents it as long as he lives.

We have done more in the way of giving humanitarian aid to India than to any other country. Yet, at the same time, we are soundly denounced because we have done it. We have provided $10 billion in aid to India and we have given substantially to Pakistan as well.

Perhaps foolishly, somehow, past State Department maneuvers had calculated that India would be a counterweight on the subcontinent but it has not worked out that way. It has just built up animosities. Both countries have modern weapons and they are using them now to kill each other.

We should continue the present Paris meetings on the Consortium and step them up at the present time, so that the aid goes to save this vast populace who are living at the lowest level that mankind can survive at the present time. If it is not done by a consortium, we will be burdened by the principal weight and be damned by the guilt of association and by having it said that we are trying to buy this country's allegiance away from India.

Mr. President, this will be one of the great problems of the next Congress—how much aid, where, how it will be handled, and how the whole set of events in this subcontinent has rung the bell for the end of foreign aid as we know it.

We have seen the weaknesses. We have seen the direct fall, and we have seen the

animosity not only here, but also over the world.

I think this is perhaps the beginning of the end, and perhaps it is best.

Mr. President, New Yorker magazine for December 11 contains an excellent description of the genesis of the current crisis in south Asia. In a "Letter From West Bengal," journalist Ved Mehta offers a vivid picture of this tragic story.

As Mehta puts it so well, the world at large seems to have little interest in the plight of millions of refugees from East Pakistan. To quote Mehta:

> For someone accustomed to a society in which people are concerned with nutrition, not starvation, with the quality of life, not mere survival, in which people think of life in terms of liberty, justice, equality, and human dignity, it is difficult to imagine what it must mean to be one of these refugees.

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

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

LETTER FROM WEST BANGAL

On December 3rd, India and Pakistan began a full-scale war. Whatever the immediate provocations, it is generally agreed that the cause of the war is rooted in the fact that since March of this year—in the biggest single forced migration in the world's history—nine million men, women and children have fled from East Pakistan to India, where all they appear to have left now is their classification: "refugees." Yet the world at large does not seem even to have become interested in their plight. For someone accustomed to a society in which people are concerned with nutrition, not starvation, with the quality of life, not mere survival, in which people think of life in terms of liberty, justice, equality, and human dignity, it is difficult to imagine what it must mean to be one of these refugees. Although some of them were doctors, lawyers, professors, students, businessmen, or landowners, most of them never had much in the way of worldly posssions and, like their forefathers, would have died as poor as they were born, leaving no mark on the world. Family ties, associations, and memories must have been everything to them, and now the families of most of them have been killed, scattered, or shamed by unspeakable indignities; the few objects that had associations for them have been torn from them; and their memories have been dimmed by who knows what deprivation and anguish. Until their migration, these peope were bound by their caste and occupations to a particular place, with nothing special to look forward to, nothing special to hope for—even, perhaps, nothing special to live for. Now they have still less. Is there anything, then, that distinguishes them from animals? Gandhi once said of their parents' generation, "The more I penetrate the villages the greater is the shock delivered as I perceive the blank stare in the eyes of the villagers I meet. Having nothing else to do but to work as labourers side by side with their bullocks, they have become almost like them." If the refugees had all died in a single natural catastrophe, would that have been easier for the rest of the world to face? The conditions they are living under seem to drag the entire human species down in a sort of reverse evolution. Yet the fact remains that each of these nine million refugees has his private history of human agony.

Hundreds of thousands of the refugees are now in Calcutta, where, as Kipling wrote, "The cholera, the cyclone, and the crow/ Come and go." He also described it as a city "By the sewage rendered fetid, by the sewer/ Made impure," and said, "As the fungus sprouts chaotic from its bed,/So it spread . . . And, above the packed and pestilential town/ Death looked down." Since Kipling wrote these lines, eighty years ago, the city has spread and spread, and the dominion of death as well, until today Calcutta encompasses over seven million wretched people—not counting the refugees. Now all of eastern India, where refugees are camped in more than a thousand settlements, threatens to become a sprawling outgrowth of Calcutta; it is predicted that if the refugees remain, their number will swell in ten years to thirty million. A third of India's population already lives in this region, where the worst famines, pestilences, and cyclones always strike, and this third includes the poorest of the Indian poor; the refugees, having nothing more to lose, and having no stake in the political system under which they find themselves living, are ready tinder for any political movement and have made eastern India more nearly ungovernable than ever, casting the stability of the entire country in doubt.

Sending to learn for whom the bell tolls, I went to visit several refugee camps in West Bengal. The misery that paralyzes its victims does not spare its observers, and it is with a great emotional reluctance that I attempt to describe what I found there. No two camps are alike. Some camps have as many as a hundred and sixty thousand people, while others have only ten thousand; some have tube wells, while others have no water supply of any kind; some have structures of tarpaulin and thatch, and trench latrines, while others have no structures or latrines at all; some are knee-deep in water, while others are choked with dust.

In one camp I went to, which has over a hundred thousand people living in an area of about a square mile, old men, old women, and young children, all looking wasted and weak, were sitting dully on a strip of ground between makeshift shelters and a long open drain brimming with brown sludge. The stench was so overpowering that the camp official who took me around kept a handkerchief over his nose.

"There appear to be no young men or young women," I remarked.

"Young women never seem to get through, he said. "The soldiers rape them and keep them for themselves or carry them off to the military brothels. As for the young men, we Indians train them for guerrilla warfare and send them back to fight in the Mukti Bahimi, the liberation army."

We passed some elderly women squatting over the open drain and defecating, with a total lack of self-consciousness. A few steps beyond them, some other women were washing clothes and utensils in the drain. I wondered whether these women were too ignorant to know any better, or too weak to go searching for clean water, or whether there was no clean water to be had in the vicinity, or whether they were not allowed to leave the camp, but when I put these questions to the women, they seemed dazed and uncomprehending, and it was hard to get even the slightest response from them. As for the official, he merely waved the questions aside as unpleasant reminders of the way things were or had to be.

"They all have dysentery," he said, moving on.

"Why don't you at least get them to dig some latrines?" I asked.

"We would have a riot on our hands," he said. "That would be taking work away from the local laborers. We've already had a lot of trouble with the local people over the refugees."

"And the tube wells?"

"We've given out the contracts. The contractor should get around to this camp soon."

We passed some children sitting listless and still by the open drain. I had already noticed that the usual train of curious children and beggars who attach themselves to visitors in the bazaars and streets was missing here.

Another camp I visited was full of commotion. It has a population of about twenty thousand, and it is encircled by security guards and has a fence of barbed wire. As I drove up to it, children closed in around the car and followed me. Inside the camp, a few enterprising men were sitting hawking baskets of rotten fruit and vegetables. A security guard escorted me to the camp headquarters—a tarpaulin structure. It was surrounded by a noisy group of men shaking their fists. The security guard carefully made his way through them, and I with him. Inside was the commandant of the camp, a small, elderly Bengali with his head bandaged. Three or four men were shouting at him, but he sat bowed over an empty desk, saying nothing. As soon as the men noticed our arrival, they fell silent.

I asked the commandant what the trouble was.

"The ration has been delayed by a day. There is nothing I can do about it. They know that. But the Naxalites were here this morning, and they stir up trouble wherever they go." The Naxalites are an organization of Maoist terrorists. "Because of them, the refugees now think the daily ration is their right, not a gift that the government has to work hard to get to them."

"You actually allow political activists to come into the camp?"

'What can I do? My superior is a Naxalite sympathizer, and he has given me orders not to interfere with their activities. But I went out this morning to plead with them anyway and ask them to leave our camp alone. They fell upon me. They would have killed me if I hadn't got away. The police, the civil service, the entire West Bengal government have abdicated. They don't know which party is going to end up in power, so no one wants to risk taking sides or making any decisions. The Naxalites are now the biggest force in West Bengal, and all they believe in is terrorism and anarchy."

Refugees have been coming to India in waves since 1947, the time of Independence, when the country was partitioned to create the Muslim state of Pakistan. Muslims, fearing that they would be discriminated against as a minority in a predominantly Hindu independent India, had demanded a separate country, and they were given West Punjab and East Bengal—areas that were a thousand miles apart but in which they made up a majority. The religious riots and massacres that accompanied the partition not only resulted in the death of more than a million people but also brought into being, in effect, a third nation—a nation of displaced persons. During the first two or three years of the turmoil, about six million Hindus and Sikhs fled to India, and about the same number of Muslims fled to Pakistan. But this cross-migration, staggering though it was, still left ten million Hindus in Pakistan—almost all of them in East Pakistan—and several times as many Muslims in India. With the passing of the years, and the deepening of the enmity between India and Pakistan, the fate of these minorities became increasingly precarious. The original refugee populations were somehow partly dispersed through the two countries and partly assimilated. The flow of refugees continued, at varying rates, through the nineteen-fifties and nineteen-sixties—much of it in the direction of India. The additional refugees in India, all of them Hindus, have been estimated to total between three and four million, and they were still living in West Bengal—unemployed and unassimilated, managing to subsist with the help of relatives or in refugee camps—when West Bengal and the neighboring states were inundated by the new exodus of nine million.

And refugees are still coming, twenty or thirty thousand of them a day. And there are between two and three million Hindus still holding out in East Pakistan, like hostages to fortune. There are no fewer than seventy million Muslims in India today, who might as well be so many return pledges, since they are sitting targets for the Hindu resentment that has been simmering all these years and has been stirred up anew by the latest tide of refugees—a resentment that the Indian government has so far been able to keep under control by the deflection of Hindu revanchists and by judicious management of the news. But the pressure of religious, or so-called "communal," tension is building all the time, and some people privately fear that the seventy million Indian Muslims may become innocent victims of Hindu retaliation. If that should ever happen, the burden of all the Hindu refugees that India is carrying would seem nothing compared to what Pakistan would have to bear.

Since, in the long run, Pakistan has so much more to lose than India has, many observers have been asking whether Pakistan might not have been able to prevent the latest exodus, especially since it was a consequence of what was essentially an internal quarrel between the two wings of Pakistan. The Punjabis of West Pakistan and the Bengalis of East Pakistan have much more in common wtih the Punjabis and Bengalis across the border in India than with each other; they are divided not only by geography but also by differences in language, in economic and social systems, in dress, and in diet. In fact, the only real bond between East Pakistan and West Pakistan in Islam, but, as other Muslim countries have discovered, religion alone cannot bind together politically disparate entities. From the start, the Punjabis, who were much more prosperous than the Bengals, ran Pakistan's Army, civil service, and industry. They strengthened and extended their their advantage through the years until the nation's power and wealth became concentrated almost entirely in the west. The enmity with India, which had a negligible influence on the economy of West Pakistan, all but crippled the economy of East Pakistan, which, unlike West Pakistan, depended on India for trade. The Bengalis, who had come to feel exploited and subpugated, grew more and more restive, their predicament being particularly galling because they constituted a majority of Pakistan's population. It was an attempt by the President, General Agha Muhammad Yahya Khan—who, of course, is from West Pakistan—to deal with some of these problems that precipitated tne present calamity. Apparently hoping mollify the majority and to defuse what he regarded as a threat to the union of Pakistan, he decided, in 1969, to hand over his military government to civilian control, and in December of 1970 he allowed Pakistanis, for the first time in their twenty-three-year history, to vote—on the basis of universal male suffrage—for representatives to a constituent assembly. In the election, the Awami League, led by the Bengali pacifist Sheikh Mujibur Rahman—or Mujib—campaigned openly for political and economic autonomy for East Pakistan, and won almost all the Bengali seats, while the Pakistan People's Party, led by the Punjabi militant Zulfikar Ali Bhutto, was returned with a bare majority in West Pakistan.

Once the election results had made it clear that the Awami League would dominate the constituent assembly—and, no doubt, the civilian government that emerged from it—Bhutto let it be known that he would not participate in any assembly or government in which West Pakistan and the Pakistan People's Party were not equal partners with East Pakistan and the Awami League, Mujib saw in Bhutto's stand only a design for perpetuating the "colonial subjugation" of East Pakistan by West Pakistan. General Yahya seemed to be caught off guard by the strength of the democratic forces he had released. The election had unexpectedly turned into a referendum on East Pakistani autonomy, and now that General Yahya was actually confronted with the possibility that control might pass to the eager Bengali majority, he, like Bhutto, seemed unable to countenance any change in the relationship between East Pakistan and West Pakistan, which might be the beginning of the end of the union. He therefore tried to get Mujib to moderate his demands, and, when he failed, temporized by first delaying and then indefinitely postponing the inaugural session of the constituent assembly. This tactic aroused protest in East Pakistan in early March of this year, and he ordered his troops to shoot demonstrators; the shooting, in turn, led to an all-out Bengali civil-disobedience movement later in the month, and he gave his troops free rein, thus causing the death of perhaps as many as two hundred thousand Muslims and Hindus in the space of a few months—and the flight of the refugees.

As I moved through the camps I thought of all the discussion I had heard and read of how General Yahya came to choose a military solution to a political problem. Some people here condemn the truculence of Bhutto and his clamorous followers, who had wide support in the Army; others condemn the intransigence of Mujib and his impatient supporters, who, giddy with their new freedom and heedless of the examples made of the Hungarians in 1956 and the Czechs in 1968, dismissed the power of a modern state too lightly and assumed themselves to be immune from military action—partly because in their case the action would have to be sustained from a base a thousand miles away, across Indian territory. Some say it was unrealistic ever to suppose that West Pakistan would yield its preeminent position without a fight.

Others say the history of Bengali grievances was so long that East Pakistan was in no mood to capitulate, especially since a cyclone that struck a month before the election had drowned two hundred and fifty thousand people. Still others blame General Yahya for completely misjudging the commitment of the Gengalis to their cause, and for not playing for more time by, for instance, drawing out the talks and blunting the issue of Bengali autonomy. Having lost political control, however, he perhaps had no choice but to fall back on his real constituency, which was, after all, the military. Whatever the reasons for the military action—and all the speculations are based on hearsay or on public statements put out by the various sides as propaganda—Indians now think that it made the eventual breakup of Pakistan inevitable, not only because it transformed a bid for autonomy into an outright demand for a separate, independent Bangla Desh (Bengal Nation) but also because the Bengali guerrillas are bound to win the war they have been waging for Bangla Desh ever since. The East Pakistan terrain, being a network of streams and rivers, with poor communications, provides excellent cover; General Yahya's military operation can therefore consist only of frequent punitive expeditions launched from fortified military strongholds—expeditions that may devastate the countryside and decimate the population but cannot conquer the one or subdue the other. Moreover, the guerrillas have easy access to India and can count on support from across the border for an indefinite period.

Clearly, it had always been only a matter of time before India would be officially involved, because the brunt of the Pakistan Army's initial attack fell, naturally, on the Hindus, turning what was originally a war between the two Muslim factions into a Muslim persecution of Hindus, and so foisting Pakistan's greatest internal problem upon India. About ninety per cent of the nine million refugees in India today are Hindus. (Hindus and Muslims in East Pakistan were often indistinguishable, and in those cases the only way the Army could tell them apart was by making them strip, for Muslims are circumcised and Hindus are not. A few of the Hindus, however, were easily identified, they were small-time businessmen or petty landowners, and were therefore natural scapegoats in their communities, much as Jews had been in Europe in the nineteen-thirties.)

There was no dearth of escape points for the fleeing Hindus, since India shares a thirteen-hundred-and-fifty-mile border with East Pakistan. It has been seriously suggested in some quarters that India could have avoided the whole refugee problem by turning back the first onrush of fugitives at gunpoint, on the theory that the boundaries of a country are sacrosanct and no country is obliged to receive an alien population. In fact, some people here say that the Indian Prime Minister, Mrs. Indira Gandhi, should at once have made a lightning attack on Pakistan, for such an attack would certainly have stopped the refugees at the border, and, in the bargain, dismembered Pakistan—gains that would have offset any price she might have had to pay in western India, such as the loss of Kashmir. Some even deem her failure to go to war immediately—for in the eyes of the world the approaching blight of refugees, they think, would have been justification enough for an attack—to be not only her greatest mistake but also one of those historic moments, like Munich, on which the fate of nations turns. Mrs. Gandhi's government, however, instead of trying to stop the refugees, mobilized one of the smoothest bureaucratic reception organizations ever known, which registered and vaccinated them, supplied them with rations, settled them in campsites, and furnished them with blankets and tents. It is said that as word of this hospitality got about, it encouraged more refugees to flee, compounding the tragedy.

No doubt the impulse to help was humanitarian, but a few believe that it had no other source; the urge to destroy Pakistan—perhaps even to unite India as it was before partition—must, it is thought, have played some part in Indian political calculations. According to this argument, the Hindus in Pakistan had been living on borrowed time, and, in a sense, the Indian government had always expected to be saddled with them sooner or later. Now the presence of the refugees, in destitution, gave India the opportunity to expose and dramatize to the world the theocratic nature of Pakistan—whose creation had been forced upon India, and whose existence the Indians had never accepted—and to place the blame for their exodus on the Pakistani military junta. (The Pakistanis, who claim that the Indians have inflated the figures on refugees, partly by misstatement and partly by adding to the camps' population the riffraff of the Indian streets, put the number of refugees at two and a half million, but all world relief organizations accept the Indian figures as accurate.)

Whatever India's motives, it certainly seems that concern for the welfare of the refugees, which should have been the primary consideration, has not had much to do with the policies adopted by the United States, the Soviet Union, or China—the big powers caught up in the situation. The American government, possibly taking its cue from the old State Department dictum that in the underdeveloped world the only reliable allies are military governments, not only has never publicly censured General Yahya's military government but had continued to supply arms to it until Mrs. Gandhi's state visit to the United States last month.

The monetary value of this material was relatively insignificant, but, consisting, as it did, of spare parts for imported equipment, it must have been of considerable military value to Pakistan, and, being sent, as it was, in full knowledge of the effects of General Yahya's policy, it had an alienating effect on the Indians which cannot be underestimated. The State Department's view—even if it were plausible—that it is best to be on the right side of General Yahya so as to be better able to influence his policy has been maintained only at the expense of moral leadership, and, even so, has borne no visible fruit. The main significance of the much heralded Indo-Soviet friendship treaty of last summer—which was concluded at a time of rampant anti-Americanism in India—is also military. The Russians' real purpose must have been to tip Indian "neutrality" toward the Soviet Union, and to do so on the cheap, at that, because it is generally thought that India must have given assurances that it would not be the first to go to war and so drag the Soviet Union into the conflict. No one knows what the Chinese have promised the Pakistanis, because so far there have been only certain gestures to go on—Kissinger's flying from Pakistan to China last summer, China's playing host to Bhutto this autumn, China's issuing veiled warnings to India in the United Nations.

Although India, Pakistan, the United States, the Soviet Union, and China all profess solicitude for the refugees, the refugees, whose suffering increases each day, have become irrelevant to the political and diplomatic negotiations that are being carried on in their name, and, even in the debates in the Security Council, have received little attention.

The Indian government has recently let it be known that the human aspect of the tragedy must be deemphasized, declaring that an outpouring of sympathy, pity, and aid, however welcome, is no substitute for a political solution, which, in the government's view, involves the repatriation of the refugees—a solution that must ultimately lead to the establishment of Bangla Desh. The government insists that the disaffection in East Pakistan with General Yahya and the military is so deep and wide that the refugees could not feel safe if they returned home unless General Yahya released Mujib—who is thought to be in prison and to be undergoing a secret trial for treason—and negotiated the question of Bangla Desh with him. But even if Mujib were released, it is doubtful whether he could now be a moderating influence on the Bangla Desh issue without being repudiated by the East Pakistanis in favor of the extremist leaders who have emerged in the liberation struggle. In any event, some observers wonder whether Bangla Desh would ever welcome the refugees back, even if this new nation could somehow be brought into being. And even if the refugees were somehow repatriated to Bangla Desh (or to Pakistan as it is at present constituted, since General Yahya has repeatedly said they are welcome to return), could they ever hope to recover their old homes and old occupations, or would they simply be moving their campsites? In either case, they would remain a small, helpless Hindu minority within a Muslim state, living under the threat of a second exodus, or extermination. And, supposing that any fate for the refugees, after they returned to their homes, were preferable to their continued presence in India, wouldn't Bangla Desh one day serve as a magnet for West Bengal? After all, what would a Bengal nation be with more than a third of the Bengalis living outside it, in India?

As for the use of force to achieve political ends, that may result in India's acquisition of territory that could be used to settle the refugees (or even in the reabsorption of East Pakistan by India), but it will also poison relations with a truncated Pakistan or with any future Bangla Desh. Some of these speculations must have entered into the thinking of the Indian government, and that only raises another question: Why has the Indian government made the establishment of Bangla Desh the crux of its refugee policy? The only answer anyone can come up with here is that the problems a poor country faces are so mind-boggling—they so often defeat all attempts at a political, not to mention a humane, solution—that the government sooner or later resorts to force to win it a temporary reprieve. In any case, the prospect of permanently supporting the nine million refugees is so inconceivable—according to the World Bank, the minimum cost would be seven hundred million dollars a year, or a sixth of India's total budget—that, in the absence of any real alternative, the government has taken shelter in the illusion that Bangla Desh would solve the refugee problem.

Before going to the refugee camps, I had allowed myself to hope that the conditions there would not be worse than those to be found in Calcutta. I had imagined that there must be some limit to human suffering and to the ability to survive. I was wrong. The Calcutta poor still evince some hope that tomorrow will bring a slight improvement in their ration or their luck. The Calcutta lepers, even on their deathbeds, cry out in pain—which is at least a form of human expression—and the people found working among the poor and the lepers manage to feel and communicate some sense of purpose. But the refugees could convey only an abysmal, hopeless silence.

Mr. SCOTT. Mr. President, I agree with what the distinguished Senator from Ohio has said regarding the consortium of aid.

Mr. President, I rise for the fifth time now to plead for complete and strict neutrality on the part of our Government as between India and Pakistan.

On Saturday a Senator indicated that there were some rumors that the United States might be considering seriously an extension of military aid to Pakistan. I am unremittingly against military aid to Pakistan or India.

If we are undertaking to give aid, in keeping with the promises I have made on the floor, I will condemn it, but I do not believe such a program is by any means in the works.

Mr. AIKEN. Mr. President, with reference to the discussion on the floor of the Senate on Saturday and again today relative to the extension of aid to Pakistan or India, I think the facts will show that we are committed to spend $124 million in development aid—which means almost anything—in India, and $34 million in Pakistan.

The reason given for this nonstoppage of shipments was that banks and business interests had already made firm commitments and would lose the money if we did not permit these shipments to be made, shipments which involve $124 million to India and $34 million to Pakistan.

Mr. SCOTT. Mr. President, my statement was made within that framework. Senators had indicated that there was development aid in the pipeline to India.

I have mentioned the amount several times. I am against any further foreign aid.

Mr. AIKEN. I thought it would be well to put the figures in the RECORD. I do not absolve either country from blame for the circumstances prevailing in Asia.

I have heard it said that India is about the only great democratic country that stands by the United States. It is my recollection that India has seldom voted with the United States in the United Nations. Pakistan has almost invariably voted with us. However, that does not absolve either country from blame. There is plenty of blame to be found that can be put where it belongs.

TRIBUTE TO DAVID PACKARD

Mr. BYRD of Virginia. Mr. President, on Saturday the resignation of David Packard, Deputy Secretary of Defense, was announced. His resignation becomes effective today.

I commend highly the work of Deputy Secretary Packard during the nearly 3 years that he has served in this position. The position which he assumed 3 years ago is one of the most demanding of any in Government.

I have had the opportunity to work rather closely with Mr. Packard as a member of the Armed Services Committee. I feel that this Nation during the past 3 years has had an outstanding team in the Defense Department with Secretary Laird and Deputy Secretary Packard.

Mr. Packard has served at some considerable sacrifice. He is a man of unusual ability. He brought to Government a dedication that is badly needed in government.

I wish we had more David Packards in Government.

The press reports that he felt under some handicap being neither a politician nor a bureaucrat. I do not know whether those are his views. However, I will say that it seems to me that he has no reason to be concerned on this score.

He has a quality which is lacking in some politicians and some bureaucrats, if one wants to use that term. He has the quality of inspiring confidence in those with whom he works.

He is candid and forthright, and is the kind of man I instinctively like.

Mr. President, I think it is accurate to say that he has the complete confidence of the Senate Armed Services Committee and that, as a result, the committee has almost invariably followed his recommendations.

I had not had the privilege of knowing David Packard until he came to Washington. However, I regard him as one of the most dedicated men to serve in Government, as well as one of the ablest.

He will be missed in Washington. He will be missed in the Defense Department. And he will be missed by those of us in the Senate who have had the opportunity to work with him.

(The remarks of Mr. BAKER when he introduced S. 3000 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

QUORUM CALL

Mr. BYRD of West Virginia. 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. BYRD of West Virginia. 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.

STATEMENT BY SENATOR BYRD OF WEST VIRGINIA BEFORE SUBCOMMITTEE ON LABOR ON AMENDMENT OF FEDERAL COAL MINE HEALTH AND SAFETY ACT

Mr. BYRD of West Virginia. Mr. President, on December 2, 1971, I appeared before the Subcommittee on Labor of the Committee on Labor and Public Welfare to express support of S. 2675—a bill of which I am a cosponsor—which would expand the Federal benefits program dealing with black lung.

I ask unanimous consent that that statement be included in the RECORD.

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

STATEMENT OF SENATOR ROBERT C. BYRD BEFORE SUBCOMMITTEE ON LABOR ON BILLS TO AMEND TITLE IV, FEDERAL COAL MINE HEALTH AND SAFETY ACT, DECEMBER 1, 1971

Mr. Chairman: The enactment of the Federal Coal Mine Health and Safety Act of 1969 was an important milestone in labor history. Prompted by the ghastly toll of life and limb in the most hazardous occupation in this country, the law's full effects in its campaign for reducing hazards and improving the quality of life for those who toil in the darkness of the earth in order to bring light and attendant benefits to those on its surface will not be known for many years. There have been but the first feeble steps by government and industry toward the erasing of those conditions which, all too often, have resulted in untimely death and cruel crippling and disfigurement for men who go into the mines.

One section of the law, however, has already proven its value, bringing dramatic benefits to a large segment of the coal workers—and, I might say, the group most needful of compassion and assistance. I refer, of course, to Title IV, which provides for the payment of benefits to coal miners suffering from disabling pneumoconiosis or to their widows.

This program, benefiting those suffering from the irreversible lung disease known as black lung—workers who had gone uncompensated under State programs benefiting workers from other occupational disorders—has restored or increased financial independence and personal dignity for over 260,000 workers and dependents, assuring them of greater capability to cope with their extraordinary medical needs. For this fact, much credit is due to the Social Security Administration, the officials and staff of which, to my certain knowledge, have performed tirelessly in taking on a mammoth task which hit them suddenly and which proved far greater than had been anticipated. Some 290,000 claims had been submitted as of June, 1971, of which 255,000 had been processed. Of this total, 130,000 claims were disapproved and 125,000 approved, resulting in the payment of in excess of $300 million to 260,000 beneficiaries. The widespread benefits already realized from Title IV of the Act must be attributed in great measure to the diligence of the Social Security Administration in advertising the program and seeking applications from potentially eligible individuals. (Over 18,000 applications were received in the first week, and almost 100,000 in the first month after the law was passed.)

We have come now to the end of the second year of the three-year life of this unusual compensation program, as written into the Health and Safety Act. (The Act presently diverts administrative responsibility for continuation of the program to the Department of Labor in 1973, with claims generally to be processed through workmen's compensation agencies in the States.) From the vantage point of time and experience with the program, we know that there is much yet to be done. We can see inadequacies and inequities, and we must, in simple justice to all the victims (direct and indirect) of this dread disease, rectify the deficiencies of the program, whether in the law itself or in its administration.

The Subcommittee has before it H.R. 9212, passed by the House on November 10, and S. 2675, which I have been pleased to cosponsor with you, Mr. Chairman, and with Senators Hartke and Williams. The House is to be congratulated on the improvements written into its bill. I think that most persons who have observed the operation of the black lung compensation program would agree with many of its provisions. The failure of Congress to provide compensation for children orphaned by pneumoconiosis was an oversight, which we must rectify. The extension of this Federal program for two years will assure the needed time for careful consideration of claims filed by affected miners or their widows or orphans and will also allow the States additional time to pass necessary legislation and establish administrative machinery to take over this new program.

We must also clearly establish that the black lung benefits program is not to be considered a form of workmen's compensation, which, under the administration by the social security system, has resulted in the application of the offset provision normally applied to social security disability benefits where the beneficiary is eligible for the two types of compensation. For a disabled worker to be expected to survive, support his family, and provide for the extraordinary medical needs occasioned by his illness on 80 per cent of his former average wage, is the height of injustice. And I hope eventually to see the social security law also changed in this respect.

Finally, and of great import, X-rays have been used too as to sole determinant of the presence of pneumoconiosis to a compensable degree. In my judgment, this has resulted in the denial of benefits to many deserving and needy coal miners. I think that the matter ought to be carefully reviewed and thoroughly restudied as to the efficacy and validity of such a dominating criterion. Experience has shown the X-ray to be unreliable and inadequate, albeit useful, in establishing the sure presence and degree of pneumoconiosis. The British, who are far ahead of us in the recognition and the compensation of this disease, might be cited on this point.

The Annual Report, 1967–68, Medical Service and Medical Research, National Coal Board, Great Britain, stated, in part: ". . . it was . . . rapidly apparent that the X-ray film was not, by itself, a reasonable measure of disability . . ."

The British Government Publication, "Pneumoconiosis and Allied Occupational Chest Diseases," Ministry of Social Security, London, England, stated:

"The disease (pneumoconiosis) is difficult to diagnose, especially in the early stages, and accurate diagnosis depends on three essentials—a high quality full-size radiograph of the chest, a full clinical examination (including lung function tests) and complete industrial history."

Mr. Chairman, we should act to extend deserved benefits to the many thousands of black lung cripples who have been arbitrarily and unjustly denied, whether by terms of the law or by the administrative approach, the compensation intended by the Congress for those who have been dealt a death blow (slow in action though it may be) by the occupation in which they have been engaged—for the benefit of their fellow countrymen, I might add. My correspondence files will attest, as I am sure yours do, to the fact that many thousands in our State alone have been shocked and cruelly disappointed to be advised that they may not participate in this beneficial program—despite the indisputable record of ten, twenty, thirty or more years spent below the surface in extreme hazard, subject to rock falls, runaway cars, timber collapse, poison gas, bone-penetrating moisture and cold, and always the coal dust—the layers of black removable from skin and hair, but permanently coating vital lungs and leading to their break-down, to sleepless nights spent in racking coughs and near suffocation, followed by the natural deterioration of the rest of the body. These men, or their family members in their behalf, write to advise that they are totally unacceptable for further employment in the mines, yet they are not deemed eligible for the compensation intended for them by the Congress.

We must remedy this. Some may feel that the coal miner must meet the same disability criteria applied to workers in other occupations, but, in all justice, I believe we must take recognition of the uniquely severe conditions under which he has labored and of the fact that, once incapacitated for this work at mid-point or near the end of his working life, he is not retrainable as are some individuals. He is not educated for work requiring mental activity; he is not up to any job requiring even ordinary physical exertion. Furthermore, in the region of the coal mines, there are no other jobs in which he might be employed. We cannot expect a man so spent in body and spirit to pull up stakes and relocate. The present economy and unarguable employment policies have doomed him to stagnation and a state of marking time until his death. So, in simple compassion and justice, I believe that we must come to the provisions included in S. 2675. This bill would extend the benefits to those disabled not solely by pneumoconiosis, but by "pneumoconiosis, or other respiratory or pulmonary impairments." Further, it modifies the definition of total disability so that "a miner shall be considered totally disabled when any respiratory or pulmonary impairment or impairments resulting from his employment in a mine or mines prevent him from engaging in gainful employment requiring the skills and abilities comparable to those of any employment in a mine or mines in which he previously engaged with some regularity and over a substantial period of time."

Let us stop quibbling with dying men as to whether their lungs are riddled with black lung or whether they are affected with asthma, or silicosis, or chronic bronchitis. And let us stop telling a man whose lungs have failed him, or predictably will do so, that he can qualify for a job operating some non-existent elevator, or selling some product in a highly competitive market. It is my hope that the Labor and Public Welfare Committee will recognize the merit and justice of this bill and recommend it to the Senate. Americans are a generous people, and I believe that the Congress should so represent them in dealing generously with this small group, assuring them of more certain assistance in their unique suffering and deprivation.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS DURING THE DAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, during the day, at such times as there is no business before the Senate, routine morning business may be transacted with statements limited to 10 minutes.

The PRESIDENT pro tempore. Is there objection? 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:

PROPOSED FEDERAL FINANCING BANK ACT OF 1971

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to establish a Federal Financing Bank, to provide for coordinated and more efficient financing of Federal and federally assisted borrowings from the public, and for other purposes (with accompanying papers); to the Committee on Banking, Housing, and Urban Affairs.

REPORT OF MIGRATORY BIRD CONSERVATION COMMISSION

A letter from the Secretary of the Interior, transmitting, pursuant to law, a report of the Migratory Bird Conservation Commission, for the fiscal year ended June 30, 1971 (with accompanying report); to the Committee on Commerce.

ANNUAL REPORT OF THE PUBLIC DEFENDER SERVICE BOARD OF TRUSTEES, DISTRICT OF COLUMBIA

A letter from the Chairman of the Board of Trustees of the Public Defender Service for the District of Columbia submitting, pursuant to law, its annual report for the fiscal year 1971 (with accompanying report); to the Committee on the District of Columbia.

PROPOSED LEGISLATION TO STRENGTHEN THE PRIVATE RETIREMENT SYSTEM

A letter from the Acting Secretary of the Treasury submitting proposed legislation to strengthen the private retirement system by providing minimum standards of participation in the benefits offered by an employer-sponsored pension plan; to the Committee on Finance.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A resolution adopted by the Assembly of the Legislature of the State of California; to the Committee on Commerce:

"HOUSE RESOLUTION No. 140

"Relative to the National Transportation Planning Study

"Whereas, The State Business and Transportation Agency has completed California's portion of the National Transportation Planning Study; and

"Whereas, The California study has been transmitted to the Secretary of Transportation in Washington, D.C.; and

"Whereas, The State Transportation Board has called attention to its finding that ". . . only the highway mode has adequate resources and planning facilities. . . ."; and

"Whereas, The State Transportation Board has urged that ". . . the study results should be used with considerable caution by the Federal Government in its funding programs. . . ."; and

"Whereas, Various assumptions in the study, relative to possible future state or local funding, have the effect of being prejudicial in determining the relative needs and programmed expenditures among the various modes of transportation; and

"Whereas, The need for interurban rapid transit was omitted from this study entirely; and

"Whereas, The final summary of needs and funding alternatives may lead federal authorities to conclude that California places a greater relative emphasis on meeting highway needs than on meeting transit needs; now, therefore, be it

Resolved by the Assembly of the State of California, That the Members respectfully memorialize the President and the Congress of the United States and the United States Department of Transportation to review the National Transportation Planning Study, and California's portion thereof, with the understanding that the need for new and improved transit facilities is considerably greater than the proportion programmed for funding under Federal Alternatives I, II, and III of the study; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of Transportation, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

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

"SENATE JOINT RESOLUTION No. 52

"Relative to certain exemptions to driver qualification regulations of the Department of Transportation

"Whereas, On January 1, 1971, the United States Department of Transportation regulation (Part 391) went into effect imposing minimum standards on all drivers operating vehicles in interstate commerce, with certain exemptions for drivers in commercial zones, regardless of ownership, type of vehicle, or commodity carried; and

"Whereas, In 1961 the State of California took a similar action by eliminating the chauffeur's license and adopting various classes of drivers' licenses based on the size and complexity of operation of the vehicle, regardless of ownership, type of vehicle or commodity carried; and

"Whereas, It is recognized that the most important factor in traffic safety is the driver; and

"Whereas, The Bureau of Motor Carrier Safety proposes to extend full exemption of the driver qualification regulations to all drivers of light vehicles which have a gross weight including its load, of 10,000 pounds or less, if not transporting passengers for hire nor carrying hazardous materials; to all drivers of nonarticulated farm vehicles of any size controlled and operated by a farmer within 150 miles of the farm being used to transport agricultural products or farm machinery and supplies to or from the farm; and to all drivers of vehicles used to transport farm harvesting machinery to use on the farm; now, therefore, be it

"Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Department of Transportation to continue in force the standards in Part 391 for all drivers, equally, handling the same class of vehicle, including the removal of present exemptions to drivers in commercial zones; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of Transportation, to the Speaker of the House of Representatives and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on Labor and Public Welfare:

"SENATE JOINT RESOLUTION No. 50

"Relative to public employment programs

"Whereas, The United States Department of Labor has authorized the expenditure of twenty million dollars of federal grants in California for the establishment of demonstration programs to employ welfare recipients under the provisions of the Emergency Employment Act of 1971; and

"Whereas, All of this federal antirecession money will be expended entirely in southern California; and

"Whereas, The Department of Industrial Relations of the State of California reports a seasonally adjusted unemployment rate of 6.5 percent in the San Francisco Bay area at the present time; and

"Whereas, The United States Department of Labor has declared the San Francisco Bay area to be an area of substantial unemployment; and

"Whereas, Concentration of all projects in southern California is unfair to other areas with serious unemployment problems; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California memorializes the Secretary of Labor to revise the present discretionary allocation of 20 million dollars and distribute the federal grants on a more equitable basis throughout California, by also funding demonstration programs to employ welfare recipients in northern California; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of Labor, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on Public Works:

"SENATE JOINT RESOLUTION No. 51

"Relative to federal-aid highway funds

"Whereas, The federal administration has refused to release federal-aid highway funds, despite the appropriation of such funds by the Congress; and

"Whereas, Federal-aid highway funds, if released, may be used by this state to construct roadside rest areas, thereby employing numbers of construction workers who might otherwise go without jobs; and

"Whereas, Both the alleviation of unemployment and the construction of roadside rest stops are in the best interests of the public; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to immediately release federal-aid highway funds for the construction of roadside rest stops in this state; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A resolution of the Flight Engineer's International Association, AFL–CIO, Master Executive Board, relating to airline mergers; to the Committee on Commerce.

A resolution adopted by the Republican Party of Dallas County, Texas, relating to the expulsion of the Republic of China from the UN; to the Committee on Foreign Relations.

A petition adopted by the Executive Council of the Marine Corps Reserve Officers Association relating to Federal aid to education; to the Committee on Labor and Public Welfare.

REPORTS OF COMMITTEES

The following report of a committee was submitted:

By Mr. MANSFIELD, for Mr. HART, from

the Committee on Commerce, without amendment:

H.R. 701. An act to amend the Migratory Bird Hunting Stamp Act to authorize the Secretary of the Interior to establish the fee for stamps issued thereunder, and for other purposes (Rept. No. 92-578).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. EAGLETON, from the Committee on the District of Columbia:

H. Mason Neely, of the District of Columbia, to be a member of the Public Service Commission of the District of Columbia;

George W. Draper II, of Maryland, to be an associate judge, Superior Court of the District of Columbia; and

Joseph M. F. Ryan, Jr., of Maryland, to be an associate judge, Superior Court of the District of Columbia.

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. BAKER (for himself and Mr. COOPER):

S. 3000. A bill to provide for a program for the regulation of surface mining of coal to protect the environment, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

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

S. 3001. A bill to establish a Federal Financing Bank, to provide for coordinated and more efficient financing of Federal and federally assisted borrowings from the public, and for other purposes. Referred to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BEALL:

S. 3002. A bill to regulate the interstate shipment of pet turtles. Referred to the Committee on Commerce.

S. 3003. A bill to authorize the Commissioner of the District of Columbia to execute on behalf of the District of Columbia an agreement relating to the disposition of certain individuals on probation or parole. Referred to the Committee on the District of Columbia.

S. 3004. A bill to authorize the burial of the remains of Matthew A. Henson in the Arlington National Cemetery, Virginia. Referred to the Committee on Veterans' Affairs.

By Mr. RANDOLPH:

S. 3005. A bill to create a position of Assistant Attorney General for Organized Crime Control. Referred to the Committee on the Judiciary.

By Mr. AIKEN (for himself and Mr. STAFFORD):

S. 3006. A bill to provide for holding terms of the U.S. District Court for the District of Vermont at Bennington. Referred to the Committee on the Judiciary.

By Mr. HATFIELD:

S. 3007. A bill to allow for the imposition of restrictions on the imports of unshelled filberts. Referred to the Committee on Agriculture and Forestry.

By Mr. BOGGS:

S. 3008. A bill for the relief of August F. Walz. Referred to the Committee on the Judiciary.

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

S. 3009. A bill to amend the Federal law relating to the care and treatment of animals to broaden the categories of persons regulated under such law, to assure that birds in pet stores and zoos are protected, and to increased protection for animals in transit. Referred to the Committee on Commerce.

By Mr. NELSON (for himself, Mr. JAVITS, Mr. CASE, Mr. CRANSTON, Mr. HUGHES, Mr. KENNEDY, Mr. MONDALE, Mr. RANDOLPH, and Mr. STEVENSON):

S. 3010. A bill to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes. Referred to the Committee on Labor and Public Welfare.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

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

S. 3000. A bill to provide for a program for the regulation of surface mining of coal to protect the environment, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. BAKER. Mr. President, I send to the desk for introduction and appropriate referral a bill to establish a Federal-State program to eliminate the environmental degradation caused by surface mining for coal.

Vast reserves of strippable coal underlie about half of the States and in the next several decades the rapidly expanding demand for power production will doubtless spur extensive mining in most of these. During the past decade the tonnage of coal produced in deep mines has diminished slightly while that produced by surface mining has grown rapidly. This is due to several factors. One, of course, is the Coal Mine Health and Safety Act, which has forced the closing of many, small, nongassy mines. Another factor, however, has been the environmental subsidization of surface mining, which is the problem this bill addresses. To the extent that strip-mined coal can presently be delivered more cheaply to the power grids than would be the case with strictly regulated surface mining with adequate reclamation, Appalachia and other regions of coal production are subsidizing the energy requirements of the Nation.

In past years this body has acted upon several programs designed to reduce the disruption caused by poverty and to infuse life into the economy of the Appalachian region. We have attempted to end the outmigration of hundreds of thousands of young people from this region. If strip mining for coal is allowed to continue in Appalachia it will counter all these efforts and in a short time reduce this region to a wasteland of polluted rivers and defaced mountains.

Mr. President, we are near that condition now in many areas. I am appalled everytime I fly over the once beautiful Cumberland Mountains of eastern Tennessee and Kentucky. We must act now to enact strong and effective legislation to eliminate this environmental insult—for in a very short time it will be too late.

This bill is limited to regulation of coal surface mining. There are many persons who feel that a comprehensive approach to mining of all minerals is needed, and I agree. But such a program must take time in development. And, frankly, time is of the essence if we are to deal effectively with strip mining. Every year almost a hundred thousand acres of land are turned in the search for coal. For every acre turned another is buried or despoiled and miles of streams become clogged with siltation.

This bill employs the Federal-State partnership approach embodied in the Clean Air Act. Only by establishing Federal guidelines and standards and by maintaining the safeguard of Federal enforcement can we insure uniformity and eliminate the paralysis caused by interstate competition.

This bill places Federal responsibilities in the Environmental Protection Agency. There are several reasons for this decision: We are dealing with a problem—the environmental impact of mining—which has not to date received extensive treatment in any Federal agency. Thus, we are contemplating the creation of a regulatory authority to oversee and enforce a Federal-State program to control environmental problems. All of these factors are consistent with the design and charge of EPA.

Briefly this bill would prohibit surface mining for coal without a permit 270 days after enactment and during that initial period would impose a moratorium on new startups and significant expansions of such operations. During the first 120 days following enactment the Administrator would develop regulations dealing with all aspects of mining and reclamation and designed to insure that operations did not pose an undue environmental hazard or a hazard to adjoining property and that reclamation would restore the area to at least its original use and substantially the same topographical conformance. The Administrator would be authorized and charged to prohibit strip mining where adequate reclamation could not be accomplished.

From the 270th day the Administrator would issue permits for all mining operations upon submission of a plan showing the location of proposed operations and techniques of operations and reclamation which would meet the criteria established by the Agency. Before issuance of any permit the applicant would be required to file a bond or security to insure performance of its permit obligation.

The bill provides that the Administrator will, upon the approval of a State program, delegate his authorities and responsibilities to an appropriately designated State agency. The Administrator would retain a supervisory function with power to reinstitute Federal regulation if a State failed to carry out its responsibility.

Basic to the concept of regulation embodied in this bill is the treatment of all phases of operations—including road building, blasting, removal of overburden and coal, and finally, reclamation—in view of their potential environmental impact. The goal is to uniformly internalize the environmental costs of surface mining.

The senior Senator from Kentucky and I have worked hard in the development of this bill. I feel it represents a sound approach to this serious problem.

Certainly careful consideration must be given to the impact of the program both on the industry itself and upon the environmental problem it seeks to remedy.

We must stop the ravages of uncontrolled surface mining before a delicate region of our Nation is destroyed and before a similar environmental insult renders desolate thousands of acres of land all across this Nation.

Mr. President, it is my privilege this morning to introduce this bill, together with the distinguished senior Senator from Kentucky (Mr. COOPER) to do these things that I feel are urgent: First, to meet an environmental emergency, and that is precisely what coal strip mining is in the Southeastern area of the United States; second, to bring an immediate halt to any new strip mining operations of coal in the United States until such operations can be closely and carefully regulated; and third, to create a uniform system of regulations, administered by the Environmental Protection Agency to provide assurance for the restoration, not just for the smoothing of spoil piles and the shaping of highwalls and banks, but also a regulation and requirement by statute that if coal strip mining is to be undertaken, the land must be returned to its original condition as nearly as may be done.

This bill proposes to require that the land be returned to its original topographical conformance so that when one digs a scar on the side of a mountain to search for coal, he must restore the land as nearly as possible to its original condition. Very simply and directly, if he cannot do that, he does not strip mine for coal.

This may sound like harsh language. However, it is not. It is a harsh situation.

It is my personal belief that this bill will not put coal mining operators out of business. If they are to engage in surface mining, they must be willing to repair the damage they do in the course of stripping. But if they are not willing to do so, it will put them out of business, and they should be put out of business because unreclaimed stripping of coal amounts to an environmental subsidy being paid by a poor and delicate region of the country to the rest of the Nation. Of all the regions of the country, the region of Appalachia is least able to afford to pay it.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3000

A bill to provide for a program for the regulation of surface mining of coal to protect the environment 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 "Coal Strip Mine Control Act of 1971."

"The Congress finds that the practice of surface mining for coal in the United States has resulted in the devastation of vast areas of land, in substantial environmental degradation, in an economic and social hardship on the people of these areas and in the loss of significant scenic and natural resources.

"The Congress further finds that a program of uniform regulation of surface mining of coal must be enacted to insure against these threats and that such regulation must permit the surface mining of coal only when such mining can be undertaken in a manner which will prevent environmental degradation.

TITLE I—FEDERAL INTERIM PROGRAM

REGULATION

"SEC. 101. (a) On and after the date of the enactment of this Act, any coal surface mine the products of which enter commerce or the operations of which affect commerce shall be subject to the provisions of this Act.

"(b) On and after the date of enactment of this Act no person shall develop or open any new or previously abandoned site of operations for the extraction of coal or shall significantly increase or accelerate operations in effect at the time of enactment from any surface mine subject to the provisions of this Act unless such person has first obtained a permit issued in accordance with the provisions of this Act.

"(c) On and after two hundred seventy (270) days from the enactment of this Act, no person shall engage in or carry out any activity involving the extraction of coal from a surface mine subject to the provisions of this Act by surface mining methods, unless such person has first obtained a permit issued in accordance with the provisions of this Act.

CRITERIA

"SEC. 102. (A) Within one hundred twenty days following the enactment of this Act, the Administrator of the Environmental Protection Agency in consultation with the Secretary of Agriculture and the Secretary of the Interior shall promulgate (and from time to time thereafter revise) such regulations as he deems necessary in connection with the surface mining of coal setting forth:

1. The criteria for reclamation programs required in connection with the issuance of a permit to engage in the extraction of minerals by surface mining methods.

2. Criteria on necessary procedures, methods and techniques to be followed in the operation of surface mining methods pursuant to a permit issued in accordance with the provisions of this Act;

3. Criteria on land policy identifying zones where, due to physical characteristics areas within such zones cannot be adequately reclaimed, surface mining shall not be permitted;

4. Criteria on procedures, methods and techniques to be used in connection with the use of explosives in strip mining operations subject to this Act; and

5. Criteria on regulating road construction necessary in connection with surface mining operations subject to this Act.

"(b) Such regulations shall insure, among other things, that:

"1. Reclamation of the site will return said land to a use and topographical conformance substantially as it existed prior to commencement of operations or to a different use or topographical conformance if proposed in the application for permit if the Administrator determines that such alternative plan meets the intent and purpose of this Act.

"3. That mining and reclamation operations will control or prevent erosion, flooding, and pollution of water, release of toxic substances, accidental land or rock slides, damage to fish or wildlife or their habitat, or public or private property, waste or mineral resources, destruction or loss of a valuable scenic resource, and hazards to public health and safety; and

"4. That techniques employed in mining and reclamation under this Act conform to the best practicable technology for operations upon land of like nature and character.

"(c) Any regulation issued by the Administrator under this section shall be subject to judicial review in the District Court for the District of Columbia upon the filing of a petition in such court praying that the regulation be modified or set aside in whole or in part. The commencement of such a proceeding shall not, unless specifically ordered by the court, operate as a stay of the Administrator's decision.

PERMITS

"SEC. 103. (a). On and after the date of enactment of this Act and until a State regulatory program is in effect under title II of this Act, permits for operations subject to the provisions of this Title shall be issued by the Administrator pursuant to regulations issued under this section.

"(b) Within ninety days following the enactment of this Act the Administrator shall issue regulations specifying the forms upon which applications for permits may be made. Such regulations shall specify the information which the Administrator shall require in order to make the determinations necessary to insure compliance with the intent and purpose of this Act, and shall include a map and plan of the proposed operation, and complete plan of reclamation for the area of land to be affected, including, but not limited to, the method of strip mining, engineering technique, the character and description of the equipment, prevention of harmful surface water drainage, prevention of water accumulation in the pit, backfilling, grading, resoiling, revegetation, a time schedule for completion of each of the phases, and an estimate of the cost of reclamation per acre.

RENEWAL

"SEC. 104. (a). Any holder of a valid surface mining permit issued pursuant to this Act who wishes to continue the operation beyond the original permit shall make application for said renewal within 60 days prior to the expiration of said permit. Said application shall contain such information as the Administrator may prescribe by regulation, and shall include:

(1) A listing of any claim settlements or judgments against the applicant arising out of or in connecion with its operation under said permit;

(2) Written assurance by the person issuing the performance bond in effect for said operations that said bond continues and will continue in full force and effect for any extension requested in said application.

APPROVAL

"SEC. 105. (a) Upon the filing of an application in accordance with section 103 of this Act, or of an application for renewal under section 104 of this Act, the Administrator shall, after opportunity for public hearing, investigate and approve or disapprove the application. No permit application or renewal shall be approved if the Administrator finds on the basis of the information set forth in the application, or from information available to him, that—

(1) there is no probable cause to believe that the reclamation of the area of affected lands covered by the application can be achieved;

"(2)(A) the surface mining operations covered by such application would pose undue hazards to adjacent lands or waters; or

"(B) the strip mining would result in the destruction or loss of a scenic resource valuable to the area or region; or

(3) the carrying out of the surface mining operations covered by such application would be in violation of any provision of this Act or any regulation issued pursuant thereto:

"(b) No permit application shall be approved unless the plan of operation and reclamation required under section 103(b) of this title is approved. The Administrator may approve a plan of operation and a reclamation plan that complies with the requirements of this Act and regulations issued pursuant thereto. Nothing in this Act shall be construed as prohibiting the Administrator from approving any reclamation plan which

provides for the retention of certain access roads.

"(c) The Administrator shall notify the applicant by registered mail within thirty days after the receipt of the complete application whether the application has been approved. If the Administration fails to notify the applicant within the prescribed period, the applicant may request in writing a hearing before the Administrator. The hearing shall be held within thirty days after receipt of the request.

"(d) If the application for permit or renewal is approved, the Administrator shall determine the amount of bond per acre that the operator shall furnish before a permit or renewal is issued. The amount of bond shall be stated in the notice of approval sent to the applicant.

"(e) If the application is not approved, the Administrator shall state the reasons for its disapproval and may propose modifications, delete areas, or reject it entirely. If the applicant disagrees with the decision of the Administrator, he may request in writing a hearing before the Administrator. The Administrator shall hold the hearing within thirty days after receipt of the request. Judicial review of such decisions shall be in the U.S. District Court for the district in which operations are proposed.

BONDING REQUIREMENTS

"SEC. 106(a) After a permit application has been approved, but before a permit is issued, the applicant shall file with the Administrator the bond for performance, on a form prescribed and furnished by the Administrator, payable to the Administrator and conditioned that the applicant shall faithfully perform all the applicable requirements of this Act and regulations issued pursuant thereto. The amount of the bond required for each permit shall depend upon the reclamation requirements, and shall be determined by the Administrator. Liability under the bond shall be for the duration of surface mining at the operation and for a period of five years thereafter, unless released sooner as provided in Section 111 of this Title. The bond shall be executed by the applicant and a corporate surety licensed to do business in the State where such operation is located; except that the applicant may elect to deposit cash, negotiable bonds of the United States Government or such State, or bonds of the United States Government or such State, or negotiable certificates of deposit having a par value equal to or greater than the amount of the surety bond and issued by any bank organized or transacting business in the United States. Cash or securities so deposited shall be deposited upon such terms as the Administrator may prescribe.

"(b) After the permit application has been approved, and the bond or deposit filed, the Administrator shall issue a permit to the applicant.

"(c) Any permit issued pursuant to this title shall be valid for a period of one year following its date of issuance. No surface mining operations shall be carried out pursuant to such permit unless such permit has been registered with the Register of Deeds (or other comparable officer) in each county or other political subdivision in which lands affected by such permit are located. Such registration shall include the name and address of the person to whom such permit was issued and, if such person is a corporation or other entity, the name and address of its registered agent, and a brief description of the lands upon which operations are permitted.

"(d) The process of reclamation shall progress as the surface mining progresses, at such a distance behind the extraction of the minerals in accordance with regulations promulgated by the Administrator in accordance with the provisions of this Act.

NONCOMPLIANCE

"SEC. 107(a). In any case in which the Administrator determines that any person holding a valid, unexpired permit issued pursuant to this Act has failed or is failing to comply with the provisions of this Act or any regulation issued pursuant thereto or the terms of any such permit, the Administrator shall notify such permitholder in writing that he is in noncompliance and order the immediate termination of any operation in violation of the provisions under which the permit issued and that he shall have thirty (30) days (or such additional period as the Administrator in his sole discretion may prescribe) within which to repair damages caused by said operation. If upon the expiration of such period contained in that notification such person has not so complied or if he shall fail or refuse to terminate said operations as ordered by the Administrator, the Administrator shall immediately take action in accordance with the provisions of section 110 of this Act, to revoke such permit. If the Administrator determines that such person, prior to the date of expiration of such period, is in compliance with the provisions of this Act and such regulations and terms with respect to which he was so notified, he shall take no action with respect to revoking such permit and such noncompliance shall be deemed not to be a violation for purposes of sections 105 and 110. The provisions of this section requiring notification of noncompliance shall not apply in any case involving fraud or any willful or knowing violation on the part of such permitholder; in all such cases an order to cease operations shall be issued and action be instituted under section 110 immediately.

REPORTS

"SEC. 108(a). On or before the expiration of each ninety day period following the effective date of section 101(c) of this title, the operator of a surface mining operation shall file a report with the Administrator on a form provided by the Administrator that accurately states the number and location of acres of land mined, and the number and location of acres of land reclaimed. An annual report with the same type of information shall be filed with the Administrator not later than the first day of February of each year for the previous year.

SANCTIONS

"SEC. 109(a) 1. Whoever knowingly violates the provisions of this Act or obtains a permit or renewal thereof pursuant to this Act through fraudulent means, shall be fined not more than $10,000.

2. In addition to the fine authorized under paragraph (1) of this subsection, and subject to the provisions of section 107 of this Title the appropriate court may impose fine in an amount equip to not more than $5,000 for each acre of land stripped in violation of the provisions of this Act.

REVOCATION OF PERMITS

SEC. 110(a). The Administrator may, subject to the provisions of this Act, revoke any permit or renewal thereof issued pursuant to this Act if he determines that—

1. The operator has violated any provision of this Act or any regulation issued pursuant thereto; or

2. Such permit or renewal was obtained through fraud.

RELEASE OF BONDS

SEC. 111(a). The Administrator may upon the application of the operator release in whole or in part any bond issued pursuant to this Act if it shall appear that said bond or portion thereof may be so released consistent with the requirements of this Title.

"(b) If the Administrator does not approve the reclamation performed by the permittee, the Administrator shall notify the permittee in writing within twenty days after the request for release is filed. The notice shall state reasons for said rejection and shall recommend actions to remedy said failure, and shall afford the operator an opportunity for leaving judicial review of any decision under this section shall be in the U.S. District Court for the District in which said operations are located.

TITLE II—STATE REGULATORY PROGRAM

ESTABLISHMENT

Sec. 201(a)(1) Each State in which surface mining for coal is conducted shall, after reasonable notice and public hearings, adopt and submit to the Administrator, within eight months after the promulgation of criteria and guidelines (or any revision thereof) under section 102 of this Act, a program which provides for the regulation of surface mining in such State.

(2) The Administrator shall, within four months after the date required for submission of a regulatory program under paragraph (1) of this subsection approve or disapprove such program or each portion thereof. The Administrator shall approve such program or any portion thereof, if he determines that it was adopted after reasonable notice and hearing and that—

(A) it provides a permit or equivalent program to regulate the initiation and conduct of surface mining and restoration following such mining which permit program shall meet the requirements established for the present program under Title I of this Act;

(B) it provides for notice to the public of all applications for permits and an opportunity for a public hearing on such application;

(C) it provides that any State (other than the permitting State), whose land or waters may be affected by the issuance of a permit may submit written recommendations to the permitting State (and the Administrator) with respect to any permit application and, if any part of such written recommendations are not accepted by the permitting State, that the permitting State will notify such affected State (and the Administrator) in writing of its failure to so accept such recommendations together with its reasons for so doing;

(D) it provides that permits are fixed on terms not exceeding two years;

(E) it provides that permits can be terminated or modified for cause including, but not limited to, the following:

(i) violations of any conditions of the permit;

(ii) obtaining a permit by misrepresentation, or failure to disclose fully all relevant facts;

(iii) changes in conditions that require either a temporary or permanent change, including cessation, in the permitted activity;

(F) it provides for inspection, monitoring, entering, and reports in a manner which will meet the requirements of Section 203 of this Act;

(G) it provides for abatement of violations of the regulatory program, including permits and permit conditions, including civil and criminal penalties and other ways and means of enforcement;

(H) it provides for the filing of restoration plans and procedures, including restoration measures taken during and after completion of surface mine operation;

(I) it provides for the posting of performance bonds sufficient to insure restoration in compliance with the approved restoration plan and for public participation in the determination of compliance prior to release of such posted bonds;

(J) it provides for the designation of a single agency, or with the Administrator's approval, an interstate organization upon which the responsibility for administering and enforcing the program is conferred by

the State which will insure full participation of those agencies responsible for air quality, water quality, and other areas of environmental protection;

(K) it provides for funding and manpower are or will be committed to the administration and enforcement of the regulations sufficient to carry out the purpose of this title;

(L) it provides for monitoring by the State agency of environmental changes in surface mined areas and adjacent lands and waters to assess the effectiveness of the regulatory program; and

(M) it provides for revision, after public hearings, of such program from time to time, but at least every five years, as may be necessary to take account of revisions of criteria and guidelines under section 102 of this Act.

(b) (1) After the effective date of any regulatory program under this title, each State shall transmit to the Administrator a copy of any permit application received by such State and provide notice to the Administrator of all actions related to the consideration of such permit applications, including all permits proposed to be issued by such State.

(2) no permit shall issue until the Administrator is satisfied that the conditions to be imposed by the State meet the requirements of this Act.

(3) The Administrator may, within thirty days after receipt of any permit application, waive the requirements of clause (2) of this paragraph as to such permit application.

(c) Whenever the Administrator determines after public hearing that a State is not administering a program approved under this section or section 202, in accordance with requirements of this section, he shall so notify the State and, if appropriate corrective action is not taken within a reasonable time, not to exceed ninety days, the Administrator shall withdraw approval of such program.

(d) Copies of any permit application and any permit issued under this section shall be available to the public, in an appropriate place (1) in each State; (2) in the appropriate regional office of the Environmental Protection Agency; and (3) with the Administrator. Such permit applications or permits, or portions thereof, shall further be available on request for the purpose of reproduction.

FEDERAL PROMULGATION

SEC. 202. The Administrator shall, after consideration of any State hearing record, promptly prepare and publish proposed regulations setting forth a regulatory program or portions thereof, for a State if—

(a) the State fails to submit a regulatory program within the time prescribed under section 201 of this title;

(b) the regulatory program or any portion thereof, submitted for such State is determined by the Administrator not to be in accordance with the requirements of section 201 of this title; or

(c) the State fails, within sixty days after notification by the Administrator, or such longer period as he may prescribe, to revise its regulatory programs as required pursuant to a provision of its program referred to in section 201(a)(2)(M) of this title.

If such State held no public hearing on such regulatory program (or revision thereof), the Administrator shall provide opportunity for such hearing within such State or any proposed regulation. The Administrator shall, within two months after the date of disapproval of such program, or portion thereof (or revision thereof), promulgate any such regulations unless, prior to such promulgation, such State has adopted and submitted a program (or revision) which the Administrator determines to be in accordance with the requirements of this Act.

INSPECTIONS, MONITORING, AND ENTRY

SEC. 203(a) For the purpose (1) of developing or assisting in the development of any State regulatory program uder this Act or any permit under this Act, or (2) of determining whether any person is in violation of any requirement of such a plan or any other provision of this Act—

(A) The Administrator may require any person owning or operating any surface coal mine to (i) establish and maintain such records, (ii) make such reports, (iii) install, use, and maintain such monitoring equipment or method, and (iv) provide such other information as he may reasonably require; and

(B) the Administrator or his authorized representative, upon presentation of his credentials—

(i) shall have a right of entry to, upon, or through any surface coal mine or any premises in which any records required to be maintained under paragraph (2)(A) of this subsection are located, and

(ii) may at reasonable times have access to and copy any records, inspect any monitoring equipment or method required under paragraph (2)(A) of this subsection.

(b) (1) Each State may develop and submit to the Administrator a procedure for carrying out this section or portions thereof in such State. If the Administrator finds the State procedure is adequate, he shall delegate to such State any authority he has to carry out this section.

(2) Nothing in this subsection shall prohibit the Administrator from carrying out in a State, at any time, the authority granted under this section.

(c) Any records, reports, or information obtained under this section shall be available to the public, except that upon a showing satisfactory to the Administrator by any person that records, reports, or information, or particular part thereof, to which the Administrator has access under this section, if made public would divulge methods or processes entitled to protection as trade secrets of such person, the Administrator shall consider such record, report, or information, or particular portion thereof confidential in accordance with the purposes of section 1905 of title 18 of the United States Code, except that such record, report, or information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this Act or when relevant in any proceeding under this Act.

FEDERAL ENFORCEMENT

SEC. 204(a)(1) Whenever, on the basis of any information available to him, the Administrator finds that any person is in violation of Section 201 or 202 of this Act, or of any permit condition under this title, the Administrator shall notify the person alleged to be in violation of the permit or permit condition and the State in which the permit or permit condition applies of such finding and publish such finding. If such violation extends beyond the thirtieth day after the date of the Administrator's notification, the Administrator shall issue an order requiring such person to comply with the requirements of such permit or permit condition or he shall bring a civil action in accordance with subsection (b) of this section.

(2) Whenever, on the basis of information available to him, the Administrator finds that violations of a State regulatory program approved under Section 201 of this Act are so widespread that such violations appear to result from a failure of the State in which such regulatory program applies to enforce such program effectively, he shall so notify the State. If the Administrator finds that such failure extends beyond the thirtieth day after such notice, he shall give public notice of such finding. During the period with such public notice and ending when such State satisfies the Administrator that it will enforce such program (hereafter referred in in this section as "period of federally assumed enforcement"), the Administrator may enforce any permit or permit condition under such program with respect to any person—

(A) by issuing an order to comply with such permit condition, or

(B) by bringing a civil action under subsection (b) of this section.

(3) Whenever, on the basis of any information available to him, the Administrator finds that any person is in violation of section of this Act, he shall issue an order requiring such person to comply with such section, or he shall bring a civil action in accordance with subsection (b) of this section, requiring such person to comply with such section.

(4) An order issued under this section shall take effect immediately. A copy of any order issued under this section shall be sent to the State in which the violation occurs. Any order issued under this section shall state with reasonable specificity the nature of the violation, specify a time for compliance which the Administrator determines is reasonable, taking into account the seriousness of the violation and any good faith efforts to comply with applicable requirements. In any case in which an order or notice under this section is issued to a corporation, a copy of such order shall be issued to appropriate corporate officers.

(5) All notices or orders issued or the termination thereof under this section shall be published in the Federal Register.

(b) The Administrator may commence a civil action for appropriate relief, including a permanent or temporary injunction, whenever any person—

(1) violates or fails or refuses to comply with any order issued under subsection (a) of this section; or

(2) violates any requirement of an approved State regulatory program during any period of federally assumed enforcement or violates any permit or permit condition more than thirty days after having been notified by the Administrator under subsection (a)(1) of this section of a finding that such person is violating such permit or permit condition; or

(3) violates section 101 of this Act; or

(4) fails or refuses to comply with any requirement of this Act or any regulation issued hereunder.

Any action under this section may be brought in the district court of the United States for the district in which the defendant is located or resides or is doing business, and such court shall have jurisdiction to restrain such violation and to require compliance. Notice of the commencement of such action shall be given to the appropriate State.

(c)(1) Any person who wilfully or negligently (A) violates any requirement of an approved State regulatory program during any period of federally assumed enforcement or violates any permit or permit condition more than thirty days after having been notified by the Administrator under subsection (a)(1) of this section that such person is violating such requirement, or (B) violates or fails or refuses to comply with any order issued by the Administrator under subsection (a) of this section, or (C) violates section 101 of this Act, shall be punished by a fine of not more than $10,000 per day of violation. If the conviction is for a violation committed after the first conviction of such person under this paragraph, punishment shall be by a fine of not more than $20,000 per day of violation.

(2) Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this Act or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this Act, shall, upon conviction, be punished by a fine of not more than $10,000, or by im-

prisonment for not more than six months, or by both.

JUDICIAL REVIEW

SEC. 205 (a)(1) A petition for review of action of the Administrator in approving a State regulatory program or in promulgating any regulation under section 202 of this Act, may be filed by any interested person only in the United States Court of Appeals for the District of Columbia. A petition for review of the Administrator's action in issuing or denying any permit or permit condition under Sec. 201 or Sec. 202 of this Act, may be filed by any interested person only in the United States court of appeals for the appropriate circuit. Any such petition shall be within thirty days from the date of such determination, approval, promulgation, issuance, or denial, or after such date if such petition is based solely on grounds arising after such thirtieth day.

(2) Action of the Administrator with respect to which review could have been obtained under paragraph (1) of this subsection shall not be subject to judicial review in civil or criminal proceedings for enforcement.

(b) In any judicial proceeding in which review is sought of a determination under this Act required to be made on the record after notice and opportunity for hearing, if any party applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the Administrator, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Administrator, in such manner and upon such terms and conditions as the court may deem proper. The Administrator may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken and he shall file such modified or new findings, and his recommendation, if any, for the modification or setting aside of his original determination, with the return of such additional evidence.

TITLE III—DEFINITIONS

SEC. 301. For the purposes of this Act, the term—(a) "Administrator" means the Administrator of the Environmental Protection Agency;

(b) "Commerce" means trade, traffic, commerce, transportation, or communication between any State, the Commonwealth of Puerto Rico, the District of Columbia, or any territory or possession of the United States and any other place outside the respective boundaries thereof, or wholly within the District of Columbia, or any territory or possession of the United States, or between points in the same state, if passing through any point outside the boundaries thereof;

(c) "Coal" includes bituminous coal, lignite, and anthracite;

(d) "Surface mine" means any surface mine from which coal is extracted, after removal of all or part of the overburden above, its natural deposits in the earth;

(e) "Person" means any individual, partnership, association, corporation, firm, subsidiary of a corporation, or other organization;

(f) "State" includes a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Virgin Islands, American Samoa, Guam, Trust Territory of the Pacific Islands, and Indian tribes; and

(g) "Site" means the land from which the overburden or coal is removed by surface mining, and all other land area in which the natural land surface has been disturbed as a result of or incidental to the surface mining activities of the operator, including but not limited to private ways and roads appurtenant to any such area, land excavations, workings, refuse banks, spoil banks, culm banks, tailings, repair areas, storage areas, processing areas, shipping areas, and areas in which structures, facilities, equipment, machines, tools or other materials or property which result from, or are used in, surface mining operations are situated.

(h) "Topographical conformance" means the shape and form of the land on which and adjacent to which surface mining is conducted. The phrase "return said land to a . . . topographical conformance of operations . . ." as used in section 102(b)(1) of the Act and elsewhere in the Act, shall mean the use of original spoil material to refill and recover pits, benches, and high walls so that the original slope and plane of the land is substantially restored to a permanent and stable condition, except for the temporary absence of vegetation. The phrase shall further mean that no appreciable spoil material shall be permanently deposited outside the bench or pit.

(i) "Surface Mining" means all or any part of the process followed in the production of minerals from a natural mineral deposit by the open pit or open cut method, auger method, highwall mining method which requires a new cut or removal of overburden, or any other mining process in which the strata or overburden is removed or displaced in order to recover the mineral; or in which the surface soil is disturbed or removed for the purpose of determining the location, quality or quantity of a natural mineral deposit, but shall not include excavation or grading when conducted solely in aid of on-site farming or construction.

(j) "Spoil Material" means all earth and other materials which are removed to gain access to the mineral in the process of surface mining.

(k) "Spoil Bank" means the overburden as it is piled or deposited in the process of surface mining, including reject coal.

APPROPRIATIONS

SEC. 302. In addition to such fines as may be collected pursuant to the provisions of this Act there is authorized to be appropriated the sum of $——— for fiscal year 1973, the sum of $——— for fiscal year 1974, and the sum of $——— for fiscal year 1975, and thereafter such sums as may be required for the purposes of this Act.

Mr. COOPER. Mr. President, I am pleased to join with the distinguished senior Senator from Tennessee (Mr. BAKER) in introducing a bill to regulate and control strip mining. We have common problems in our adjoining States of Kentucky and Tennessee. Both of us live in the mountainous section of those States and both of us have intimate knowledge of the problem caused by strip mining.

Earlier this year I joined in introducing a bill proposed by the President to regulate strip mining. I commend him for his initiative because, as far as I know, it was the first major effort by an administration to control strip mining.

The Senator from Tennessee and I, in introducing this bill, believe that there has not been adequate authority to control strip mining nor has action been speedy enough. Without immediate control it will be too late to save the beautiful areas of our States and other States in the Appalachian area which are so rich in water and land, as well as mineral resources.

If our bill could go to a committee which would act upon it immediately, and if it could be reported by the committee and passed by the Congress it would immediately guarantee the control of surface mining. Under the bill all surface mines, whether they are contour strip mines around the hills and mountains or area strip mines in less hilly regions, would immediately come under the control of the Environmental Protection Agency. The administrator of EPA is required to determine whether or not any new or existing surface mine could be operated properly. Without the required approval no strip mine could be initiated or continued.

I hope very much that early next year hearings will be held on this proposal, that the committee will report it promptly and that the House and the Senate will act on it because, as the Senator from Tennessee has said, if this does not happen it will be too late to save the landscape, the environment, and the resources of our States and the Nation. Without the immediate control this bill would provide, the regions of our States and the Nation which are the richest in coal will be destroyed.

On December 2, the Senator from Tennessee (Mr. BAKER) and I testified before the Subcommittee on Minerals, Materials, and Fuels of the Committee on the Interior which is presently considering legislation for the regulation, control, or prohibition of surface mining, and to outline the proposal being introduced today.

The bill Senator BAKER and I are proposing is based upon the common problems of our States of Tennessee and Kentucky and our experiences as members of the Committee on Public Works on antipollution measures. I will not attempt to go into great detail about the bill but will outline briefly its major provisions.

The bill would invest control authority in the Environmental Protection Agency, cooperating with Department of Interior's Bureau of Mines, with the Forest Services and Soil Conservation Service of the Department of Agriculture, and others.

The Administrator of the Environmental Protection Agency would be required to promulgate criteria and guidelines for the control of surface mining activities.

The States would then be given 8 months to adopt, after public hearings, and submit to the Administrator a regulatory program—meeting the criteria set forth in the bill, including a permit program.

The States would have primary responsibility for enforcement but with the Environmental Protection Agency having ultimate enforcement authority if the State fails to act.

As the procedure leading to State regulation could require a year and a half, the bill requires that during this interim period surface mining could be conducted or initiated only under Federal authority, with the approval of the Environmental Protection Agency.

We must take immediate action or we will face the day when surface mining will be prohibited from operation. Most importantly, if we do not act quickly, the restoration of great regions of our countryside may become an impossibility. I would extend an invitation to the members of the Committee on Interior and Insular Affairs to visit eastern Kentucky and eastern Tennessee and witness first-

hand the destruction that has taken place.

I want to thank my distinguished colleague from Tennessee (Mr. BAKER) for his counsel and efforts in preparing this bill. His knowledge and thorough study of this program have contributed much to this bill.

I ask unanimous consent to have printed in the RECORD the remarks of the Senator from Tennessee (Mr. BAKER) before the Subcommittee on Minerals, Materials, and Fuels, and an article in yesterday's New York Times Sunday Magazine highlighting the urgency of controls for surface mining.

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

STATEMENT OF SENATOR HOWARD H. BAKER ON STRIP MINING

Mr. Chairman, I appreciate this opportunity to address this subcommittee on the urgent problem of strip mine reclamation. I am convinced that federal involvement in this area is imperative if we are to turn around the forces of environmental and economic devastation resulting from present strip mining practices. Certainly this subcommittee will play a key role in the development of any federal program.

In Tennessee and throughout Appalachia this impact of surface mining has been particularly devastating. The economic situation in the mountains of eastern Tennessee and Kentucky, West Virginia, and Pennsylvania has for generations been one of poverty. There has been little industrial growth and the removal and exploitation of the natural resource of the region has left few benefits to the people. The area has been referred to as America's colony, and I must admit when I view the wholesale destruction of the scenic mountains by strip mining for coal I cannot find hyperbole in the statement. It was once said that the coal of Appalachia would bring it wealth in time. But, gentlemen, it has not, it has rather brought the destruction of the regions last valuable resources.

In his testimony before this subcommittee a few weeks ago, Chairman Russell Train of the Council on Environmental Quality pointed out that strip mining activities across the United States are claiming 750 acres per day. That would mean that approximately 200,000 acres of land in the United States have been turned in the search for coal since January 1, 1971. In the whole of 1970, a year which was marked also by an emphasis on surface mining, the National Coal Association reported a total of 58,000 acres officially approved as reclaimed lands. The disparity of these statistics points out the rate at which areas of stripping activity are building up an enormous environmental debt. What is even more disconcerting is that the Department of Interior reported an estimated backlog of 2,041,000 acres of "unreclaimed strip—and surface—mined lands" in 1965.

But statistics are not fully revealing and certainly not in comparison to the stark evidence of destruction apparent on the faces of a whole mountain range blessed with rich coal resources and once blessed with magnificent beauty.

I make these observations not for the purpose of creating an emotional indictment against strip mining or the strip mining industry, but rather to point up the importance and extent of our problem; to identify its causes and to plot a course of action for the future.

And there is a future. To begin with, regardless of our mistakes in permitting strip mining, unregulated or only slightly regulated, the fact of the matter is that the power grids of the nation, especially those of the Southeast, are dependent to a remarkable extent on the production of coal from surface mines and this dependence cannot be withdrawn suddenly without unacceptable economic and social consequences. Fifty percent of our power production across the United States depends upon coal for fuel, and 50 percent of that coal is produced by surface mining.

The present competitive advantage of strip mining of coal results from a variety of factors, including the swiftness with which production can be realized, the relative safety to personnel, and sadly the failure to assess in the cost of production the enormous environmental debt left by unreclaimed operations. What clearly is an advantage in terms of the cost of electricity is an unconscionable burden on the geography and society of an area of our country ill-equipped to bear it. To the extent that strip-mined coal can presently be delivered more cheaply and quickly to the power grids than would be the case with strictly regulated surface mining with adequate reclamation, Appalachia and the other regions of coal production are subsidizing the energy requirements of the nation. In Appalachia this subsidy represents the loss of possibly the last significant natural resource—the scenic beauty of the region.

So what do we do?

1. First, we withdraw from the present practices of strip mining as quickly as possible—over the space of a relatively short time—the time it takes to develop other extractive techniques or to bring strip-mining and reclamation techniques to a level of sophistication commensurate with the environmental threat.

2. We eliminate the temptation to permit under-regulated stripping in states which have every reason to cry out for some economic advantage or by land owners who can find no other productive use for their property.

3. We pass a federal statute making uniform the methods for removal of coal by strip mining and eliminating the competitive advantages and disadvantages between one state or the other and require instead the highest reclamation techniques in all the states.

4. We vest regulatory and enforcement functions under such a statute in the Environmental Protection Agency and provide the Agency authority to prohibit stripping in any area where adequate or desirable reclamation is not possible.

5. We should consider the establishment of a severance tax on all coal and on other fuels at the Federal level to insure uniformity and make the proceeds thereof available to the states or locality if they elect so that the benefits of this resource can accrue to the area in which it is located.

In order to deal comprehensively with environmental ramifications of coal production, regulation of deep mines both during and subsequent to extraction will have to be undertaken with equal diligence to that embodied in the aforementioned proposals for strip mine controls. Such a program must treat effectively the problems of acid mine drainage, slate dumping, uncontrolled burning of residues, and subsidence of abandoned mines.

Many of the witnesses in earlier hearings before this Committee have cited as a virtue of several bills presently pending that they embody a comprehensive treatment of all phases of mining. While I feel that certainly all mining practices, as they hold the potential for environment damage, must be controlled, I feel that the situation with strip mining is an emergency and in two years will be a complete disaster. If we do not act with speed in the area of coal strip mining, in a short period of time it will be too late. We cannot afford the luxury of a comprehensive approach at this time. We must target the immediate effort to the problem of coal surface mining if we are to benefit those areas where such operations are removing the face of the landscape at an almost unbelievable rate.

I want this country to have the full utilization and the full blessings of its resources and its initiative, fully powered by the greatest economy and the largest energy system in the world; but without the requirement that a poor and delicate area of the country subsidize that future with the destruction of its last natural resources. I want to see coal play its rightfully dominant role in the energy requirements of this nation in the future, ranking as it does as our greatest fuel resource; but I want to see it done in an even-handed way, without the destruction of the hillsides, the valleys, the streams and rivers, wildlife, or the families and the communities who suffer from the ravages of uncontrolled mining.

I have previously stated a number of times that I intend to introduce in the Congress a bill to regulate strip mining, to provide for a federal program administered by EPA, and other purposes. I have not yet introduced that bill, and I would like to take this opportunity to say that I am anxious to find common ground among those of us who feel that there must be immediate and positive control of surface mining and reclamation. It may be that a combination of Federal and state programs is best, or that Federal guidelines, locally administered, will best serve the purpose; legislation patterned after the air and water pollution control programs calling for criteria and implementing standards by the several states may be adaptable to these requirements, and for my part, I am not only willing, but indeed anxious, to explore these alternative possibilities and try to produce a synthesis of ideas supporting strong, effective Federal legislation.

It is my view that these elements are essential:

1. That there be a strong statement of national purpose by the Federal Congress;

2. That there be an immediate moratorium on new unregulated strip mine activity;

3. That existing coal strip mine operations come within the scope of new and improved reclamation techniques as soon as reasonably possible;

4. That reclamation techniques be determined on the basis of the severity of the environmental insult. In this respect, it would be my hope that the operative language of new Federal legislation might require substantial restoration of the original topographical conformance of the land unless a different conformance might seem as desirable from an environmental standpoint, viewed both locally and nationally.

But the hallmark of our challenge at the moment is time.

I think something must be done immediately.

[From the New York Times Magazine, Dec. 12, 1971]

APPALACHIA—LIKE THE FLAYED BACK OF A MAN

(By James Branscome)

LEXINGTON, KY.—Dan Gibson sold his squirrel gun last month. He sold it for $30 and an old British .303 Enfield to two of his young admirers. Gun buying, trading or swapping is less than unusual in the hills of eastern Kentucky, but Dan Gibson's rifle and what he did with it a few years ago are unusual. With only that rifle as a companion, Gibson, who is in his 80's, stood off 17 state policemen and a coal-mining company. He held them off because the miners were going to strip-mine his son-in-law's property and the state police were there to back them up. He was finally arrested, but not before he had won his point. The strip miners did not come back.

What made Dan Gibson angry is a relatively new, cheap and easy method of mining coal. It is cheap and easy for the coal operators but expensive and difficult for the people who live in Appalachia. Because it is cheap and easy in the short run, strip-mining this year is expected to account for half of the coal produced in America. The coal will fuel power plants that light the sprawling suburbs and the dying cores of American cities. As a result, the hills and mountains of Appalchia will be irreparably scarred. The Appalachian people will be forced to flee their homes because of landslides and flooding. The entire region will look more and more like the flayed back of a man, the lifeless or heavily damaged pulp of a miscreant who sinned against industrial America.

Of the 429 million tons of coal produced in Appalachia last year, more than 154 million tons were mined by stripping methods. Nationwide, stripping accounted for 264 million of 602.9 million tons, or 44 per cent of the nation's total output.

In Kentucky, 48 per cent of 1970's coal production—61.8 million out of 129.3 million tons—was extracted by stripping. This led to the destruction of an estimated 17,300 acres in eastern Kentucky alone. The tonnage gouged from the beautiful and heavily populated Appalachian region is expanding even though there are abundant alternative sources of coal in the vast, less populated plains of the West: some 77 per cent of the coal that could be mined economically lies west of the Mississippi River. Moreover, operators are turning increasingly to the voracious stripping techniques, even though all of the nation's coal-produced electricity could easily be met by conventional underground mining.

The "area" strip-mining done in the rolling hills of western Kentucky leaves its own panorama of destruction—and causes its own erosion and pollution problems. But land at these lower altitudes is potentially easier to reclaim than in mountainous Appalachia, where "contour" strip-mining is the technique used.

The process of extraction is frightening in itself. After prospecting has determined that a minable coal seam lies among the other rock strata of a hill or mountain, the strip miners cut a road through the timber so they can haul to the site their heavy equipment—bulldozers, earth movers, power shovels and front-end loaders. The trees, plants, earth and rock covering the seam are called "overburden." This intricate web of life and life-support is blasted loose and pushed by bulldozers down the hillside, becoming, as the seam is exposed, a massive, unstable apron at the base of the hill that has been named, appropriately, "spoil bank." The spoil bank never stops where it lands but slowly, by inches, or in the leaps and bounds of a landslide, obeys the law of gravity. Sometimes it merely uproots trees in its path and blocks streams and roads. But sometimes these masses of rock and earth avalanche into homes or farms. Sometimes a family may be driven from home because a spoil bank perches unsteadily above the house.

After the overburden has been removed, the result is a flat bench, resembling a roadbed, along the side of a mountain. Towering vertically over the bench is a man-made cliff, or high-wall, sometimes 100 feet high. The high-wall and the bench form a ring around a hill, or a ridge line, with islands of vegetation remaining precariously on the top of the hill. To expose the coal the strippers have created a gash in the hillside. They have removed the earth from the coal.

Recently it has become more and more common for strip miners to decapitate an entire hill to expose the layers of coal. The hilltop, scraped and blasted away in layers, is shoved over the hillside. As the techniques of strip-mining are improved, the ribbon scars on the hillsides today may seem more and more like innocent wounds compared to the possibilities technology has in store. Present techniques allow strippers to dig only about 185 feet beneath the surface, but someday it may be possible for them to dig as deep as 2,000 feet.

When the coal seam is exposed, it too is loosened with explosives. Then power shovels and front-end loaders scoop it up and load it into 30-ton trucks, which, carrying their heavy burden, warp, crack and pulverize roads and highways, seldom with any reprimand from public officials.

If the operator is in a hurry, he may not even expose the coal seam from the top. Instead, his bulldozers cut a narrow bench until the edge, or outcrop, of the seam is exposed. Then giant augers, sometimes seven feet in diameter, bore into the seam as far as 200 feet into the side of the mountain and spiral out the coal. Auger mining is also done in conjunction with strip-mining if the operator wants to retrieve the coal that remains in the high-wall. Augering is practiced after stripping because sometimes a seam lies too far down the side of a mountain for the operator to remove, economically and speedily, all the millions of tons of overlying mountain.

Power shovels and draglines have long been used in building and road construction, but the country's demand for coal has bred a strain of giantism into earth-moving machines. A generation ago, these earth movers took about 40 cubic yards to a bite, but now they can scoop up as much as five and a half times that. "Big Muskie," wide as an eight-lane highway and standing 10 stories high, is the largest earth mover in existence. Such a machine is now stripping away Belmont County, Ohio, at the rate of 220 cubic yards a scoop.

In underground mining, the size of the equipment is severely restricted by the height of the coal seam; the limitations on strip-mining equipment are comparatively few. A generation ago no underground miner could have imagined that his shovel and small coal car would be replaced by these monsters, some of which can scoop up at one time the equivalent of three city buses. Even today's miner, with his large chainsawlike cutting machines, is a mere termite compared to the strip miner with his machinery.

Strip-mining on a large scale is a very recent phenomenon, although as far back as 1932 Pennsylvania miners worked above ground with explosives, picks and shovels to mine an anthracite seam. The development of machines like Big Muskie in the nineteen-fifties provided one impetus for strip-mining. Another was the increase in demand for coal created by the invention of the cyclone furnace for steam power plants.

The cyclone furnace, an inverted cone which feeds coal under tremendous pressure into the combustion chamber, burns the fuel more efficiently and quickly than older coal-fired furnaces. Its development was spurred by this country's insatiable demand for electricity, which is now increasing at the rate of 10 per cent a year. Electric utilities, including the Tennessee Valley Authority—assured by forecasts that coal would be a competitive energy source for some time to come—began letting contracts for the poorer-grade, dirt-scarred coal produced by strip-mining.

While coal was once in demand mainly to power the nation's railroads and for home heating and cooking purposes, the major market dramatically shifted to the utilities. What had been a fly-by-night method of mining, full of risks and uncertainty, became fantastically profitable. Strip-mine coal now generates one-third of the nation's electric power.

A study by Prof. Samuel Brock, an economist at West Virginia University, showed that in 1969 one strip-mine operator made a net profit of 126 per cent and another 102 per cent. Pikeville, a small mountain town of 5,000 that serves the coal hinterland of eastern Kentucky, has 50 millionaires, not a few of whom were made by strip-mining. This is in a county where more than half the people are classified as poor by Federal poverty program standards.

Strip-mining produces coal much faster than deep-mining—and with one-fifth as many men. Last year in Kentucky, for example, 7,200 men were employed in strip-mining, while 21,000 worked in deep mines. It costs a company about 50 cents in wages to produce a ton of strip-mined coal and about $2.75 a ton for deep-mined coal. The average price charged for stripped coal is usually only $1 less per ton than for deep-mined coal. That means the companies made extra millions last year in Kentucky, while depriving the local economy of increased wages that could have been paid to miners who work underground.

Lured by the opportunity for profit, the oil corporations that brought us the Santa Barbara oil leaks and may soon be featuring the trans-Alaska pipeline, are stampeding into the coal business because of the potential for producing synthetic natural gas and crude oil from coal. Oil interests already own 30 of the 50 largest coal producers and control 35 per cent of the coal production in the U.S. Humble Oil alone has bought six million tons of strippable coal reserves. No less disturbing, United States Steel and Bethlehem Steel hold extensive Appalachian coal fields in readiness for their furnaces. In 1969, Bethlehem, for example, decided to strip 40,000 Kentucky acres, instead of deep-mining the low-sulphur coal, as the corporation had previously done. The American Association, an English landholding corporation with 90 per cent of its stockholders in London, leases acreage in eastern Tennessee and Kentucky to operators who are bulldozing down mountains in both states. More and more local and marginal strip operators are selling out to the larger corporations. William Sturgill, one of the few mountain natives ever to own a large strip operation, is said to have got $10-million when he sold out to the Falcon and Seaboard Oil Company of Texas.

One strip miner has said that in two years he will be rich enough to retire—and he will not then oppose a ban on stripping. But the people who live in the region cannot afford such a luxury. The true cost of strip-mining is payable after the strippers have gone away and left their scars. The Corps of Engineers has estimated, for example that it would cost the public $26-million to restore the extensively strip-mined Coal River watershed in West Virginia. This is an amount approximately equal to the private profit taken by the mining companies from the watershed.

The history of the region is a saga of destruction in the pursuit of commerce. Disaster has been visiting Appalachia in Job-like quantities ever since the virgin hardwood forest was bought out and cut down by East Coast timber buyers late in the 19th century. Then coal was discovered and the sacrifice of underground miners began. Today the sacrifices are usually small, only two or three dead at a time, but these accidents are often punctuated with mine explosions and caveins killing many more, as in the blasts at Farmington, W. Va. (78 dead in 1968) and Hurricane Creek, Ky. (38 dead in 1970). Black lung and crippling mishaps add to the toll, forcing miners to retire early, shortening their lives or condemning them to long years of subsistence living.

The region has been economically blighted for decades. The ups and downs of coal prices, the mechanization of the deep mines and a job scarcity in other fields have sent Appalachians by the hundreds of thousands to Cincinnati, Dayton, Cleveland, Louisville, Chicago and Baltimore. Now those who would have chosen to stay are having the land and

the economy ripped out from under them. The deep-mining industry, still the employer of more than 100,000 miners, is on the decline in Appalachia because of the competition from strip-mining. Underground operators, pressed to a frenzied production pace to avoid losing contracts to strip miners, are ignoring the most fundamental safety precautions. The director of the U.S. Bureau of Mines, Elburt F. Osborn, normally a coal-industry defender, called the mine safety situation "deplorable" this year in a speech to the Kentucky Coal Association.

Appalachia receives heavy rainfall throughout the year, averaging around 45 inches. When it rains, the 20,000 miles of strip-mine benches in nine mountain states become chemical factories. The exposed rock and soil are rich in iron, manganese and sulfates, which combine readily with water to form corrosive compounds and acids that sterilize streams and poison wells.

Dr. Wayne Davis, a biologist at the University of Kentucky, has reported, "Iron and manganese in the Kentucky River at Hazard rose from 0.02 and 0.00 parts per million, respectively, in 1963, to 2.1 and 0.8 parts per million in 1966. The U.S. Public Health Service's maximum tolerance levels for those substances in drinking water in 0.3 and 0.05 p.p.m., respectively.

Erosion of stripped areas has been measured at a rate 1,000 times greater than from nearby natural lands. The comparison between unstripped Helton's Branch and heavily stripped Cane Branch, adjacent watersheds of the Beaver Creek Basin in eastern Kentucky, is a case in point. A research project conducted by the U.S. Geological Survey between 1955 and 1966 showed that Helton's Branch yielded 27 tons of sediment per square mile of undisturbed land, while Cane Branch produced 30,000 tons of sediment per square mile of strip-mined land.

Silt and acid have already degraded 12,000 miles of streams in Appalachia. If strip-mining continues unabated, all of the region's extensive watersheds will suffer the fate of the Beaver Creek Basin. The Beaver Creek study concluded: "Strip-mining of coal in the Beaver Creek Basin in south central Kentucky has significantly increased the acidity and mineralization of surface and ground water, and increased the sediment content of the stream in the mined areas. These effects in turn have reduced or eliminated the aquatic life of the streams." The study reported that vegetation on a spoil bank in the basic area was 95 per cent "nonexistent."

Taken together, barren hillsides of unstable rock and soil, streams clogged with silt and hot with acid, offer ideal conditions for flooding. Mud and rock slides have frequently blocked stream beds, diverting the flow into cellars, yards, gardens and homes. Heavy rains then add to the danger of overflow.

As strip-mining continues, as more and more hillsides become barren piles of slate and sandstone, many of Appalachia's valleys eventually will be awash with silt-laden, acid-dead, dirty yellow creek and river waters. Fooding from rains in late winter and early spring is commonplace in the region.

In January, 1957, the town of Pound, Va., nearly disappeared under more than 20 feet of water after a long period of rain. That same month, across the border in Kentucky, the towns of Hazard and Pikeville, and portions of Letcher, Harlan, Pike and Perry Counties, were flooded. Two days of heavy rains in March, 1963, flooded Harlan, Pikeville, Hazard and a number of other smaller communities. Communities that can hardly maintain public services with heavy Federal support see their public improvement efforts go swirling down the rivers after the spring rains. The Corps of Engineers says that it cannot guarantee the safety of the 6,000 residents of Hazard even when the Carr Park Dam upstream is completed.

It takes little imagination to envision the massive flood that is possible from the combination of erosion, clogged waterways and rain. That threat comes closer with each cut of the bulldozer's blade. Even if there is no great flood, each year smaller ones and landslides will continue to bury the homes and land of Appalachia.

Because strip-mining damage is permanent, and disfigures a landscape inhabited by people who are close to the land, the lonely resistance of Dan Gibson and his squirrel gun, which kept the state police and the strip miners off his son-in-law's property, has become a legend in eastern Kentucky. The people have a history of resourceful resistance to outsiders—notably the Government—whom they view as invaders. The new rebellious spirit is encouraged by a society and an economy that values electricity more than respect for the people and the land. It is a spirit rooted in doubts that the strip-mine rape of Appalachia will ever be settled legally.

Gibson is one of the founders of the Appalachian Group to Save the Land and the People, the organization that has fought the strip miners in eastern Kentucky since the early nineteen-sixties. He spoke the feelings of many eastern Kentuckians recently when he told a cheering meeting of strip-mining foes in Hindman, the mountainous home of U.S. Representative Carl Perkins, "If everybody did what I did, we wouldn't have to have these meetings."

The spirit is reflected in the conversion of another Appalachian resident, 50-year-old Warren Wright, from Goldwaterite Republican to anti-Establishment radical. Since 1960, Wright has waged a legal battle against the strip mining of his property in Letcher County. He lost the legal battle but got his revenge last May when, with a rifle and pistol, he ran strip miners back across his property line. The coal company, a subsidiary of Bethlehem Steel, said it had entered his property "accidentally," but in 10 years of legal battling Wright doesn't believe in coal-company accidents. He says, "The courts are puppets of the coal industry. Maybe it's worse than that. The companies don't even pull the strings now; the courts intuitively decide in favor of coal. Here in southeastern Kentucky we've got such a corrupt, Baal-worshiping system that the only thing people can do to protect their property is to get a gun and fight for it."

Wright is former director of the Council of the Southern Mountains, a nine-state poor people's organization, and the founder of Save Our Kentucky (SOK), a state-wide anti-strip-mine coalition of community and environmental groups. His views are no oddity in the mountains. Bessie Smith, a mother of nine, a SOK board member and a vice president of the Appalachian Group, brought nonviolent confrontation to the mountains of Knott County last spring when she stood in a road blocking trucks hauling stripped coal. She was joined by William Cohen, poet-in-residence at Alice Lloyd College in the same county. She is no longer convinced that nonviolent tactics will work: "Stopping coal trucks just doesn't do much of anything, except give you a chance to get run over. I don't know what can be done exactly but I know it isn't going to be done by the politicians in Frankfort [the state capital] or those old men in the courts. The people are going to have to stop strip-mining. And we're going to do it soon."

The reason that Bessie Smith has little faith in legal change is that Kentucky courts continue to enforce the "broad form deed," a medieval piece of legality that allows strip-mining of property based on agreements with the ancestors of the present owners. It was used at the turn of the century to buy up mineral rights throughout Appalachia. The boilerplate language contained a clause allowing the operator to use whatever means necessary to get the coal, without compensation to the landowner or liability for damages. Many of the deeds were signed with an "X" by illiterate mountaineers.

The broad form deed was the first contact many mountaineers had with complicated legalisms and slick businessmen. To the isolated mountaineers the 25 to 50 cents an acre he was offered for mineral rights was a small fortune. He had no way of knowing the value of coal beneath his corn and tobacco fields. And he certainly did not envision strip-mining because it had not yet been invented. He gave away permission for underground mining, not strip mining.

Kentucky is the only coal state which still recognizes the deed in spite of several court battles over this form of contract. The first decision sustaining the deed was made by the Kentucky Court of Appeals 15 years ago, but it has been challenged 14 times since. In response to one court challenge three years ago, Appellate Judge Edward P. Hill, a rarity on the Kentucky bench, called the deed "shocking" and "appalling," but he was in the minority on the seven-judge panel.

The essence of the broad form deed is contained in the phrase that says coal may be removed ". . . in any and every manner that may be deemed necessary or convenient for mining. . . ." That phrase, taken from a Knott County man's deed, has been construed as allowing all the chicanery going on today. The Kentucky courts have, in effect, said that the law is on the side of those who stand to benefit most economically; since they have declared that the minerals are more valuable than the land itself, they have ruled in favor of the strip-mine companies.

In 1962, with public-relations fanfare, Bethlehem Steel deeded 860 acres of its land to Letcher County for recreational purposes. An enterprising reporter for an antistrip-mining weekly in Whitesburg, The Mountain Eagle, this year discovered that Bethlehem retained control of mineral rights in the deed. The company also kept the right "to dump, store and leave upon said land any and all muck, bone, shale and other refuse deemed necessary or convenient by (the company) . . . and the right to use, divert, dam and pollute the water and water courses on said land." Letcher County paid only $1 for the acreage, but considering the sweeping rights retained by the company the land was overpriced: Bethlehem will no longer have to pay taxes on the land but can get the coal whenever it wants, however it wants.

Early this year Bethlehem Steel ran full color ads throughout the country proclaiming the virtues of Fishpond Lake in Letcher County. The man-made lake, which is in the same area as the corporation's gift in Letcher County, conveniently covers an abandoned strip mine and, according to Bethlehem's ad, is teeming with fish. In fact, the fishing is lousy, the freshly planted trees are unhealthy and, as one local resident said, "I wonder why they didn't just truck in some plastic grass and shrubbery and get it over with."

At present, more than 25 per cent of strip-mining in eastern Kentucky is done under the broad form deed. It has been estimated that in the seven most heavily strip-mined eastern Kentucky counties (Floyd, Pike, Perry, Harlan, Letcher, Knott and Bell) at least 90 per cent of the mineral rights have been separated from the surface rights in perpetuity—forever—under such contracts. That means that very few acres of mineral rights in the coal fields of eastern Kentucky are actually held by the land owner.

The words and actions of the inhabitants bespeak their bitterness and anger over strip-mining. Joe Begley, 55-year-old grocer from Blackey who formed his own grass roots organization—the Citizens League to Protect the Surface Rights—has this to say:

"Every time a rattlesnake strip miner drives his D-9 bulldozer across a property line he

has got the law behind him, whether or not he was invited. The broad form deed allows the stripper to invite himself where he isn't wanted, to take what isn't his. If people in Kentucky are to continue to live under the rule of law, they must believe that the law is a protection and not a threat."

Harry Caudill, author of "Night Comes to the Cumberlands" and a member of the SOK board, sums up the feelings of most mountaineers when he says: "I lament the utter ruination of the hills of my homeland and the assault surface mining has made on people of my blood and name. I have seen once-clear streams choked with mud, and lawns and gardens layered with foul sediments from the spoil heaps. And I have seen wells that once brimmed with crystalline water filled to the top with yellow mud and flecked with coal. I have visited the homes of widows and work-worn old men whose basements and cellars reeked of sulphurous slime from the spoil banks. I have seen the shattered roofs, the broken gravestones and the fences that tell of the blasting that 'cast the overburden' from coal seams."

Broken gravestones are a grim reality for Mrs. Bige Ritchie, a SOK member who stood on her front porch and watched bulldozers, with the sanction of the broad form deed, rip up her family's graveyard to get coal for the Tennessee Valley Authority. The miners would not listen to her shouts that the graves of her children lay under their blades. "I thought my heart would bust in my breast when I saw the coffins of my children come out of the ground and go over the hills," she later told Kentucky's Governor.

The massive environmental destruction is abetted by Federal participation in strip-mining, through the Tennessee Valley Authority. T.V.A. is required to buy the cheapest coal it can for cheap power. That means strip-mine coal. Last year, the authority purchased 35 million tons of coal, 71 per cent of it from Kentucky. T.V.A. also bought half of the coal mined in Tennessee, where, out of a total of 4 million tons, 2.3 million tons came from strip mines.

Long the pride of politicians who viewed it as a benevolent, people-serving agency, T.V.A. is, in effect, stripping away the birthright of the people it was created to serve. Even more ironic is the possibility that the authority's flood-control projects and man-made lakes will be rendered less effective or useless by strip-mine debris, as Harry Caudill has suggested. Every contract T.V.A. writes requires reclamation, but the state of that art is worse than primitive. Authority board member Frank Smith claims that the six years during which reclamation has been required in T.V.A. contracts for the purchase of coal is not enough time to tell whether reclamation will or won't work.

While Frank Smith waits, anger in the mountains is beginning to focus on T.V.A. as the most visible instrument of strip-mine destruction. The smoke palls and fly ash from T.V.A. power plants burning Appalachian coal make it visible enough. But the fact that it is an agency of the Federal Government is what angers most mountain people. The region always expected more mercy from Washington than from the state houses. Pictures of John F. Kennedy are kept in many homes, and his promise during the 1960 West Virginia primary to "do something" for the people is wistfully remembered. However, the memory of a long-ago campaign will not stand against T.V.A.'s coal appetite and a war on poverty that has ended in a full-scale rout.

Tremendous profit means tremendous political power. The coal companies have managed to win their share by keeping T.V.A. happy and by supplying a large part of the nation's energy. They are accustomed to being influential.

In West Virginia last year, coal interests beat back an attempt to ban stripping by mounting a media campaign that threatened economic doom and by swamping the Legislature with lobbyists. During the campaign for Governor in Kentucky last summer, the Democratic candidate, Wendell Ford, met with a group of strip-mine operators in the town of Wise, Va.—putting him out of reach of Kentucky's campaign-contribution laws. A Louisville Courier-Journal investigation found that the meeting, gossiped about for weeks, did take place, but was unable to confirm whether or not money changed hands. The common assumption is that Ford (who eventually won the election in November) walked out loaded with cash. But observers are more amazed that he got caught, while his opponent, supported by a coal-influenced incumbent administration, did not. No one I know in the mountains of Kentucky seriously doubts that strip-mine operators invested heavily in both candidates.

Far from being defensive, the strip-mine operators wrap themselves in the cloak of patriotism or imply that their assault on the land is beyond the reach of the law. James D. Riley, a vice president of the Consolidation Coal Company, famous for the Farmington, W. Va., mine disaster and the stripping of large tracts of mountain land, has declared that strip-mining opponents are "stupid idiots, socialists and Commies who don't know what they are talking about. I think it is our bounden duty to knock them down and subject them to the ridicule they deserve."

The battle will be fought in the courts and legislatures—unless it is once again demonstrated to the mountain people that, when it comes to coal, they have no friends in established institutions.

At the Federal level, a bill to abolish strip-mining has been introduced by Congressman Ken Hechler of West Virginia, but its chances of passage are slim. The hostility of the House subcommittee hearing testimony on the bill is rather obvious. When I testified in October on behalf of the Appalachian Coalition, a multistate association of groups opposed to strip-mining, subcommittee chairman Ed Edmondson of Oklahoma and the rest of the panel heard me say essentially what I have said in this article—and dismissed me without any questions. The strip-mine operators who also testified were questioned at length and thanked for their "helpful contribution."

Unless there is some dramatic change in the Senate subcommittee debating the bill, the members of which are all from Western states, any Federal legislation on strip-mining will almost certainly be either the Administration bill, which gives the states two years to develop regulations, or the bills introduced by Congressmen Wayne Aspinall of Colorado and Wayne Hays of Ohio that would require Federal permits for strip-mining, but would in no way apply to Applachian states, which have had regulations and a permit system for as many as 20 years. Indeed, it is a distinct possibility that Federal control of strip-mining could weaken the already dismal state-regulation system in Appalachia.

Though a bill to abolish strip-mining will be introduced in the Kentucky General Assembly, the powerful interim committee which will consider the legislation has already announced that the only problem with strip-mining is that the state enforcement division does not have enough employes. When the Legislature convenes in January, members of SOK and its support groups will be there to let the powerful know that the powerless are fed up. If lobbying proves futile, then we are prepared to take more direct action to dramatize our outrage. Harry Caudill, like some other eastern Kentucky supporters, has publicly called attention to "the propensity of mountain people to settle their differences with dynamite" when all else fails.

No one in SOK seeks violence. Despite the odds against them and their growing anger, most people in Appalachia are relying on legal tactics. Joe Begley's Citizens League to Protect the Surface Rights has filed a suit demanding that the mining permits of 30 companies be revoked because of numerous violations of Kentucky's strip-mining regulations, ranging from pollution of streams to personal property damage. All of the companies have at least five recorded violations, several have 15 and one has 33. Not one permit has ever been revoked by the Kentucky Division of Reclamation, the agency which oversees strip-mining.

Essentially, the suit is an harassment tactic; there is no great hope that even one of the companies will be forced out of business. Harassment in the courts and through newspapers and television coverage is about the only weapon we have which is legal.

The harvest of generations of exploitation may be a rebellion in Appalachia. It is being born out of the simple conviction of such people as 76-year-old Katherine Haynes, who believes that "God never meant for the land to be torn up like it is"; Mrs. Haynes' son, Joe, a SOK member, stopped strippers on her property with a shotgun. It is also born out of the perception of those like Joe Begley who know that "people in eastern Kentucky are sitting on a gold mine, and they're starving to death." The mountain people care little about someone else's profits. They certainly do not care about providing cheap energy for New York, Washington and Philadelphia. (A total ban on strip-mining in Appalachia would cost the average consumer 15 cents a month more on his utility bill—$1.80 a year—according to an estimate by a House subcommittee.) The people want only to save their land from destruction, for themselves and for their children.

For whatever reasons, respect for land or a sense of social injustice, I believe the day is coming when America must repent its wrongs in the Appalachian Mountains.

By Mr. BEALL:

S. 3002. A bill to reguate the interstate shipment of pet turtles. Referred to the Committee on Commerce.

Mr. BEALL. Mr. President, I send to the desk a bill that would, if enacted, regulate the interstate shipment of pet turtles in the hope that such action would prevent hundreds of thousands of cases of salmonella each year.

The seriouness of this situation was brought to my attention by one of my constituents, Mr. Alan Kurtz, of Silver Spring, Md. Mr. and Mrs. Kurtz bought their 5-year-old son, Andrew, a pet turtle earlier this year. The resulting salmonella infection subjected Andrew Kurtz and his family to a prolonged period of agony.

In response to an inquiry of Mr. Kurtz, I wrote to the Department of Health, Education, and Welfare to see what was being done to correct this threat. I received a letter from Johannes Stuart, Associate Director of the Center for Disease Control, in which he said:

Our Center for Disease Control in Atlanta recently has conducted studies which document the association of pet turtles and human salmonellosis. We estimate that two million cases of salmonellosis occur each year in the United States. From our studies of this disease we further estimate that 15 percent are directly related to contact with contaminated pet turtles. CDC is continuing to evaluate this serious public health situation.

Thus, it was clear that the medical authorities were aware of the magnitude of this problem and had done and are do-

ing considerable research into this situation. But it was equally clear that they lacked the legislative authority to decisively solve this pressing health problem.

Public awareness of this situation has dramatically increased in recent years. The State of Washington has passed a law, similar to the one that I am introducing today, which requires that the pet turtles be certified free of salmonella at the point of origin. A similar bill has been proposed in Montgomery County, Md., while neighboring Prince Georges County has enacted a local ordinance prohibiting the sale of pet turtles. I understand that one House of the Pennsylvania State Legislature has voted to ban the sale of pet turtles in that State.

Mr. President, I do not introduce this bill with the intention of banning pet turtles or of injuring those businessmen involved in the raising, transportation or sale of such pets. But it is inconceivable to me that the U.S. Government, which seeks under the constitutional provision "to provide for the general welfare," can continue to tolerate the distribution of salmonella via the U.S. Postal System, interstate commerce, and so forth, when the risk of infection is so high. I need not point out to my colleagues that salmonella is a major health hazard. To children and to the elderly, salmonella can be a painful and in some cases a deadly disease. "Salmonella flourish in the intestinal tract, causing diarrhea, vomiting, abdominal pain, chills, fever and nausea. The symptoms last 2 to 5 days, and young children and old people are hit hardest, because their resistance is lowest. Dehydration caused by severe diarrhea is a common reason for hospitalizing young victims"—National Observer, October 23, 1971. In the same article it was estimated that salmonella infections among children alone adds $1 million a year to our citizens' medical bills.

Mr. President, pet turtles can be bred under conditions that will render them free of salmonella infections. By authorizing the Public Health Service to set standards and enforce these standards, we can effectively eliminate a major source of salmonella.

Mr. President, I ask unanimous consent that the full text of the letter from Dr. Johannes Stuart; the articles entitled "Household Pets and Salmonella" by Richard C. Swanson, "Pets and Salmonella Infection" by Arnold F. Kaufmann, DVM, "Pet Turtles as a Cause of Human Salmonellosis" by Leslie P. Williams, Jr., DVM, Dr.PH, and Harry L. Helsdon; plus a series of newspaper clippings pertaining to this issue be printed in the RECORD at the conclusion of my remarks.

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

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Rockville, Md., August 13, 1971.

Hon. J. GLENN BEALL, Jr.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BEALL: Dr. Steinfield has asked me to thank you and respond to your letter of August 6 regarding the problem of salmonellosis in pet turtles.

Our Center for Disease Control in Atlanta recently has conducted studies which document the association of pet turtles and human salmonellosis. We estimate that two million cases of salonellosis occur each year in the United States. From our studies of this disease we further estimate that 15 percent are directly related to contact with contaminated pet turtles. CDC is continuing to evaluate this serious public health situation.

We currently are discussing this problem with other Federal agencies, State health departments, and representatives of the turtle industry concerning recommended methods to prevent this hazard.

To date, we have not officially recommended any restrictions on production or distribution.

Sincerely yours,

JOHANNES STUART,
Associate Director,

HOUSEHOLD PETS AND SALMONELLA

(By Richard C. Swanson)

Pets of all types give pleasure to their owners, but if improperly cared for can be potential sources of infection that may cause discomfort, sickness, and in severe cases, even death.

There is a critical need for more public awareness of the potential health hazard of salmonellosis transmitted by popular household pets. Salmonellosis is a form of food poisoning or enteric infection that causes a gastrointestinal upset in animals and man. The *Salmonellae* organisms are a family of bacteria occurring in the intestinal tract of man, animals, birds, reptiles, and insects, and are found wherever man and these creatures exist.

The symptoms of a *Salmonella* infection in humans usually are fever, stomach cramps, diarrhea, and sometimes vomiting. Although the disease is generally not fatal, it can be dangerous for the very young, the very old, and persons already weakened by illness. There are more than 1,200 different members or types of *Salmonella,* one of which causes typhoid fever.

The infectious cycle of salmonellosis cannot be broken unless we are all aware of the problems. To control *Salmonella* a total effort is necessary from everybody. There is a need for dissemination of information about problem areas with which the average person is not familiar.

The record involving salmonellosis, as transmitted from pet to man, is sometimes confusing. There are some questions about who infects whom. Is the *Salmonella* organism really transmitted from man to animal or from animal to man? It is difficult when investigating *Salmonella* infections to determine with any degree of precision the source of the infection after a person becomes ill. There is usually some doubt about the exact causative agent involved in a given case.

Was the pet in the home infected as a result of its environment or was the animal itself creating the contamination within the home? No matter, the infection of the animal points out a reservoir or a source in the home that must be properly attended to and isolated when illness is apparent. In some cases there can be infection without outward symptoms. Every age group enjoys pets, but children often spend more time playing with pets. Children are among those age groups most susceptible to salmonellosis. The age groups in case histories of salmonellosis range from infants to elderly adults.

The *Salmonella* hazard from pets exists throughout the year. Each season has its own special potential for infection. In the summer, a household may tend to acquire unusual pets from trips, visits to relatives or friends, or as gifts from persons returning from vacation areas. In the average household, the mother commonly assumes the responsibility for care of the summer's acquisition of pets. In the fall, as school starts, science and biology projects, Boy Scouts, and other youth activity programs may involve animals. In the winter, some pets normally kept out of doors may be brought into the house. This situation makes for more direct contact between the child and pet and may mean contamination of toys, play areas, and even beds or cribs. In the spring, during the Easter season, there is a serious hazard because of the traditional gifts of ducklings and baby chicks. Sometimes these gifts, instead of providing pleasure, result instead in infections that bring death to the pet and illness to the child, with a subsequent spread of disease to other members of the family.

Review of a large number of well documented case records reveals a variety of pets have been involved in household *Salmonella* infections. Ducklings, baby chicks, and pet turtles are recognized among public health authorities as notorious *Salmonella* carriers or vehicles of infection. Communicable disease authorities can predict with certainty a marked increase in *Salmonella* infections in children in the weeks following Easter. Chicks and ducks are well recognized as one of the largest reservoirs of *Salmonella*; hence, bringing these pets into the home where they are handled and fondled by children is an invitation to unwanted, avoidable illness.

In numerous instances turtles, painted water turtles or "sliders," have been involved in *Salmonella* infection. There is a wide degree of clinical symptoms ranging from no outward signs of sickness to severe illness with bloody diarrhea and extended hospitalization. When we review case histories of infections associated with pet turtles, some patterns evolve with enough frequency to make them significant.

Children in the age group from three months to six years have personal hygiene habits that are conducive to the spread of contamination and infection. Investigations of cases of infection have turned up many explanations as to how the infection was acquired. Children are reported as putting pebbles contained in turtle dishes in their mouths; as sucking their fingers after handling pet turtles; even as drinking the water from the turtle bowl, placing turtles in their mouths, and kissing them.

Children and adults who are chronic fingernail biters have become ill with *Salmonella* infections after handling of or close association with turtles. There have been reports of turtle bowls being cleaned in the kitchen sink and of turtles being placed on the kitchen drain boards while the bowl was being cleaned—even when in some cases the turtles appeared sick and ailing. Records of frequent *Salmonella* isolations associated with turtles, ducklings, and baby chicks emphasize the need for the public to be aware of the constant threat and hazard involved. Unless there are some meaningful, effective control measures, salmonellosis will continue to plague the unsuspecting owners or handlers of turtles.

Even the family dog can pose a public health problem. A recent, well documented case involving a sick puppy and a child who shared his toys with the pet indicates the infection was transmitted from the puppy to the boy instead of the puppy being a victim of the household environment. The puppy was to be cared for by friends and was sick when delivered to the friend's house. A stool specimen from the child and samples of dust from the vacuum cleaner of the home where the puppy was being cared for yielded the same type *Salmonella* as did the ill puppy. Dust from the vacuum cleaner in the owner's home also disclosed the same type of *Salmonella* bacteria. This was not an isolated, nor unique episode.

The National Communicable Disease Center recently reported a significant incident that occurred in Chicago. A mother, whose children for two weeks had experienced marked discomfort and illness characterized by diarrhea and cramps, at a physician's

instruction took stool specimens to a laboratory for analysis, including one labeled "Tobias M., 8 years, male." When *Salmonella* was isolated from the stool specimens, the case was referred for follow-up to a physician assigned to the Bureau of Communicable Disease Control. A home visit disclosed Tobias M. was a male basset hound. The family had acquired the dog several weeks earlier as a stray wandering in the neighborhood. From the time they found the dog it had experienced diarrhea. Not long after the basset entered the household, the children developed diarrhea and cramps.

It was learned that the family frequently used a teenage babysitter and that the mother and two children of a family living next door also had played with the basset hound. Investigation revealed that all had experienced diarrhea and cramps within 48 hours of their first meeting with the dog. Analyses of stool specimens from all revealed the same type of *Salmonella* bacteria recovered from the dog.

Whenever a pet is sick or suspected to be sick, specific precautions should be taken as in any case of illness. Pets and their equipment, containers, bedding, feeding dishes, etc., should be kept separate from sources in contact with food, such as the kitchen sink drain board, and food service utensils. Reusable bedding should be washed separately and kept clean. Special containers should be designated as turtle and fish bowls; pet beds and boxes should be used for intended purpose only; and feeding equipment should be designated for pets only.

We must recognize that any animal, bird, or reptile is a potential vector of *Salmonella* and should be treated as such. Snakes, the various pet rodents, pigeons, and even the household cat have been shown repeatedly to carry and excrete the organism.

The first appropriate control measure is to have a public awareness of the possible hazard. Parent and teachers should not allow children to handle pets unless they are responsible enough to wash their hands after contact. Persons responsible for the pets should know how to properly wash and sanitize their hands, clean the pet's food bowls and other equipment, and avoid contaminating the household environment. Above all, we should remember that *Salmonella* is an intestinal tract infection.

The introduction of a newly acquired pet into the household should put us on the alert to any symptoms of illness, especially if accompanied by diarrhea. The household is not normally geared for acquiring the new pet, and in such situations there should be adequate precautions. We should not let our enjoyment of a new pet turn into another *Salmonella* case history.

Although the Food and Drug Administration's statutory responsibilities do not extend to sanitary practices in the home, FDA does have a fundamental interest in the public health and believes that a householder made aware of the hazards of *Salmonella* contamination can, through the proper handling of family pets, help close off this potential source of infection and disease.

PETS AND SALMONELLA INFECTION

(By Arnold F. Kaufmann, DVM)

(NOTE.—Figures referred to are not printed in the RECORD.)

Following the instructions of her physician, a Chicago resident recently brought stool specimens obtained from her family to the Chicago Board of Health. During the preceding 2-week period, her children had experienced an illness characterized by diarrhea and cramps. Subsequent laboratory investigation revealed *Salmonella infantis* in the 3 specimens, 1 of which had been labeled "Tobias M., 2 years; male." The case was referred to a city public health physician, assigned to the Bureau of Communicable Disease Control, who reported:

"A home visit disclosed Tobias M. to be a male Bassett Hound. The family pet dog had been obtained several weeks earlier as a stray animal wandering in the neighborhood. From the time the dog was found, it had experienced diarrhea. Several days after the dog entered the household, the children developed diarrhea and cramps.

"It was learned that a teen-aged baby-sitter was frequently used by the family. In addition, the mother and 2 children of a family living directly across from the apartment also had played with the Bassett Hound. Follow-up of these possible contacts revealed that all had experienced diarrhea and cramps within 48 hours of the first meeting with the dog. Examination of their stool specimens revealed *S. infantis* in each." [1]

Although the number of reported cases such as this one is not overwhelming, enough reports are received to indicate at least a potential reservoir of salmonellosis in household pets. To evaluate the implications of the pet-associated cases, certain facts must be kept in mind. First, thoroughly investigated cases represent only the tiniest pinnacle of a vast iceberg of disease.

Further, one must keep in mind that sporadic cases—the typical pet-associated cases—usually are given little or no attention from local health departments because of shortages of personnel and facilities. The larger, usually food-borne outbreaks, are given emphasis. Therefore, the small number of reports of cases due to contact with pets probably is a result of under-reporting and lack of investigation. A good example of this is the current situation with turtle-associated salmonellosis. Prior to 1962, there were no reported cases of salmonellosis associated with turtles in this country. But following the report of a single case in a salmonella surveillance report in 1962, a large number of such cases have been uncovered.

To gain some perspective, it is necessary to review briefly the problem as a whole. The number of salmonella isolates from human sources has risen dramatically since World War II. Between 1947 and 1964, the reported incidence increased threefold (Fig. 2). The true total of cases has been stated as 2 million annually based on a 1:100 ratio of reported to actual cases found in typical food-borne outbreaks. A classic example of the under-reporting of salmonellosis is the Riverside, Calif., water-borne outbreak of 1965. In this instance, an estimated 16,000 cases of gastroenteritis due to *Salmonella typhimurium* occurred. This figure was arrived at by a survey of the community, but the official figures will stand as some 60 culture-positive cases occurring over a period of 3 months.

The age distribution of persons with reported cases (Fig. 3) indicates an increased incidence of salmonellosis in the very young and the older age groups. This is related to the generally lower resistance to diseases in these age groups. Because of this lower level of resistance in the very young, it is interesting to speculate on the relative risk involved with a child in the "oral stage" and a pet excreting salmonella. The recurring problem of pet chicks and ducklings causing a minor rash of cases at Easter time attests to its being a real problem.

Although we have some idea of the reservoirs of salmonellosis, these are far from being adequately delineated. From salmonella surveillance data for 1963–1965, an indication of our major problem areas can be determined (Fig. 4). Food animals such as poultry, cattle, swine, and their products are the greatest direct source of infection to man. However, during 1965, salmonellae were recovered from cold-blooded vertebrates on more occasions that from swine. Many of these were from pet turtles.

A breakdown of isolates from pet-type animals reported to the Salmonella Surveillance Unit between 1962 and 1965 indicates that salmonellae can and do infect with some undetermined frequency pet-type animals (Table 1).

TABLE 1.—SALMONELLA ISOLATIONS REPORTED FROM PET-TYPE ANIMALS [1]

Animal	1962 [2]		1963 [3]		1964 [4]		1965 [5]		Total
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	
Dogs	24	[6] 1.6	72	1.3	63	1.2	58	0.8	217
Cats	4	.3	7	.1	21	.4	24	.3	56
Monkeys	15	1.0	25	.5	36	.7	41	.6	117
Rabbits			14	.3	6	.1			20
Laboratory rodents	30	2.1	107	2.0	56	1.1	34	0.5	227
Turtles			6	.1	104	1.9	215	3.1	335
Other reptiles	3	.2	28	.5	23	.5	34	.5	88
Fish					3	.1			3

[1] Information is taken from Salmonella surveillance reports for 1962, 1963, 1964, 1965.
[2] Represents 1,453 isolations of nonhuman origin.
[3] Represents 5,389 isolations of nonhuman origin.
[4] Represents 5,461 isolations of nonhuman origin.
[5] Represents 6,834 isolations of nonhuman origin.
[6] Percentage of nonhuman isolates during that year.

Since most reported cases of pet-associated salmonellosis are in younger persons, a direct route of transmission is probably of greatest importance. This is the classical feces-to-hand-to-mouth route. The potential of an indirect route through food contamination, whether by use of the same dish for pet and household use or by handling of a pet prior to food preparation, does exist. In many instances, an epidemiologic study will find a household pet, with or without apparent illness, excreting the same serotype as is recovered from the human patient. In this circumstance, the question arises as to whether one or the other was the culprit or whether both were victims of a common source. For each individual case, these points remain valid questions. But, taking the whole of observations, the frequency of finding these same sets of circumstances support the validity of the view that pets can and do serve as vehicles of infection for human salmonellosis.

Although this report is concerned with human salmonellosis related to pets, the epizootiology of salmonellosis within pet species cannot be ignored. With the notable exception of transovarian transmission as seen in the duck and possibly the turtle, the majority of pets are infected with salmonellae via their feed. Animal-to-animal spread is probably of little significance under usual circumstances. That pet foods such as horse meat serve as a vehicle of infection [3, 7] has been recognized for some time. Until such time as the animal feeds in the United States are salmonella-free, the pet-associated cases of salmonellosis will remain a problem.

Footnotes at end of article.

DOGS AND CATS

In the most frequently maintained pet species—cats and dogs—there are no accurate figures available as to the carrier or excretion rate to be found in any region of the United States. In past years, surveys conducted of "normal" household dogs have shown excretion rates ranging from 3.4% in Texas [15] to 15.0% in Florida.[12] A similar survery of household cats in Florida demonstrated an excretion rate of 12.0%.[12] In 1955, the discovery of salmonellae in 26 of 98 samples of commercial dog meal was reported,[7] but a survey during 1965 of meals available in the Atlanta area failed to reveal a single positive sample.[2] However, other common food items and supplements to the pet dog's diet, such as horse meat and bone meal, remain contaminated. As long as such items are commonly fed uncooked to household pets, the pets will continue to excrete salmonellae at significant levels. Further, to depend on the cooking of foods in the home will never solve the salmonella problem.

From one study, it appears that a younger dog presents greater danger to its handler than does an older dog.[8] This is based on a higher percentage of excretors in pups as opposed to adults. This is a common trend in many species, including man (Fig. 3). However, the adult dog quite often sporadically excretes the organism without evidence of any clinical signs and still serves as a potential reservoir.

Of 19 incidents reported by the Salmonella Surveillance Unit during 1965 apparently involving cats and dogs, 8 implicated cats, 10 implicated dogs, and 1 implicated both.

PET BIRDS

Wel-documented cases of salmonellosis from handling pet birds have been reported. [4-6, 11, 13, 14] These have been attributed for the most part to ducklings and chicks purchased at Easter time. Despite many announcements every year by the Georgia State Department of Health, the sale of these birds is a big item in Atlanta pet shops. As a result, reports of cases due to contact with these birds come in annually. Of interest during 1965 was the slight twist to this problem in the sale of natural stuffed ducks and chicks which were contaminated. While these pets present a seasonal problem, they are but a symptom of the larger problem of contaminated poultry products—both meat and eggs—due to salmonella contamination of feeds in this country.

Other pet birds have not been commonly implicated in infections in human beings, but 2 separate cases associated with parakeets have been recorded.[4, 11] A case was reported [11] in a 7-month-old male infant that contracted an infection 2 or 3 weeks after 2 parakeets had been purchased by his parents. The family lived in a recently constructed building. They owned no other pets, and the apartment was not infested with insects or rodents. *Salmonella typhimurium* was isolated from the baby's feces obtained on the 5tht day of illness and again 50 days after recovery. Although both parakeets were active and appeared healthy, *S. typhimurium* was isolated from each of 6 specimens of droppings obtained from 1 of the birds.

The birds were confined in a cage 5 ft. off the floor and were not permitted to fly around the apartment. Feathers and droppings occasionally fell to the floor in an area where the infant crawled and played. It was assumed that the infection in the infant could have resulted from exposure to the wastes from these parakeets.

At the recent conference of public health veterinarians in Atlanta, a report was made on a combination parakeet aviary and sausage kitchen. The report points up a potential danger in keeping pet birds in food-handling establishments.

Among salmonella isolations obtained for identification by the Enteric Bacteriology Unit, Communicable Disease Center, for the period 1947–1958, there were 15 from canaries and 10 from other pet bird species.

TURTLES

Within recent years, a heretofore unsuspected source has literally come into the headlines. This is the pet turtle, scientifically known as *Pseudemys scriptaelegans*. In 1962, the first human case of salmonellosis associated with turtles in the United States was recorded. Since that time, approximately 100 documented cases in which the same serotype was recovered from the patient and the pet turtle have been reported. Additionally, many turtle-associated cases in which cultures could not be made for one reason or another have been recognized. When the relative laxity of investigating the sporadic case of salmonellosis is taken into consideration, this is a fantastic number of cases and indicates a real health hazard.

An example of what can be found is represented by turtle-associated salmonellosis in the area of Seattle (Table 2). These data are reported for the period from February through August, 1965, by the Washington State Department of Health. One of these cases (No. 5) was particularly interesting because when the investigation was started, the patient's mother had already disposed of the turtle. It was traced through several previous owners to a tavern. The tavern owner remembered giving the turtle to a customer because it was painted red and had "San Francisco Fisherman's Wharf" written on the back. The turtle had been kept in a tank with a number of others which were used for a weekly turtle-racing contest sponsored by the tavern. Up to 150 turtles were entered in these events. *Salmonella oranienburg* was isolated from the tank used to hold the turtles. Considering the contamination, probably not all of the "morning after" symptoms of the participants were due to the night before's libations. Needless to say, turtle racing is now banned in Seattle. While these cases were all associated with turtles, a case of salmonellosis due to contact with a chameleon was reported during the same period. The same serotype, *Salmonella manhattan*, was isolated from the patient and the pet. This would seem to implicate still another commonly kept pet as a potential reservoir of salmonellosis.

TABLE 2.—HUMAN SALMONELLOSIS ASSOCIATED WITH TURTLES (SEATTLE-KING COUNTY 1965)

	Patient's age	Date of onset	Salmonella serotypes isolated	
			Patient	Turtle
Patient:				
1 M.K.	13	February	S. heidelberg	S. braenderup.
2 B.B.	34	May 1	S. give	S. give.
3 P.S.	13	June 9	S. newport	S. newport, S. manila, S. cubana.
4 K.B.	2	July 26	S. paratyphi B	S. paratyphi B.
5 B.S.	5	July 27	S. oranienburg [1]	S. oranienburg.
6 J.T.	3	July 29	S. heidelberg [2]	S. typhimurium.
7 L.F.	1	Aug. 3	S. poona	S. poona.
8 P.D.	(3)	Aug. 6	S. typhimurium	S. typhimurium.
9 P.G.	6	Aug. 19	do	Do.
10 R.W.	4	Aug. 20	do	Do.

[1] Associated with turtle racing in a tavern where S. oranienburg was isolated.
[2] S. heidelberg isolated from baby chicken owned by patient.
[3] 19 months.

Source: Division of Epidemiology, Washington State Department of Health.

The percentage of individual turtles excreting salmonellae will vary with the individual raiser and the conditions under which the pet turtles are held before reaching the individual household. But in our experience, 50% or more are contaminated.

In past years, a typical turtle raiser held his breeding stock in a small pond filled with literally thousands of turtles. Adult turtles were usually fed raw offal from local abattoirs, though in some instances a particularly enterprising breeder would contract with a small community to use their sewage-settling ponds for maintenance of his breeding stock. The water of these has been tested and found to contain as many as 240 salmonella organisms per 100 ml.[9]

In late spring and early summer, the turtles lay their eggs in nests dug out of the pond's bank. These eggs are gathered daily by the breeder. They are then hatched away from the pond. Young turtles are given neither food nor water until sold to retailers.

Investigations have shown that young turtles are infected before being shipped by the breeeder, and the possibility of transovarian transmission has been shown in one study.[9] If this is the case, and epidemiologic evidence supports this, the control of this problem will be extremely difficult; it may well remain a public health problem for years to come.

Domestic turtles are not the only offenders in this respect. A single study of the type of turtle being imported from South America indicated that a high percentage of these may be contaminated.[10] Additionally, these turtles were carriers of several serotypes not reported in this country and thus served to introduce these into the United States.

In closing, the following report by Dr. S. M. Fish of the Philadelphia Department of Health illustrates the potential complexities of pet-associated salmonellosis:

"Last spring a local family came into possession of a young turtle, because there were just too many children in the previous owner's family and too much bickering over which one was going to play with it and take care of it.

"This past January 9, their daughter came down with severe diarrhea and was hospitalized. *Salmonella java* was isolated from her stool. Mary was 2 years old and was in the hand-to-mouth stage. She liked to play with the little turtle.

"When the health department was notified of Mary's salmonellosis, stool specimens were obtained from other members of the family—2 siblings and her parents. All were negative.

"The turtle, however, was positive. There were 2 other family pets, a cat and dog, both of which drank water at times from

the turtle's pond. Both were positive for *S. java*.

While many cases of salmonellosis have been reported of turtles and children infected by them, Dr. Fish has the honor of first reporting an incident involving a child, a turtle, a cat, and a dog.

FOOTNOTES

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Pet Turtles as a Cause of Human Salmonellosis

(By Leslie P. Williams, Jr., DVM, Dr. PH, and Harry L. Helsdon)

An infected pet turtle was shown to be the source of a case of human salmonellosis. The investigations that followed this finding resulted in 16 serotypes of Salmonella being designated turtle-associated types. Epidemiologic follow-up of these serotypes demonstrated, in addition to the original case, five index cases where turtles were the source of infection. Nine additional patients with salmonellosis had owned turtles but they were unavailable for sampling. Of the 22 infected persons found, 6 had been hospitalized and 13 excreted salmonellae for over 30 days. The majority of those infected were under 6 years of age; however, three mothers were also infected. The chain of transmission could be broken by the strict adherence to sanitary procedures when handling turtles or the production and marketing of turtles and turtle food free of salmonellae.

In January 1964, a family outbreak of gastroenteritis was investigated; the causative agent was shown to be *Salmonella panama*, a relatively uncommon serotype in Minnesota. It was found that a small green turtle was kept as a pet in this household. The water in the turtle's bowl was changed twice weekly, and the old water was discarded into the kitchen sink. Water from the turtle dish was cultured, and *S panama* was isolated. Quist and McQueen [1] had previously demonstrated turtles to be the source of salmonellosis.

Subsequently, another *S panama* infection was investigated in a 2-year-old girl who had been ill in November 1963. Her illness had required ten days of hospitalization. The parents stated that turtles had been purchased about six weeks prior to the child's illness. She had been repeatedly scolded for sucking on the colored pebbles in the turtle dish. One of the turtles was found surviving in the home of the child's aunt. *S panama* was isolated from the water in the turtle's dish.

Investigations of salmonellae in Mediterranean tortoises (*Testudo* species) have been conducted in England,[2, 3] Sweden,[4] Norway,[5] Morocco,[6] Bulgaria,[7] and Israel.[8] Salmonellae were also isolated from galapagos turtles in the United States.[9] No reports of salmonellae in the common pet turtles of the United States, such as "sliders" or red-eared turtles (*Pseuyemys scripta elegans*), painted turtles (*Cheysemys picia*), box turtles (*Gopherus* species), and "midturtles" or baby snappers (*Chelydra serpentina*), could be found in the literature.

To better define the problem of human exposure to salmonellae found in pet turtles in Minnesota, investigations were conducted by sampling turtles in retail outlets and wholesale establishments, school classrooms, and private homes. From these findings, it appeared that certain serotypes of salmonellae could be considered as "turtle associated." When these serotypes were isolated from human stool specimens in the Minnesota Department of Health, Division of Medical Laboratories, an epidemiologic investigation was made to demonstrate additional cases or family outbreaks resulting from exposure to salmonellae-infected turtles.

On three occasions, turtle food which contained insect larvae, meat meal, and fish meal was examined for the presence of salmonellae.

Materials and Methods

Water samples were collected from turtle containers in retail stores, schools, and homes using sterile 10-ml disposable syringes or 10-ml pipettes. These samples were discharged immediately into 10-ml amounts of double-strength tetrathionate broth and transported to the laboratory for incubation. At the time of sampling, the following information was obtained: type of container, approximate number of turtles, source, how often the water was changed, and when the water was changed relative to sampling time. When possible, the length of time that the turtles had been in schools or homes was determined, and the approximate sales per month was obtained from retail stores and wholesalers.

Footnotes at end of article.

If a painted turtle or a box turtle was found, a cloacal swab was obtained, and the swab was introduced immediately into normal-strength tetrathionate broth for transport and incubation.

The initial testing of turtles which had been transported recently in interstate commerce was made by random selection of 30 turtles from a shipment of 1,000. Fifteen turtles were placed in each of two sterile stainless-steel pans containing tap water 1 inch in depth. Water samples were taken at 24 and 72 hours and cultured as described above.

The last three lots of wholesale samples were examined in two ways to determine whether salmonellae found in the water were from shell contamination, intestinal infection, or both. A few turtles were taken from the air freight shipping boxes on the day they arrived and were transported to the laboratory, either one or two to a sterile plastic bag. Each one was numbered on the underside, and the entire surface of the turtle was swabbed with sterile cotton. Each turtle was then chloroformed, and the entire viscera was removed and ground with sterile sand in a motar. Tetrathionate, 30 ml, was added to the viscera and it was cultured.

Methods recommended by Edwards and Ewing [10] were used for isolation of the salmonellae from the tetrathionate broth and the identification of these organisms.

The tetrathionate broth was incubated for 18 to 24 hours at 37 C and then plated to one brilliant green plate and one desoxycholate plate. Early in the study, the enrichment broth was held at 37 C for an additional 48 hours and then plated to brilliant green and desoxycholate agar again. When it was shown that the 72-hour incubation of samples did not add to the yield of salmonellae, the remaining cultures were incubated for only 18 to 24 hours.

Turtle food was cultured by adding 15 gm of the product to 50 cc of tetrathionate broth. If the quantity sample was large enough, it was run as two 15-gm subsamples. A 24-hour incubation period was used, and enrichment samples were plated on the same media as was used for all other samples.

Results

Thirteen pet shops or variety-store pet departments were included in the retail survey. One was sampled on two occasions. Most of the turtles seen were "sliders," but a few baby snappers were in retail stores. Ten stores purchased their stock from one or more of four local wholesalers. Three purchased their turtles directly from farms or dealers in Louisiana or Florida. Eleven kept the stock in aquariums that required frequent water change. The two remaining used a deep water aquarium with an aeration and filtration system. Salmonellae were recovered from both types of containers. Six samples from the aquariums contained salmonellae. Serotypes identified were *S berta, S panama, S urbana, S thompson, S braenderup,* and *S muenchen.*

MINNEAPOLIS PET SHOPS AND VARIETY STORES, 1964

Wholesale source Number	Number of turtles examined	Water change, time prior to sample	Results	Sale per month
1	15–25	2 days	Negative	50
1	15–20	3 days	Negative	100
(1)	15	3 hours	Negative	150
1	20–25	1 week	Negative	25
(2)	20–30	1 month	Negative	100
1	15	1 day	S berta	15
1	20	1 day	Negative	20
2	20–30	6 hours	S panama	100
2	20–30	1 month	Negative	30
4	10	3 days	S urbana	30
(3)	30	Could not recall	S thompson	25
2	10	Unknown	Negative	100
1	0	4 days	S braenderup	35
3	15	Unknown	S muenchen	
Total	225–275		6 serotypes	780

[1] Monroe, La.
[2] Louisiana.
[3] Miami, Fla.

The ability to isolate salmonellae from the turtle water was not directly related to the time when the water was changed in the holding container in relation to when the sample was taken. Salmonellae could be isolated from water within six hours after it was changed. This data is summarized in Table 1. The approximate total monthly sales by these 13 pet retailers was 780 turtles.

Pet turtles were sampled in homes and school classrooms. Those in homes were included in these samples either as a result of epidemiologic investigation or because they were in homes known to one of the authors. Twenty-two turtles were cultured in 11 homes. Seven of these homes contained turtles that were excreting salmonellae. Serotypes isolated included the following: *S rubislaw, S. braenderup, S. schwarzengrund, S. newport,* and *S panama.* One *Arizona* species was also isolated. The shortest possession time was five days, the longest was seven months, and the average was 3.4 months. *S panama* was recovered from two turtles that had been in homes for six months. All of the turtles were baby green sliders.

School classrooms were an additional source of pet turtles. Through the cooperation of Minneapolis Public Schools, 43 turtles were sampled in 26 classrooms. They included 28 sliders, 12 baby snappers, 2 painted, and 1 tortoise or box turtle. *S. new brunswick* was isolated from only one snapper. The possession time for turtles was known for 13 of these classrooms. The average was 5.8 months, with a range or three to seven months. The infected turtle had been in the classroom the shortest time of any in this group. It is not known whether it was purchased or captured from a creek near the school. The results of sampling pet turtles are presented in Table 2.

TABLE 2.—SALMONELLA ISOLATED FROM PET TURTLES IN PRIVATE HOMES AND SCHOOL CLASSROOMS IN MINNESOTA, 1964

Sampled	Number of turtles	Average time in possession, mo.	Number positive	Serotypes
11 homes	22	3.4	7	S rubislaw, braenderup

Four turtle wholesalers in the Minneapolis area were known to the authors. The first sampling at the establishment of wholesaler 1 was the cloacal swabbing of seven painted turtles of a lot of 25 that survived freezing when left on a baggage cart at the local airport. *S miami* was recovered from one of these swabs. When wholesaler 1 received a shipment of 1,000 sliders by air freight shortly after this, 30 were sampled as previously described. *S braenderup* and *S richmond* were isolated from the first sample of water in which the turtles had been placed; and, from a second sampling 48 hours later, *S braenderup* and *S larochelle* were isolated. At the establishment of wholesaler 2, two samplings of water from each of the containers holding sliders, painted turtles, and adult sliders were cultured. On each occasion, *S java* was isolated from water containing the sliders.

At a later date, a sample of 12 turtles from a shipping lot of 1,000 was obtained from Wholesaler 1. Two groups of 12 and 14 turtles each were obtained from wholesaler 3, not previously sampled; turtles were from two different shipping lots of 600. The results of these investigations are shown in Table 3. Surface swabs were taken and cultured from 38 turtles arriving from out-of-state sources; 12 were found positive for salmonellae. Thirty-eight visceral samples cultured from the same turtles revealed 21 positive for salmonellae. A total of ten different serotypes were identified from this group. There were six turtles from which two serotypes were isolated in each visceral sample, one turtle from which these serotypes were isolated from a visceral sample. In addition to the isolation of salmonella from the turtles cultured, frequent isolation of *Arizona* species was made; however, no isolation of these organisms was made from human cases investigated.

TABLE 8.—SALMONELLA SEROTYPE DISCOVERED FROM PET TURTLES MOVING IN INTERSTATE COMMERCE TO MINNESOTA WHOLESALERS, 1964

Shipment source	Size	Wholesaler No.	Samples: Number	Samples: Type	Number positive	Serotypes recovered
New Jersey	1,000	1	12	Surface swab	4	S blockley, S kentucky.
			12	Viscera	9	S kentucky, S muenchen, S braenderup, S thompson.
Virginia	600	3	12	Surface swab	4	S typhimurium.
			12	Viscera	0	
Do	600	3	14	Surface swab	4	S mississippi, S newport, S braenderup, S typhimurium.
			14	Viscera		S typhimurium, S thompson, S newport, S saint paul, S urbana.
Subtotal:						
Surface swabs			38		12	6 serotypes.
Viscera			38		21	8 serotypes.
Total			76		33	10 serotypes.

No salmonellae were isolated from the feed samples tested. On visual examination, the main constituent of the meal seemed to be the dried fly or daphnia larva. The amount of each constituent was not given on any of the packages.

As a result of the above findings the following list of salmonellae were designated as turtle-associated serotypes: *S berta, S panama, S urbana, S thompson, S richmond, S braenderup, S muenchen, S blockley, S kentucky, S new brunswick, S larochelle, S java, S rubislaw, S schwarzengrund, S newport, S mississippi,* and *S miami.* Turtles were also considered as possible sources of infection when investigating selected *S saint paul and S typhimurium* infections. Investigation of one additional case of *S panama* and one each of *S braenderup, S schwarzengrund,* and *S newport* led to homes where the same serotype was found on the turtle or in the water in the turtle dish. In each case, one of the following means of spread was involved: (1) children in the "hands in mouth" stage had handled the turtle; (2) turtle water was dumped in the kitchen sink; (3) the turtles were placed in dishes used for food. The average attack rate in these six families, including the two original cases, was 18%. Two patients required hospitalization. Four of the infected individuals excreted the organism for over 30 days (Table 4).

TABLE 4.—FAMILY OUTBREAKS OF SALMONELLOSIS WITH PET TURTLES AS SOURCE, MINNESOTA 1964*

Serotype	Family members	CP†	HR‡	Age of infected	Number carrying over 30 days	Time of exposure
S panama	5	2	No	2, 4 years	2	1½ months.
S panama	7	1	No	4 years	1	3 months.
S panama	10	1	Yes	2 years	Unknown	1½ months.
S braenderup	4	1	No	9 years	1	2 weeks.
S schuarzengrund	7	1	No	2½ years	Unknown	5 days.
S newport	5	1	Yes	29 years	Unknown	2 months.
Total	38	7		Average, 7.5 years	4	Average, 1.4 months.‡

Investigations of nine other turtle-associated *Salmonella* infections disclosed homes where turtles had been in the home or a classroom for a period of time. In these instances, it was established that there had been turtle contact, but the turtles were not available for sampling. One patient had handled turtles on a Florida turtle farm.

One patient in this group had a *S saint paul* septicemia. Another patient infected with *S panama* suffered an illness characterized by intermittent severe back pain and fever that required three periods of hospitalization during a three-month period. The average attack rate in these nine families with turtle contact was 33%. Four of this group required hospitalization. Nine of the infected patients excreted salmonellae for over 30 days (Table 5).

To assess the effect of these investigations on source determination of salmonellosis in the Minneapolis-St. Paul area and surrounding suburbs, the above information was examined with the salmonellae data for the first ten months of the year. All cases of salmonellosis caused by the serotypes which occurred in children and adults under 45 (who might have had children), were tabulated and the number known to be, or epidemiologically suspected to be, turtle-associated was calculated (Table 6). Of the 16 serotypes isolated from turtles in this investigation, 11 were isolated one or more times during this period from man. From the total of 84 individuals, 21 had contact with turtles.

TABLE 5.—FAMILY OUTBREAKS OF SALMONELLOSIS WITH PET TURTLES AS SUSPECTED SOURCE, MINNESOTA, 1964

Serotype	Family members	CP*	HR†	Age of infected	Number carrying over 30 days	Time of exposure
S braenderup	4	3	Yes†	27,3.1 years	1	6 months.
S java	5	1	No	11 years	Unknown	2 days.
S java	6	1	No	4 years	Unknown	8 days.
S java	4	1	Yes	2 years	Unknown	8 days.
S saint paul	6	1	Yes	5 years	Unknown	Unknown.
S panama	3	1	Yes	4 years	1	2 months.
S blockley	9	3	No	44,7.2 years	3	6 months.
S typhimurium	4	2	No	¾,3 years	2	Unknown.
S newport	5	2	No	4½,2 years	2	1 month.
Total	46	15		Average, 8 years	9	Average, 2.2 months.

COMMENT

In the investigations of *Salmonella* serotypes in Mediterranean tortoises only one [4] of the studies was prompted by human infection; the rest were apparently surveys stimulated by literature reports and the availability of specimens. The investigations of McNeil and Hinshaw [9] resulted from finding salmonellae in necropsy specimens from a galapagos turtle. No dealers selling Mediterranean tortoises could be found by consulting pet trade magazines, although a few might exist in this country. A recent article in a pet magazine discussed breeding these reptiles.[11] This species would constitute a very minor public health problem in comparison to that posed by the common aquatic pet turtle in this country.

In the Minneapolis area, sliders are apparently very popular pets. They are often given to children as gifts. They are a popular classroom pet, especially in the elementary grades. Turtles can be kept in a small container, are not barred from large apartments, make no noise, will not bite, and they require little food. A turtle, a turtle dish, and a package of food can usually be purchased for less than $2.50. The total number sold in this area is not known, but the 780 reported sold per month by the 13 retailers is probably only a part of the actual number. The three cooperating wholesalers reported a sale of 7,700 monthly in the five-state area of Minnesota, Wisconsin, South Dakota, North Dakota, and Iowa. The number marketed by breeders and dealers in the United States and Canada is a matter of conjecture. In late April 1963, a team of investigators from the Communicable Disease Center (CDC) visited a Mississippi farm, on which there were 30,000 adult breeders; they found that 75,000 to 80,000 baby sliders had been marketed already during that year.[1] A recent issue of a popular pet trade magazine lists 107 turtle dealers, though some may not be as large as the unit cited above.[12] It can be safely stated, though, that turtles are widely sold throughout the United States; and these investigations indicate that they are frequently infected or contaminated with salmonellae. Turtles are most frequently handled by children, who as a group are not careful in their sanitary habits. Children are also apparently more susceptible to salmenellosis than adults or their infections are more severe.[13 14] Thus, turtles constituting a source of salmonellosis, are moving freely and widely in interstate commerce and are destined for close contact with a susceptible host.

Serotype	Number of human isolations	Number turtle-associated
S typhimurium	37	2
S saint paul	11	1
S blockley	8	3
S muenchen	5	0
S java	5	3
S braenderup	5	4
S newport	5	3
S panama	5	4
S schwarzengrund	1	1
S berta	1	0
S thompson	1	0
Total	84	21

*Persons under 45 who might have small children with turtles in home.

Pet turtles are hatched and move from the dealer to the wholesaler and then to the retailer unfed, surviving on the "yolk fat," a pad of fat under the dorsum of the carapace. The source of their infection is apparently the contaminated environment of origin. CDC investigators report that turtles originate from three sources: They are netted from small ponds or bayous in the South that are frequently contaminated with human waste; the eggs are dug up and replanted again for hatching in backyard gardens that are fertilized with animal excreta and organic or inorganic fertilizers; or they come from commercial turtle farms. The principal source of protein on breeding farms is meat meal and bone meal.[1] These latter products have been demonstrated to be contaminated with salmonellae.[15–17] Baby turtles may be infected or contaminated from their environment or the egg may be contaminated as it passes through the oviduct and the cloaca.[1] The results of our study showed that the rate of salmonellae excretion by turtles was inversely proportional to the time away from the source of infection; the rate of salmonellae excretion was greater in turtles examined in the wholesaler's establishment than it was in turtles in retail stores. The rate in turtles in homes and schools was still less. This same phenomenon has been observed by investigators in untreated control chicks [18] and baby pigs that were experimentally infected with salmonellae.[19] These findings suggest a possible means of control: holding turtles for a specified period before allowing them to be transported in interstate commerce. Further investigations are needed to confirm these findings.

Our limited samplings of turtle foods did not demonstrate them to be a source of infection to the turtle, even though other investigations [15 17] have pointed to the conclusion that certain of the food ingredients could be contaminated. Our negative findings may have resulted from the dilution of the contaminated portion of the feed by insect larvae, which are the major ingredient. In the senior author's experience (LPW) it has been repeatedly demonstrated that whereas salmonellae (probably in small numbers) can be isolated from individual feed ingredients, the final complete feed, containing nonanimal products as a major ingredient, does not yield salmonella whether antibiotics are included or not, except on rare occasions.

Culturing samples of water from the turtle containers was shown to be a simple method of demonstrating salmonellae in pet turtles. Our findings suggest that the best method of finding multiple serotypes in a given ot of turtles is to culture surface swabs and the viscera, if destruction of the turtle is an acceptable procedure. In all three samplings (Table 3) where this method of examination was used, a serotype was found on one or more turtles of the sampling lot that was not recovered from the visceral cultures. A larger sample may have shown the surface salmonellae to be of visceral origin, as turtles are shipped dry in boxes of over a thousand turtles with layers of paper between them. Shell contamination with turtle excreta could readily take place under these conditions.

While a high percentage of the rarer serotypes found in the Minneapolis-St. Paul area could be associated with a turtle source, this was not true of the more common *S typhimurium* and *S saint paul*. Several explanations exist for this finding. Due to limited time, only those cases that had the greatest possibility of yielding information that would point to a source of infection were followed up. Investigations were restricted to the rarer serotypes and infections in children 5 years and under because of their small number of contacts outside of the home and their controlled environment. If phage typing was a standard technique used in our laboratory, a narrower definition of turtle-associated *S typhimurium* may have been possible and those salmonellae fitting this definition would have been investigated. Turtle-associated serotypes were not necessarily associated with turtles during the entire ten-month period. Wholesalers changed turtle sources and a new flora was introduced, eg, different types were found in two consecutive shipments of turtles to wholesaler 3. The number of samples taken was small, and on broader sampling other salmonella might have been identified. Also to be considered were the many other possible sources of some of these salmonellae. An example of this was *S muenchen* which was designated an "Easter chick and duck type" during April and May, after it was isolated in duckling droppings in a pet shop. Chicks and ducks were subsequently shown to be the source of three infections in children under 10 years of age.

These findings suggest that the following control measures should be recommended by physicians and public health authorities to persons possessing pet turtles: (1) Children should not be allowed to handle turtles unless they are responsible enough to wash their hands following this contact. (2) Turtle water should not be discharged into the kitchen sink or allowed to contaminate the food preparation area. (3) A special container should be designated as the turtle dish and should be used for nothing else. (4) Only one person who is careful to wash his hands should care for the turtle. (5) Other household pets should be prevented from drinking water from the turtle dish. These measures should be advocated until such time as turtles are shown to be free of salemonellae.

The ultimate control measure would be to sell only pet turtles free of these pathogens. To achieve this the following measures are advocated: (1) Hatch turtles in a "clean" environment. (2) Feed breeding turtles only protein supplements known to be free of

Footnotes at end of article.

salmonellae. (3) Market turtles that are free of salmonellae. (4) Sell turtle food that is free of salmonellae.

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SALMONELLOSIS

(NOTE.—Prepared on behalf of the Council on Public Health and Regulatory Veterinary Medicine by James H. Steele, D.V.M., M.P.H., and Mildred M. Galton, Sc.M., U.S. Department of Health, Education, and Welfare, Public Health Service, Communicable Disease Center, Epidemiology Branch, Veterinary Public Health Section, Atlanta, Ga.)

Salmonellosis is considered currently to be the most important of the zoonotic diseases, since it affects more people than any other disease. An estimated 2 million persons are infected each year in the United States. The disease varies in severity from inapparent infection to acute disease which may be fatal in the very young or the elderly.

Reported salmonella infections in man, exclusive of typhoid fever, have increased from 1,733 cases in 1951 to 20,865 bacteriologically proved infections in 1965. While this increase has been due, in part, to increased interest in the problem, it is believed that a real increase in numbers of cases has occurred. It has been estimated that more than 1% of the population of the United States becomes infected with salmonellosis each year, and that only 1% of these infections are reported to public health authorities. As an indication of the magnitude of the reporting problem, during 1965 a waterborne salmonellosis epidemic occurred in Riverside, Calif.; 200 cases were known to the health department. However, a door-to-door survey in the town uncovered more than 16,000 unreported cases. Thus, only slightly over 1% of these cases would have been discovered without further investigation.

The principal reservoirs of salmonella are domestic animals. Their wide distribution in the domestic animal population is well known, although only a small fraction of the infections are bacteriologically confirmed and reported.

In poultry, salmonellosis has been recognized as a significant disease problem for nearly half a century. More than two-thirds of the some 25,000 cultures isolated from animals in the United States from 1934 through 1964 were recovered from domestic fowl. During the first 3 full years of national salmonella reporting (1963–1965) to the Communicable Disease Center, 9,326 (52%) of the 17,684 reported isolations from nonhuman sources were from turkeys and chickens.

Studies of fresh poultry meat in retail markets have revealed that 42% of the samples examined were contaminated with salmonellae. Eggs and egg products have been the source of numerous reported cases of salmonellosis in man during the past 3 years. Red-meat-producing animals have been incriminated, too. Of the reported salmonellae isolations from nonhuman sources during the same 3-year period, 15% were from cattle and swine. After processing, a much higher percentage of the products were found to be contaminated. Recently, nonfat dried milk has been epidemiologically incriminated as the source of human salmonellosis; the same rare type of salmonellosis found in infected persons was found in the dried milk used by their families. Further investigations have revealed a variety of salmonella types in this product.

Animal feed is frequently contaminated and serves as a vehicle of infection for food and pet animals. Contamination is carried in protein supplements which are made from animals and animal parts unfit for human consumption, animals dead of natural causes or accidents, unedible parts, and viscera. Many types of salmonella have been found in horse meat. Fish meal has also been known to be contaminated with salmonella serotypes derived from polluted waters at fish meal processing plants. Another source of salmonella is vegetable proteins, which include cotton seed meal and soybean meal.

Numerous reports have appeared regarding the prevalence of salmonellae in domestic pets. Those most often suspected as the source of human salmonella infections include dogs, cats, chicks, ducklings, parakeets, canaries and, more recently, turtles.

Progress is being made in efforts to control the problem, but much more needs to be done. Centralization of food processing by industry and nationwide distribution of food ingredients and finished foods make possible widespread dissemination of salmonella-contaminated foods. Epidemiologic investigations of salmonellosis have repeatedly demonstrated the importance of food in spreading and maintaining the basic animal-to-animal, animal-to-man, and man-to-man cycles of infection.

The salmonella problem is vulnerable to control procedures that can be applied at certain points in the epidemiologic chain of infection. When cases occur, sources of infection must be determined, the chain of infection defined in each instance, and control measures formulated to prevent recurrence. Control activities should be directed toward eliminating salmonella contamination of animal feedstuffs, applying terminal pasteurization or other bactericidal treatment to human foods and food ingredients, developing food manufacturing and distribution methods to prevent salmonella contamination and bacterial growth, and training food handlers and food processors in the principles of strict sanitary measures, including personal hygiene.

Most of the industries concerned realize their responsibilities and are accepting them with positive action. There is now need for a national salmonellosis committee that could marshal all of our forces and resources for concerted action by industry, agriculture, and public health.

SALMONELLA RESERVOIRS IN ANIMALS AND FEEDS

(NOTE.—Prepared on behalf of the Council on Public Health and Regulatory Veterinary Medicine by John W. Walker, D.V.M., U.S. Department of Agriculture, Agricultural Research Service, Animal Health Division, Hyattsville, Md., and E. M. Ellis, D.V.M., Ph.D., U.S. Department of Agriculture, Agricultural Research Service, Animal Health Division, National Animal Disease Laboratory, Ames, Iowa.)

Salmonella organisms are widely distributed in nature. All warm blooded animals including man and many cold blooded creatures must be considered real or potentian hosts. Since salmonellae are inhabitants of the gastrointestinal tracts of live animals and poultry, transmission may be expected when conditions exist conducive to fecal contamination of foods, feed, and environment. Any of the 900 serotypes have the potential of causing clinical disease when accompanied by certain stress factors.

The first isolation of an organism of the genus *salmonella* from an animal source was *Salmonella choleraesuis* from swine by Salmon and Smith in 1889. In 1885, Moore isolated a paratyphoid organism from pigeons with infectious enteritis. The first report of paratyphoid in turkey poults in the United States was made by Rettger and associates in 1933, although Pomeroy and Fenstermacher had observed the infection in turkeys in Minnesota in 1932. Since then, recovery of one or more serotypes of salmonellae has been reported from all domestic animal species and many wild animals.

A number of studies have been made to determine the occurrence of salmonellae in various food and feed products and animal species in many localities. Wide ranges of infection or contamination rates are reported; however, the design of the studies are so diverse that the results cannot be compiled into a national report. Although a true measure of salmonella incidence in animals and feeds is not known, we must consider them potential reservoirs of salmonellae.

Upon being confronted with reports of finding salmonella organisms in livestock and poultry feeds and ingredients, questions arise in several areas. How do these products become contaminated? To what degree is this contamination responsible for salmonellosis in poultry, domestic animals, and man? Finally, how can this potential hazard be reduced or eliminated?

Animal by-products and *marine* products used in feeds as protein concentrates often are incriminated as vehicles for salmonella. Studies conducted at rendering plants reveal that the heat of rendering is sufficient to kill salmonellae. Recontamination of the finished product may occur after processing,

especially during storage or the transporting operation. Experience has shown that rigid sanitation practices in the production and handling of rendered material are essential in preventing recontamination.

This manner of transmission is an attractive concept of disease cycling and recycling among livestock and poultry and has been demonstrated in a limited number of epizootics in the United States. However, other important sources such as contaminated farms, vehicles, animal concentration points, and slaughter and processing areas must also be considered potential reservoirs for salmonellae. In addition, infected persons are a potential reservoir of transmission to livestock and poultry and to other persons. With few exceptions, salmonella serotypes are not host specific, and cross infection between species is frequent.

What kinds of things should we be doing about this very complex animal and human problem? First, we must investigate the trouble spots to identify the problems and be in a position to take corrective action and prevent even greater problems in the future. The first part is now being examined by specialized state and federal veterinary epizootiologists. These persons should increase such activities in working with practicing veterinarians, diagnostic laboratories, public health and agricultural agencies, and livestock, poultry, rendering, and feed industry groups.

From an epizootiologic standpoint, we need to determine the reasons for the more frequent appearance of some serotypes over others. For example, *Salmonella typhimurium* constitutes about 20% of the recoverics from livestock and poultry. From the diagnostic standpoint, we need better techniques for the isolation of salmonellae from feed products, animals, and the environment, along with a better understanding of the resistance of the organisms to physical and chemical agents. More work needs to be carried out to determine the scope and effect of salmonella infection in chronically ill and apparently healthy livestock and poultry on the farm.

In summary, industry and government, working together now and in the future, need to give increasing, continuous emphasis to the prevention of contamination and recontamination of feed and feed ingredients in rendering plants, feed mills, and on-the-farm utilization and storage of feeds. Finally, because increasing intensification of livestock and poultry raising results in greater numbers of animals on fewer highly specialized farms, producers will need to give increased attention to husbandry sanitation practices designed to aid in controlling diseases spread by fecal contamination, such as salmonellosis.

The veterinary practitioner can be of professional help to his clients by counseling them on the importance of sound disease prevention and sanitation practices in the management of livestock and poultry and in the housing and care of pets.

Many believe the chain of infection could be broken by producing feeds free of salmonellae and preventing recontamination of such products. This would certainly help; however, the attack must be made in all quarters outlined herein if salmonellosis in agriculture is to be successfully controlled.

[From the National Observer, Oct. 23, 1971]

TURTLES: WHEN KIDS PLAY WITH THEM, SALMONELLOSIS CAN BE RESULT

(By Lawrence R. Fuller)

If your youngster has one of those little turtles that pet shops and variety stores sell for 50 cents to $1, a Federal health researcher has some friendly advice: Get rid of it.

Pet turtles cause 20 to 30 per cent of the 2,000,000 annual U.S. cases of salmonellosis, a disease usually associated with food poisoning, research by Dr. Steven H. Lamm of the U.S. Public Health Service (USPHS) indicates. He found that 85 per cent of the turtle-transmitted salmonellosis victims were children under 5, and that those who had to be hospitalized were laid up an average of 11 days. He estimates that pet turtles add $1,000,000 a year to Americans' medical bills.

Salmonellosis is caused by the bacteria salmonella, which also cause typhoid and paratyphoid fever, cholera, and, most commonly, food poisoning from contaminated chickens, turkeys, eggs, and occasionally beef. The disease is transmitted orally through contaminated food or water or unclean hands—including pudgy little fingers that pick up salmonella while handling pet turtles.

Salmonella flourish in the intestinal tract, causing diarrhea, vomiting, abdominal pain, chills, fever, and nausea. The symptoms last two to five days, and young children and old people are hit hardest because their resistance is lowest. Dehydration caused by severe diarrhea is a common reason for hospitalizing young victims.

Dr. Lamm is a USPHS epidemic-intelligence specialist attached to the Connecticut Department of Health. He reported his findings at the American Public Health Association's meeting here last week.

Until his research, he says, physicians thought that turtles transmitted only 1 per cent or less of the U.S. salmonellosis cases—an "interesting finding" but hardly worth worrying about. But his Connecticut study, reinforced by independent findings in Washington state and by USPHS in Utah, New Jersey, and California, indicates that there is cause for concern.

Dr. Lamm started his research when he noticed a high coincidence of salmonella among young children while reviewing epidemiology reports. Curious, he called several victims' parents and found that the children had pet turtles.

During 1970 he and his staff surveyed 66 Connecticut families in which salmonellosis had occurred. They found that 17, or 27 per cent, had pet turtles at the time of the illness. As a control group, Dr. Lamm used 50 families in which children had a viral disease such as measles, chicken pox, or pneumonia. In that group, only one family, 2 per cent of the sample, had a turtle.

Other studies determined that turtles were associated with salmonellosis in 16 per cent of Utah's cases, 11.5 per cent of Seattle's, 9.2 per cent of Atlanta's, and 18 per cent in Santa Clara County, California. Dr. Lamm bases his estimates of national incidence and medical costs on these studies.

Dr. Lamm and Dr. Philip Brachman, director of epidemiology at the Center for Disease Control in Atlanta, both say that all states should follow Washington's example and permit sales only of pet turtles certified as salmonellosis-free. "We're talking with the Food and Drug Administration now" about possible regulations governing the interstate shipment and importation of turtles, Dr. Brachman says.

Washington passed a turtle-sales law in 1967 after a severe outbreak of salmonellosis in Seattle. The law requires that all turtles be certified salmonellosis-free by the chief public-health officer in the state of origin. All Washington stores selling turtles also must post conspicuously a sign that says:

"Caution—Turtles may transmit bacteria causing disease in humans. It is important to wash hands thoroughly after handling turtles or material in turtle bowl; not to allow water or any other substance from a turtle bowl to come into contact with your food or areas where your food is prepared; and to make sure that these precautions are followed by children or others handling turtles."

The Washington law's practical effect has been to eliminate turtle sales; it's almost impossible to certify turtles disease-free. But the law has done its job. Dr. Lamm says that Washington's salmonellosis cases involving children dropped 25 per cent the year after the law was passed, while childhood cases nationally increased 20 per cent.

Dr. Lamm's first advice to parents is to get rid of the turtles. Families unwilling to do that, he says, should take these precautions:

Place the turtle out of reach of children, thus preventing them from handling, kissing, or—as one boy did—swallowing the pets.

Change the water frequently, at least every two days, and thoroughly wash your hands afterward.

Dump the water into the toilet or bathroom sink, not into the kitchen sink where it might splash on food or eating utensils.

[From the Washington Post, July 22, 1971]

SON SICKENED BY PET: FATHER WAGES WAR ON TURTLE SALES

(By Tom Huth)

Last May, Linda Kurtz of Silver Spring bought a pet turtle for her 5-year-old son Andrew. It was one of those small green turtles offered in many dime stores and pet shops, and it was on sale for about 45 cents.

A month later the boy developed bad stomach cramps and diarrhea. Four days later he was no better, so laboratory tests were conducted at Holy Cross Hospital. Andrew had salmonellosis, a disease usually borne by food. The Montgomery County Health department checked the turtle, and it too had salmonellosis.

Andrew was one of the many children—no one knows just how many—who contract the dehydrating disease borne by rod-shaped salmonella bacteria from pet turtles bred in southern United States and South America.

Although officials of the U.S. Public Health Service estimate that 10 to 20 percent of the nation's 2 million annual cases of salmonellosis are caused by turtles, none of the jurisdictions in the Washington area has laws regulating their sale.

There also are no federal controls. Dr. John Bennett, chief of bacterial diseases for the Public Health Service's Center for Disease Control in Atlanta, said yesterday that as far as government agencies were concerned "turtles don't belong to anybody officially."

Adults with salmonellosis may notice only stomach cramps. But in children and old people the disease can strike harder and occasionally can kill. The symptoms are nausea, cramps, diarrhea and fever.

Dr. Steven Lipson, the Montgomery County health department's epidemiologist, said that at least half of the victims of salmonella poisoning in the county were children. "In the last couple weeks four cases were reported which we felt might be due to turtles," he said.

Children most often pick up the salmonella organism by putting their thumbs or fingers in their mouths after playing with turtles.

Alan Kurtz, Andrew's father, said his son was still taking medicine and undergoing medical checkups, although he seemed to have recovered three days after the salmonellosis was diagnosed and he was put on antibiotics. The Kurtzs live at 11235 Oakleaf Dr. Kurtz has begun "a one-man vendetta," as he calls it, to get legislation controlling turtles. "I don't want other parents to go through this kind of agony with something that can be controlled" he said yesterday.

"I'm going to push this until they hit me in the head or until we get some kind of legislation passed to get rid of these darned turtles. They're not worth a darned thing except to make our kids sick."

Lipson said that there has been "interest in this issue for years" in Montgomery

County, but that no laws have been passed because they would be "impossible to regulate." The greatest problem, he said, would be that turtles could be bought in adjacent jurisdictions.

There have been 27 cases of salmonellosis of all kinds in the county this year, Lipson said, and 77 last year.

He said the county was "strongly supporting" legislation proposed by the State Health Department.

Dr. Howard Garber, Maryland's chief of communicable diseases, said the attorney general's office was studying recommendations submitted by health officials.

The state of Washington requires that all turtles offered for sale be certified salmonella-free by the chief public health official in the state of origin, but Barber considers that kind of legislation unreliable.

The lower house of the Pennsylvania legislature has voted to ban the sale of pet turtles altogether.

Garber said 391 cases of salmonellosis were reported in Maryland in the first six months of 1971, nearly double the rate of the same periods in the last five years.

He and Lipson pointed out that other animals—snakes, lizards, Easter chicks—also can transmit the salmonella organism to humans. As for the danger of turtles, Garber agreed, "It's been known for a good number of years. It's just a matter of catching somebody's fancy."

Dr. John Pate, chief of communicable diseases for the District government, said that "I advise against these turtles" because of the danger of disease, although he could recall no cases of salmonellosis directly attributable to turtles this year.

Dr. H. E. Gillespie, Virginia's director of communicable diseases, said his state had not had a recorded case of turtle-borne salmonellosis in a year.

[From the Evening Star, Nov. 4, 1971]

DRIVE TO HALT SALES OF TURTLES PAYS OFF

(By David Holmberg)

Alan Kurtz's campaign against pet turtles—carriers of the disease that made his young son ill for more than three weeks—has finally paid off.

In what may be the first such legislation in the country, the Prince Georges County Council has banned pet shops from selling turtles, which can be carriers of salmonella.

Kurtz began his crusade five months ago.

He spent the summer contacting legislators in Prince Georges and Montgomery counties and in Annapolis after his five-year-old son Andrew contracted salmonella, a bacterial infection of the intestinal tract which is always painful, often hard to get rid of, and sometimes fatal.

ATTACKS YOUNG, OLD

The disease usually attacks the very young and the very old. Several persons, infected from food they had eaten, died in a Baltimore nursing home last year.

Kurtz's son was infected after his father bought him a turtle for 44 cents at a Wheaton pet store.

Upon diagnosis, Kurtz reported the case to the Montgomery health department without knowing the cause.

The department asked if he had a turtle in the house. That's when the campaign began.

"It really disturbed me," he said, "when they said the disease was probably contracted from the turtle, but then they said there were no laws against their sale and there was nothing they could do about it."

Andrew recovered, but Kurtz was not satisfied.

STARTLING INCREASE

He studied the problem and found a startling increase in the number of reported cases of salmonella in the past few years. In 1960 there were 55, in 1969 there were 549, and in 1970, 690. And by September of this year there were already 737. Doctors estimate that thousands of cases go unreported.

Possessing those facts—and with medical evidence that a high percentage of the cases derive from turtles—Kurtz contacted legislators.

"I just hammered away," he said, "and once I took the initiative I got action pretty fast. It's pretty hard for anyone to say you'd rather save pet turtles than children."

Similar legislation was introduced in Montgomery, where it is considered likely to be passed, and in the Maryland General Assembly. The latter measure may be broadened to include other "exotic" animals capable of transmitting diseases to their owners.

LET BUYER BEWARE

"With these animals, including turtles, it's a case of let the buyer beware," said Dr. Kenneth Crawford, chief of the division of veterinary medicine of the Maryland Department of Health, who was enlisted by Kurtz in his campaign. "I think legislation is desperately needed. Who needs a rock python or a chimpanzee—or a turtle—in their neighborhood?"

Dr. Crawford estimated that as many as 400 reported and unreported cases of salmonella were contracted from turtles in Maryland in the past year and that at least nine were serious infections.

The problem with turtles, he said, is that they are often raised in stagnant, disease-ridden ponds and fed with carcasses of diseased animals before they are sold to pet shops.

Among pet shop managers in Prince Georges, many had not heard of the legislation when interviewed yesterday, but two of them said they had already stopped selling turtles because of reports of cases of salmonella. The pet shop managers said they did not expect opposition to legislation from the shops, although turtles are relatively popular.

"Turtles are very good sellers," one pet shop manager said. "They're inexpensive and they're easy to keep. It will hurt our business some not to have them around."

[From the Daily News, Nov. 4, 1971]

ANTIPET TURTLE CAMPAIGN IS SLOW BUT STEADY

(By Mary Leimbach)

While Maryland health officials are convinced pet turtles cause 95 per cent of the state's 2,000 salmonella cases each year, it was a Silver Spring father who finally got something done about it.

The long, often frustrating, battle began for Allan Kurtz, of 11235 Oakleaf Drive, five months ago when he bought a small turtle at a Wheaton dime store for his 5-year-old son Andrew. Three weeks later Andrew was taken to Holy Cross Hospital in Silver Spring suffering from fever, constant diarrhea and severe stomach cramps. "The first thing they asked me was did we have a pet turtle," Mr. Kurtz recalls.

Andrew's illness was diagnosed as salmonella, one of 737 cases in Maryland this year which are known to have been caused by turtles. Altho Andrew was seriously ill, he was more fortunate than some of the intestinal infection victims and recovered in a month. Other young victims have been ill for several months and one for as long as four years, a health official said.

But a month of watching his son's anguish was too much for Mr. Kurtz, an ordinarily soft-spoken store manager for the Lerner chain. He began a one-man campaign to get legislation stopping the sale of turtles for pets. On Tuesday, following a hearing on a bill introduced Oct. 5 by Prince Georges County Councilman Francis Francois, the council adopted legislation making the sale of turtles for pets a misdemeanor.

The only other state to have any such legislation pending is Pennsylvania where the state house has approved a ban on the sale of turtles and the senate has yet to vote. The state of Washington has legislation requiring turtles to be certified as safe.

This is the sort of thing now being considered by the state of Maryland, a health official said. But he added that certification of turtles is inadequate because salmonella is carried almost as a genetic factor and while a turtle can be disease free, its offspring may carry the diseases. Montgomery health officers have tried since 1966 to get strong legislation prohibiting the sale of turtles as pets but have failed.

Because he lives in Montgomery, Mr. Kurtz initially took his anti-pet turtle campaign to officials there, but when he found that Prince Georges councilmen were far more receptive to his ideas, he temporarily abandoned the cause in his home county.

Now that Prince Georges has passed its law, Mr. Kurtz says he'll return to Montgomery's officials. He is also working to have a bill introduced in the Maryland legislature in January.

Salmonella is most serious in children and older people and has the highest incidence of any contagious disease. Fatalities result from dehydration caused by diarrhea. Health officers estimate that 90 per cent of turtles sold as pets carry the disease. "I vowed I would get some legislation to stop the sale of turtles," Mr. Kurtz said. He is now determined to carry the fight to the state legislature and then to the federal level. "It is a matter of interstate commerce," Mr. Kurtz said. "Turtles are raised in Mississippi and Louisiana in filthy pools of human waste and then shipped out of state for sale in pet stores."

A Montgomery epidemiologist agreed that a federal law would be easier all the way around. "We tried and didn't get anywhere. But now that the public is interested maybe we will get something done," he said.

AUGUST 27, 1971.

Mr. ALAN KURTZ,
Silver Spring, Md.

DEAR MR. KURTZ: In response to your inquiry regarding salmonellosis in pet turtles, I am enclosing for your information a copy of the letter I received from the Public Health Service.

As you will note, the Center for Disease Control is continuing to examine the serious public health situation and is in discussion with various interested parties concerning recommendations to prevent this hazard.

With best wishes, I am

Sincerely yours,

J. GLENN BEALL, Jr.

AUGUST 6, 1971.

Mr. ALAN KURTZ,
Silver Spring, Md.

DEAR MR. KURTZ: Thank you very much for your recent letter and telephone call with respect to salmonella in pet turtles and your son's experience with this disease.

In an effort to be helpful to you, I contacted Dr. Howard Garber, Chief of Communicable Diseases for the State of Maryland. Dr. Garber informed me that during the next session of the State Legislature legislation will be considered which would put limitations on the sale of exotic animals, including turtles.

In addition, I understand that the Public Health Service is considering a proposal which would prevent the interstate sale of turtles. I am presently looking into this further with the Public Health Service and will be back in touch with you just as soon as I receive additional information.

With best regards, I am

Sincerely yours,

J. GLENN BEALL, Jr.

AUGUST 6, 1971.

Dr. JESSE STEINFIELD,
Surgeon General, Public Health Service, Department of Health, Education, and Welfare, Washington, D.C.

DEAR DR. STEINFIELD: I have recently been contacted by a constituent regarding the problem of salmonella in pet turtles.

After talking with Maryland State Authorities regarding this matter, I was advised that perhaps the Public Health Service was considering a proposal to ban the interstate sale of turtles. I would be most appreciative if you could advise me if this is the case, and if so, the details of such a proposal.

Thanking you for your cooperation and with best wishes, I am

Sincerely yours,

J. GLENN BEALL, Jr.

SILVER SPRING, MD.,
July 23, 1971.

DEAR SIR: I am writing in hopes you will take a direct interest in my problem (in fact the whole State of Md.'s problem).

Inclosed find an article from the Washington Post on July 22, it is self explanatory.

I have sent copies to the Governor of the State as well as other county and State officials to draft legislation banning the sale of turtles.

I ask you to help me in this cause to protect our children.

Hopefully,

A. KURTZ.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
August 13, 1971.

Hon. J. GLENN BEALL, Jr.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BEALL: Dr. Steinfeld has asked me to thank you and respond to your letter of August 6 regarding the problem of salmonellosis in pet turtles.

Our Center for Disease Control in Atlanta recently has conducted studies which document the association of pet turtles and human salmonellosis. We estimate that two million cases of salmonellosis occur each year in the United States. From our studies of this disease we further estimate that 15 percent are directly related to contact with contaminated pet turtles. CDC is continuing to evaluate this serious public health situation.

We currently are discussing this problem with other Federal agencies, State health departments, and representatives of the turtle industry concerning recommended methods to prevent this hazard.

To date, we have not officially recommended any restrictions on production or distribution.

Sincerely yours,

JOHANNES STUART,
Associate Director.

By Mr. BEALL:

S. 3004. A bill to authorize the burial of the remains of Matthew A. Henson in the Arlington National Cemetery, Va. Referred to the Committee on Veterans' Affairs.

Mr. BEALL. Mr. President, I am sending to the desk a bill that would permit the remains of Matthew A. Henson to be interred in the Arlington National Cemetery in Virginia.

Matthew Alexander Henson was a courageous Marylander whose innate abilities and unfailing determination enabled him to triumph over the limitations of his childhood and, in doing so, make a significant contribution to our Nation's history. On November 18, 1961 former Maryland Governor, His Excellency J. Millard Tawes, dedicated a plaque in the Statehouse which reads:

MATTHEW ALEXANDER HENSON, CO-DISCOVERER OF THE NORTH POLE WITH ADMIRAL ROBERT EDWIN PEARY, APRIL 6, 1909

Born August 8, 1866, died March 9, 1955. Son of Maryland, exemplification of courage, fortitude and patriotism, whose valiant deeds of noble devotion under the command of Admiral Robert Edwin Peary in pioneer Arctic exploration and discovery, established everlasting prestige and glory for his State and country.

Mr. President, Matt Henson was a close confidante and friend to Admiral Peary and it was his dying wish that he be buried near the man who he had faithfully served for so many years. In light of his loyalty, his courage, and his dedication to the honor and glory of the United States, I think that it is appropriate for us to authorize the transfer of his remains to Arlington National Cemetery even though he did not serve in the Armed Forces of our Nation.

Mr. President, I ask unanimous consent that a biographical sketch of Matthew Henson be inserted into the RECORD at the conclusion of my remarks, followed by the articles entitled "Peary's Aide on Polar Dash Says Once Is Enough for Him" and "Mathew A. Henson Dies; Went to Pole With Peary."

Mr. President, in conclusion I would like to simply mention that my father, the late J. Glenn Beall, Sr., who also had the honor of serving in the U.S. Senate introduced similar legislation on June 2, 1960. I regret that the 86th Congress failed to enact this legislation and I would hope that the 92d Congress will expedite action on this measure.

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

MATTHEW HENSON MEMORIAL

This memorial tablet, unveiled and dedicated November 18, 1961, is located in the State House, Annapolis, Maryland, in the section which formerly (November 26, 1783, to August 13, 1784) was the Capitol of the United States of America.

MATTHEW (MATT) ALEXANDER HENSON

Matthew (Matt) Alexander Henson was born August 8, 1866, on a farm, the site of a former slave market, in Nanjemoy, Charles County, Maryland. Henson, the man destined to become the first person to locate and stand on the Top of the World, was born in virtual obscurity. Little is known of his early boyhood. Around the age of eleven, he ran away from Nanjemoy one night and walked to Washington, D.C. There, he divided his time between working in a restaurant operated by his aunt, Mrs. Janey Moore, and attending irregularly, the N Street Elementary School.

Henson left Washington at the age of thirteen, walked to Baltimore, Maryland, and located around the waterfront. Soon thereafter, as one without a home, he shipped as a cabin boy on a schooner under the command of a Captain Childs. This skipper taught him the rudiments of simple mathematics and navigation. The voyage carried him to China and return.

Returning to Washington, he found employment as a porter in a hat shop on Pennsylvania Avenue. One day, the then Lt. Robert E. Peary visited this store. He observed Matt Henson at work and became impressed with him. Matt was invited by Lt. Peary to join him on a canal surveying expedition to Nicaragua. Henson accepted.

When this mission was completed, Peary became interested in heading an expedition in search of the North Pole, which at that time, was the intensive objective of many nations. Henson accompanied Peary on each of his seven expeditions into the Arctic and Polar regions.

Matt saved Peary's life when he was attacked by an infuriated musk ox, and also on one occasion rescued him from starvation. He was chosen by Peary to be a member of the party of six to make the final dash to the Pole. Peary paid him this compliment—"He is my most valuable companion. I could not get along without him."

Overcome with exhaustion and crippled by the loss of most of his toes by frostbite, Peary sent Henson forward to make final observations and calculations, and await his arrival. Forty-five minutes later, Peary, driven up on his sled by four Eskimos, joined Henson. Peary's check confirmed the discovery of the North Pole.

90 N. LAT., NORTH POLE,
April 6, 1909.

Arrived here today, 27 marches from Cape Columbia.

I have with me 5 men: Matthew Henson, colored; Ootah, Eginwah, Seegloo and Ookeah, Eskimos; 5 sledges and 38 dogs.

The expedition under my command has succeeded in reaching the Pole . . . for the honor and prestige of the United States of America.

ROBERT E. PEARY,
U.S. Navy.

FROM LOG BOOK OF ADMIRAL PEARY

"This scene my eyes will never see again. Plant the Stars and Stripes over there, Matt, . . . At the North Pole."—Peary.

Aside from Peary, the leader of the expedition, Henson has been given most of the credit for the success of the discovery of the North Pole. This is because of his courage and daring, ability to withstand the most rigorous climate and exposure, mastery of the Eskimo language and their admiration of him, his skill in sled building, driving and igloo construction. These credits were accorded him by all the surviving members of the polar expeditions.

In recognition of his contributions, Mr. Henson was awarded the Master of Science degree by Morgan State College, and Howard University, a Congressional Medal, Life Membership in the Explorers Club, a medal from the Chicago Geographical Society, a citation by the U.S. Department of Defense, a commendation from President Dwight D. Eisenhower, at the White House, numerous medals and plaques from civic organizations.

On August 12, 1956, a memorial tribute to him was dropped on the North Pole from a U.S. Air Force plane by Afro-American Arctic Correspondent, Herbert M. Frisby, the author of this biographical sketch.

There is Henson Bay, in northwest Arctic Canada, named as a tribute to him.

Mr. Henson died March 9, 1955, in New York City. He is survived by Mrs. Lucy J. Henson, his widow.

Since his passing, he has been memorialized by His Excellency, J. Millard Tawes, Governor of Maryland, proclaimed April 6, 1959, the 50th Anniversary of the Discovery of the North Pole, as Matthew Alexander Henson Day in the State of Maryland.

By action of the Maryland General Assemblies in 1959 and 1961, provisions were made for the establishment of permanent memorials to Mr. Henson, one to be placed in the State House at Annapolis, and a small replica of the same on the campus of the Pomonkey High School, Charles County, both in Maryland.

(H.M.F.)

For further details see:

Henson, Matthew A.: *A Negro Explorer at the North Pole* (1912).

Life Magazine: *Discovery of the North Pole* (May 12, 1951).

MacMillan, Admiral Donald B.: *Matthew Henson:* Explorers Magazine, Fall 1955.

Peary, Admiral Robert E.: *The North Pole* (1910) (Contains 13 references).

Robinson, Bradley: *Dark Companion* (1947).

Frisby, Herbert M.: *Matt Henson Helped Discover North Pole,* Afro-American Newspapers, April 15, 1952.

From the collection of Herbert M. Frisby, 3403 Bateman Ave., Baltimore 16, Maryland.

[From the Washington Post, Apr. 7, 1954]

PEARY'S AIDE ON POLAR DASH SAYS ONCE IS ENOUGH FOR HIM

(By Matt McDade)

Another trip to the North Pole is absolutely the last undertaking that Matthew A. Henson would care to repeat in this world.

Forty-five years ago yesterday, Henson pushed to the top of the ice-capped world with Rear Adm. Richard E. Peary and four Eskimos. The party was the first and last to reach the Pole on foot. Henson, 87, a Maryland-born Negro, is the only living survivor.

"Again? No, I've had enough," said Henson, who once remarked that a man who would go to the Pole for a pleasure trip would go to hell for pastime. "Nineteen years in the Arctic is enough for any man."

In the memory of the historic expedition, Henson and his wife came down from New York yesterday to visit President Eisenhower at the White House. They were accompanied by representatives of the National Newspaper Publishers Association, which presented the President with a plaque for his championship of integration in the armed services and nonsegregation in Washington.

But it was primarily Henson's day. After the White House visit, he placed a wreath at Peary's grave in Arlington Cemetery, then dined at the Capitol.

Henson said his most vivid memory of the exploration was the lonely hour when the full party turned back 133 miles from the Pole. Peary decided to fight on with his aide—Henson—and the Eskimos.

"Peary said we'd reached the do-or-die part," Henson recalled. "And really, you didn't know whether you'd get back or not. It was the unknown. I decided to take a chance. Of course, I went up there to stick with him."

The naval officer and Henson took the lead alternately, each with two Eskimos and a dog team. They raced across the icy, windlashed wastes, fighting the danger of rising temperatures. It was on April 6, 1909, when Peary took a memorable bearing and announced, in a trembling voice, "Eighty-nine degrees, 57 minutes. The Pole at last!"

The great explorer's aide was born in Charles County, Md., on August 8, 1866. As a boy, he came to Washington and attended the "N Street School" for six years. He moved to Baltimore and shipped out to China as a cabin boy at the age of 12.

Nine years later, he joined Peary as a seaman on an expedition to survey a canal across Nicaragua. Then they turned north for almost two decades of Arctic exploration.

Henson became an expert Northsman. Peary once wrote, "He can handle a sledge better, and is probably a better dog driver, than any man living, except some of the best of the Eskimo hunters themselves."

But the life Henson chose was mostly hardship, with little glory. In his twilight years, he remembers the cold, the sickness, the hunger and the "wind that cut you to pieces."

On one trip, the party ate 34 of its 35 dogs.

Glory came late. In 1914, he finally was appointed to the Customs Service and retired on a small pension in 1936. In 1945, 35 years after the polar discovery, Henson received his first real recognition—a special medal awarded by Congress.

A fragment of a flag which Peary cached at Cape Columbia during a 1906 expedition now hangs in the home of Peary's white-haired, 90-year-old widow. She has lived on a cove near Portland, Me., since Peary died in 1920.

Yesterday, in an interview with United Press, Mrs. Peary said her first reaction to news of the discovery of the North Pole was, "Now he will be able to stay home." And her wish was realized. He never went exploring again.

Mrs. Edward Stafford, of Washington, D.C., his daughter, now staying with her mother, thinks someone may eventually discover the fragment of the flag left at the Pole by Peary—and Henson.

(From the Herald Tribune, Mar. 10, 1955)

MATTHEW A. HENSON DIES; WENT TO POLE WITH PEARY

Matthew Alexander Henson, eighty-eight, the Negro companion of Adm. Robert E. Peary during the latter's successful expedition to the North Pole in 1909, died yesterday in St. Clare's Hospital after a six-week illness. He lived at 246 W. 150th St.

Mr. Henson had lived in retirement for the last sixteen years, emerging only to receive belated recognition ten years ago for his services with the Peary expedition. In June of 1945. Thirty-six years after the polar exploit, he received a Navy medal along with others on the expedition.

Surviving are his wife, Mrs. Lucy Ross Henson, and a sister, who lives in Washington.

VISITED EISENHOWER

Last April 6, on the forty-ninth anniversary of the conquest of the North Pole, Mr. Henson visited President Eisenhower at the White House. Together they looked at a large globe of the world in the President's office and Mr. Eisenhower, pointing to the Arctic, remarked, "Now we have air bases all along there."

Living on an $85-a-month government pension, Mr. Henson took only occasional trips to receive awards from various groups but gave up even these although until his illness he maintained his routine of walking four miles a day.

Mr. Henson was a porter in a Washington hat store in 1886 when Mr. Peary came in to buy a hat and mentioned to the proprietor he was looking for a valet. Mr. Henson got the job, stayed with Mr. Peary on and off for five years, then remained with him steadily for eighteen years during which Adm. Peary made all his eight polar expeditions.

LECTURE TOUR

Mr. Henson's rewards were a silver loving cup from the Bronx Chamber of Commerce and a $960-a-year job as a mail clerk in the Customs House. He wrote a book that did not sell, and he made a lecture tour that netted only a few hundred dollars. In 1926 Rep. Emanuel Celler, D., N.Y., tried to get him a $1,700 pension and a Congressional medal for bravery but nothing came of it.

He and four Eskimos were Adm. Peary's sole companions when they stood at ninety degrees North Latitude on April 6, 1909. Six others who had started on the final dash over the ice from Cape Columbia had returned one by one as the supplies diminished. At the end of the month Capt. Bob Bartlett was the only white man left with Peary, and he turned back in 87 degrees 48 minutes North, the highest latitude reached up to that time.

Over the last stretch Mr. Henson bore the brunt of the trail-breaking. On the whole sledging conditions were not unfavorable. But on the morning of April 6, although his observations showed him to be in Latitude 89 degrees 57 minutes—only three miles from the pole—Peary was so nearly exhausted that with the prize actually in sight he could go no further.

AT POLE 30 HOURS

After a few hours sleep, however, he covered the remaining miles. He raised the Stars and Stripes above a cairn of ice while Mr. Henson led the Eskimos in three cheers. The party remained at the pole thirty hours, took observations, and, on sounding a few miles from the pole, found not bottom at 9,000 feet. The North Pole was thus proved to be in the center of a vast sea of ice.

The return was made in forced marches, and further time was saved by occupying the igloos built during the northern advance. The weather was favorable, and with the light loads the dogs made rapid progress. The distance from the pole to the base camp at Cape Columbia was covered in the incredibly quick time of sixteen days.

HECKLED ON LECTURE TOUR

Mr. Henson was heckled unmercifully when he attempted a lecture tour upon his return.

Sinister meaning was read into the fact that on the final dash to the Pole, Adm. Peary had chosen him instead of Capt. Bartlett. It was not generally known that Mr. Henson had been with the admiral on seven previous Arctic expeditions, that he was probably the best dog driver in the party and that he could get along better with the Eskimos than any of the white men.

"He was the only man in the party who could build a snow house," recalled Cmdr. Donald B. McMillan years later. "He made every sledge and cookstove used on the route to the pole. Henson was altogether the most efficient man with Peary."

By Mr. RANDOLPH:

S. 3005. A bill to create a position of Assistant Attorney General for Organized Crime Control. Referred to the Committee on the Judiciary.

Mr. RANDOLPH. Mr. President, today I introduce a bill which, if enacted, could plug one of the last remaining legislative gaps in the Federal fight against organized crime.

Much attention has been focused on the seriousness of organized crime in recent years. Under the most valued and able leadership of the Senator from Arkansas (Mr. MCCLELLAN), the Permanent Subcommittee on Investigations has brought to the attention of a shocked public and a deeply dismayed Congress, fact after incriminating fact about this unseen, insidious monster known as organized crime. This evil conspiracy, whose tentacles reach across our land and even into foreign countries, has a voracious greed.

BACKGROUND

As a result of its extensive hearings, including the sensational revelations by Joseph Valachi, the Senate Committee on Government Operations issued a report in 1965, entitled "Organized Crime and Illicit Traffic in Narcotics." This carefully researched document made a number of findings and conclusions. Among these were:

That organized crime, also known as "the mob" or "the syndicate," operates *vast illegal* enterprises that produce an annual income of many billions of dollars. In the words of the report:

> This combine has so much power and influence that it may be described as a private government of organized crime.

That the "main source of income for the crime syndicate is illegal gambling of all kinds, and that these funds finance many other kinds of crime."

That "trafficking in narcotics has also been a very important source of revenue."

That "the two criminal activities of primary importance to New York's underworld are gambling of all kinds and the illicit narcotics traffic, and that these are dominated by the Mafia hierarchy."

That other major metropolitan areas, especially Chicago, Detroit, Buffalo, Tampa, and Boston, have similar patterns of criminal activity.

That "the major part of the illicit narcotics traffic in the United States is in the hands of organized crime," and "they have almost complete control of the importing, wholesaling, and distribution operations in this country."

In this time of sharp public awareness of the terrible drug problem in the United States, the public should know that organized crime works for this destruction of their children. It is interesting, in particular, to note a committee finding on the links between heroin processors in Europe and the Middle East, and organized crime in the United States. The report says:

> The subcommittee finds that the Corsican gangsters, having produced the heroin, market it for use by addicts in the United States in two ways. The principal avenue of traffic is through sales to Mafia elements in Italy and Sicily, who have working agreements with Cosa Nostra groups in the United States, and who arrange smuggling ventures through the port of New York or by way of Canada and Mexico. The second avenue of traffic, developed in recent years is through direct sales of heroin by the French Corsican racketeers to French-speaking Canadian racketeers, who in turn smuggle the heroin into the hands of Mafia gangsters in the metropolitan areas of the United States that are centers of addiction.

Several of the committee's recommendations with respect to legislation needed to fight organized crime have, since the publication of its report, been enacted. Among these are provisions for granting immunity from prosecution for witnesses in cases involving organized crime, and wiretapping.

Among those recommendations which have not been enacted, and which appear to have great merit, are, first, "legislation that would make it a crime to engage, by pledge or oath or the act of joining, in a conspiracy involving membership in such secret organizations that are devoted to the violation of laws, to the pursuit of criminal enterprises, and to the protection of the membership of the organization in the commission of unlawful acts," and second, "legislation for the establishment of a commission which would have two specific responsibilities and duties: first, to act as a national clearinghouse for criminal intelligence, and, second, to act as an investigative agency in the field of organized crime in a status similar to that of a congressional committee, with the commission holding hearings and periodically reporting its findings and recommendations to the Congress and to the Department of Justice."

It will be noted that the first part of this second recommendation has essentially been implemented through the widely acclaimed and effective National Criminal Identification Center—NCIC—of the Federal Bureau of Investigation. As to the other recommendations, I urge the able chairman of the Committee on Government Operations to renew the focus of the committee's attention on them, with a view toward specifically recommending action thereon by the Judiciary Committee.

RECENT CONGRESSIONAL ACTIONS

More recent congressional activities have dramatized the continuing expansion of organized crime. Instead of diminishing over the years, organized crime has become progressively stronger by involving itself in a variety of new enterprises.

Hearings during this past year by the Senate Commerce Committee and by the Senate Committee on Government Operations have confirmed that the threat to the United States posed by organized crime has grown with each passing year. Like a giant corporate monopoly with a captive and growing market, organized crime reaps greater and greater profits built on greed and the misery of those they exploit.

Two of the major areas of mob expansion explored by the Senate committees are the encroachment of organized crime on legitimate business enterprises, and theft of securities.

The chairman of the Committee on Commerce (Mr. MAGNUSON) in leading the investigation into the legitimate business interests of organized crime said early this year:

> Long-time students of organized crime feel that its encroachment on legitimate commerce will continue to accelerate, since its illicit activities generate such large amounts of cash that there is no alternative to investing in more, and larger, enterprises. If this situation is allowed to continue unchecked, it is possible that organized crime may gain a stranglehold on so many strategic elements in our economic structure that it will eventually undermine our entire economic and political system.

Let me state the last part of that quote again, for it is fraught with terrible significance for the future of this country. The chairman of the committee, the Senator from Washington (Mr. MAGNUSON), said that organized crime can "undermine our entire economic and political system." The radical left, Fidel Castro, and communism generally have been considered to pose threats, in varying degrees, to the security of the United States. But none of these threats has the resources to accomplish its goal to the degree or to the extent that organized crime does.

It has been estimated that organized crime's financial holdings amount to at least 150 billions of dollars. This is considerably more than 10 percent of the entire gross national product of the United States.

According to the Committee on Government Operations, losses of Government and private securities in 1970 amounted to more than $227 million. The chairman of the Committee (Senator MCCLELLAN) said in his opening statement launching hearings on organized crime and stolen securities:

> There are two principal categories of securities thefts: registered mail stolen at airports—and securities stolen by inside operators within banks and stock brokerage houses. The thieves dispose of the loot through organized crime channels.

In addition to the involvement of organized crime in securities thefts, the Senate Permanent Subcommittee on Investigations expects to hold further hearings, after receiving results of preliminary staff investigations, on the operation of organized crime in the field of gambling, labor racketeering, credit card thefts and fraud, pornography, smuggling and distribution of narcotics, infiltration of legitimate business, and a number of other important areas.

CURRENT EFFORTS OF THE JUSTICE DEPARTMENT

More than a year has now passed since the enactment of the Organized Crime Control Act of 1970. Since that time the Justice Department has been more and more active in the war against organized crime. Fine cooperation has developed with State and local law enforcement agencies. But more—much more—remains to be done.

It appears that the Justice Department intends to pursue vigorously the attack on organized crime. There have been developed some 18 strike forces: streamlined, efficient crime fighting operations drawing on the talents of several Government agencies. Considerable staffing improvements have been made—the Department has secured from Congress an appropriation for fiscal year 1972 which as I understand it, provides all the increases in staffing requested for the Organized Crime and Racketeering Section. The agency expects to have a staff of 252, during the next year, about half of which are attorneys, compared to 89 attorneys in 1970, and 65 attorneys in 1968.

The Attorney General has mounted the first strong campaign against organized crime since the late Robert F. Kennedy's diligent efforts. Armed with legislation enacted in 1968 and 1970, the Justice Department has made some impressive progress in the past year in the investigation, indictment, and conviction of members and associates of the organized crime syndicate.

Yet, the Nation must have assurance that the current effort will be a continuing one, and, rather than being allowed to lag due to public apathy at some future time, that the war against organized crime is relentlessly accelerated, until organized crime is totally eliminated. In a recent "inside" account of organized crime by Gay Talese, a book entitled "Honor Thy Father," it was stated that the mob cannot tolerate pressure by law-enforcement agencies. According to Mr. Talese, the pressure imposed on organized crime by Attorney General Robert Kennedy resulted directly in interfamily warfare in New York which, if continued, we are told, could have destroyed the New York mobs.

REASONS FOR LEGISLATION

To accomplish this goal, I strongly believe, requires the institutionalization of the Federal organized crime control effort. It requires that the war against organized crime be placed under the direction of a man who can command the manpower and resources which are equal to the task—a task which is universally acknowledged to be formidable.

To do this requires the elevation of the Organized Crime and Racketeering Sec-

tion of the Criminal Division to division status, headed by an Assistant Attorney General for Organized Crime Control.

There are several reasons why the measure I introduced today is "an idea whose time has come":

First. A massive effort against organized crime is just beginning. Even though our law-enforcement agencies knew of the existence of organized crime many years ago, and though the impact of the Appalachian meeting of the underworld bosses was great, the revelation of the size and composition of the organization was not made until 1963, with the testimony of Joseph Valachi. Strike forces have now been established in most of the major cities which have a high infiltration of syndicate mobsters. A concentrated, single-purpose effort is essential to the success of this program. An institutional office of Assistant Attorney General for Organized Crime Control will help assure that the effort continues.

Second. The Organized Crime and Racketeering Section has grown steadily and is now comparable in size or larger in terms of manpower than several of the existing divisions. For example, in its presentation to the appropriations committees concerning the fiscal year 1972 budget, the Justice Department indicated need for a staff of 252 in the Organized Crime and Racketeering Section. The Internal Security Division has 108 personnel, the Civil Rights Division has 337, the Land and Natural Resources Division has 213, and the Criminal Division, exclusive of the Organized Crime and Racketeering Section, has 247. Moreover, the Criminal Division has other sections which bear on organized crime, such as the Management Labor Section and the Narcotics Section, which could, and probably should, be a part of an Organized Crime Control Division.

Third. An organization such as I propose, with an Assistant Attorney General at its head, will facilitate the attraction and retention of capable and dedicated employees, far more than is now the case. Also, there should be a recognition that the increasing importance of the job of combating organized crime must carry with it a need to upgrade the status of the man who heads it.

CONCLUSION

Certainly, the fight against organized crime is as important to the welfare of the United States and its people as the fight against antitrust violations—for which there is a division—or the fight against external forces attempting to undermine the country—for which there is a division. In fact, it would appear that, standing alone, the Federal effort concerning organized crime should be at least as important as the reasons for establishing each and every division which now exists in the Justice Department. It logically follows that a separate division should be established as the focus for the eradication of organized crime.

Consider the almost incredibly far-reaching effects of the total elimination of organized crime:

First, well over half the crimes in major cities could be eliminated;

Second, narcotics addiction would be reduced drastically;

Third, the need for welfare dollars would be reduced;

Fourth, prostitution would be reduced markedly;

Fifth, securities thefts would be all but eliminated;

Sixth, the corruption of police and other public officers would be vastly reduced;

Seventh, some $50 billion would be freed for legitimate economic use each year; and

Eighth, fear and intimidation associated with organized crime activities would be stopped. All sorts of corollary benefits would also flow from the elimination of this private government of crime.

Mr. President, the United States has embarked on some worthwhile, massive efforts in the past to attain its national goals. The effort to put a man on the moon was successfully accomplished through the creation of a focal agency, NASA. Massive programs will soon be created to deal with the drug epidemic in America, and with cancer. Let us also eliminate the cancer that is organized crime. Let us create a focus for that effort through an Assistant Attorney General for Organized Crime. The importance of eliminating this criminal sword of Damocles which corrupts public officials, destroys our young, and further impoverishes the poor, cannot be overstated.

Therefore, Mr. President, I urge that the bill receive careful and favorable consideration by the Committee on the Judiciary, by the Congress, and by the administration. I pledge to assist the committee in its deliberations, and I welcome the cosponsorship of this measure by Senate colleagues.

Mr. President, I send to the desk the bill which, as I have indicated, is being introduced to create the position of Attorney General for Organized Crime Control. I ask that the bill be appropriately referred.

The PRESIDING OFFICER (Mr. TAFT). The bill will be received and appropriately referred.

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

S. 3009. A bill to amend the Federal law relating to the care and treatment of animals to broaden the categories of persons regulated under such law, to assure that birds in pet stores and zoos are protected, and to increased protection for animals in transit. Referred to the Committee on Commerce.

ANIMAL WELFARE

Mr. GRIFFIN. Mr. President, last December Congress enacted the Animal Welfare Act of 1970.

This legislation, which amended the 1966 act, went a long way toward assuring humane treatment of animals by establishing federal standards, expanding the number of animals covered, broadening the classes of persons regulated, and strengthening enforcement provisions.

Loopholes in the law remain, however. For example, common carriers are not covered. Neither are most pet shops.

Most of us are familiar with appalling stories of maltreatment of animals during shipment. In one case, an owner became so enraged due to the death of his prize winning dog after an airline flight that he attacked the airplane with an ax.

Today, I am introducing on behalf of myself and the Senator from Connecticut (Mr. WEICKER) legislation which would plug some of the loopholes in current law.

The bill would extend coverage of the Animal Welfare Act to common carriers, terminals, and all pet shops. In addition, the bill would extend protection to birds, in the case of pet stores and zoos.

This legislation has also been introduced in the House by Representative G. WILLIAM WHITEHURST.

Mr. President, it is unfortunate that legislation such as this is necessary. Sadly, however, it appears that we in Congress must act to protect animals which cannot protect themselves. I hope that Congress will proceed to the timely and favorable consideration of this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3009

A bill to amend the Federal law relating to the care and treatment of animals to broaden the categories of persons regulated under such law, to assure that birds in pet stores and zoos are protected, and to increased protection for animals in transit

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (f) of section 2 of the Act of August 24, 1966 (7 U.S.C. 2132), as amended by the Animal Welfare Act of 1970, is amended (1) by striking out ", but such term excludes any retail pet store except such store which sells any animals to a research facility, an exhibitor, or a dealer".

(b) Subsection (g) of such section, as so amended, is amended (1) by inserting "(1)" before "means", (2) by inserting "(other than a bird)" after "such other warm-blooded animal", and (3) by inserting after "or as a pet" the following: ", and (2) when used in connection with a retail pet store or zoo, means, in addition to any animal included in clause (1), any bird".

SEC. 2. (a) The second sentence of section 13 of such Act (7 U.S.C. 2143), as amended by the Animal Welfare Act of 1970, is amended by inserting after "Such standards" the following: "shall apply with respect to the facilities of any person licensed under this Act and also to terminal facilities used by any common carrier licensed under this Act and".

(b) The first proviso in section 3 of such Act (7 U.S.C. 2133), as so amended, is amended by inserting after "his facilities" the following: ", or in the case of a dealer who is a common carrier, terminal facilities used by him."

By Mr. NELSON (for himself, Mr. JAVITS, Mr. CASE, Mr. CRANSTON, Mr. HUGHES, Mr. KENNEDY, Mr. MONDALE, Mr. RANDOLPH, and Mr. STEVENSON):

S. 3010. A bill to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964,

and for other purposes. Referred to the Committee on Labor and Public Welfare.

Mr. NELSON. Mr. President, on behalf of myself and Senators JAVITS, CASE, CRANSTON, HUGHES, KENNEDY, MONDALE, RANDOLPH, and STEVENSON I am introducing legislation to extend authorization for Economic Opportunity Act programs for 2 years through June of 1973. The administration's untimely veto of S. 2007, the Economic Opportunity Amendments of 1971, has left the 950 local community action agencies and thousands of Head-start and manpower program sponsors in confusion on the future of the program. It has left those individuals and organizations who supported the concept of a Legal Services Corporation and recognize the necessity of a comprehensive child development program in dismay. Therefore, I believe it appropriate for those of us who seek to extend and expand this Nation's efforts to eliminate poverty to move as quickly as possible to consider and to pass new legislation, legislation which we hope the President will be willing to sign.

The bill I send to the desk is for the most part identical with the conference report approved by this body by a vote of 63 to 17 on December 3. In September the Senate passed S. 2007 by a vote of 49 to 12. The changes we have made with some reluctance are to avoid a further head-on collision with the administration over child development legislation. Therefore the bill contains the extension of the current Office of Economic Opportunity programs for 2 years, including the Neighborhood Youth Corps, Operation Mainstream, Emergency Food and Medical Services, Alcoholic Counseling and Recovery, and other vital programs under the Economic Opportunity Act. In addition, it authorizes a new title VII, a community economic development title which draws together the current title I–D community economic development program, and the title III–A rural loan program which the administration has sought to phase out. Other important new programs include new programs for rural housing, and environmental action program, both added by the House to its version of the OEO extension and accepted in conference.

The bill also includes the Legal Services Corporation as approved by the conferees. Let me say that, until the arrival of the Presidential veto message, we believed that the structure of the board of the Corporation, allowing for a balanced membership consisting of six members appointed directly by the President and 11 members appointed by the President from lists submitted by bar associations and groups representing legal services attorneys and clients, represented a responsible solution to a difficult problem.

The principal thrust of the administration's veto message was against the child development title of S. 2007 as approved by Congress. Mr. President, as I stated on the floor at the time of the debate on the attempt to override that veto, I believe that the President was seriously misled as to the contents of the child development program. When women on welfare with young children would be required to seek work under the administration's Family Assistance Plan, making it necessary that they make provision for the care of their children while they are at work, it is devoid of logic for the administration then to attack the child development legislation which has no element of compulsion about it but merely seeks to establish a framework within which working mothers whose children must be cared for one way or another could help organize and direct quality developmental programs. There is no rational sense of priorities in the administration's rejection of S. 2007. It is particularly sad in 1971 that the veto message suggests that those who disagree with the administration on policy grounds are irresponsible radicals who seek to weaken the American family. In any case, Mr. President, the deed has been done, and however insubstantial the grounds for the veto, those who support OEO and child development must live with the fact.

The bill we are introducing today for the extension of the Economic Opportunity Act drops the child development title and instead provides for a significant expansion of the Head Start program, authorizing $500,000,000 for fiscal year 1972 and $1,000,000,000 for fiscal year 1973. The bill would also specify in the law the fee schedule for child development services that the conferees negotiated out at such great length with the administration. This fee schedule would preserve an important principle of the child development title which was contained in the vetoed bill. That principle is that federally assisted child development programs should be available not only to the very poor, not only to families on welfare, but also to those families who are struggling hard to survive on very modest incomes just above the poverty line. Under this provision, free child development services would be available to families earning up to $4,320 a year, and low cost child development services for families earning up to $6,969 a year. A family of four earning $6,960—the lower living standard budget as determined by the Bureau of Labor Statistics for an urban family of four—would be required to spend no more than $319 for child development services.The bill also would write into law the provision contained in current Head Start guidelines, which was included in the child development title of S. 2007, providing for Head Start programs to establish project policy committees, half of the members of which must be parents of children served by the project.

Mr. President, I hope that the Senate will be able to act very promptly on this legislation when we convene in January. The administration's veto of S. 2007 is untimely, unfortunate, and in my opinion entirely unwarranted. It is essential, however, that we do not falter but move forward as rapidly as possible to adopt responsible legislation for the Office of Economic Opportunity in the hope and the confidence that the President will be willing to sign such a bill in the near future.

Mr. President, I ask unanimous consent that at the conclusion of my remarks editorials from the New York Times and the Washington Post be inserted in the RECORD.

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

[From the Washington Post, Dec. 12, 1971]

THE PRESIDENT'S VETO OF DAY CARE

President Nixon's veto message to Congress explaining why he disapproves of the Child Development Act is, just to begin with, weird. It is weird because it is contradictory, arguing first that day care centers are good and then that they are evil. The contradiction points only to one possible conclusion: that this message is a bone he has tossed to his critics on the far right, with next November in mind, and at the expense of mothers and children and of a day care program which the President would have us believe he really supports.

The President's straddle comes about because day care centers are an integral part of his welfare reform program. His plan, sent to Congress two years ago, included a request for $750 million for funds to provide day care for children of poor families so their mothers can work. Indeed, it required that ultimately welfare mothers with children over age 3 put those children in day care centers and the jobs are available. This provision, as we have pointed out before, is largely window dressing as things are, since neither the centers nor the jobs exist, but it is the enticement the President used in trying to win right-wing support for welfare reform. In his veto message Thursday, the President called again for passage of that welfare day care program, saying that it would fill one of the needs of the country, a need "for day care, to enable mothers, particularly those at the lowest income levels, to take full-time jobs."

Now, if that were all Mr. Nixon had done in favor of day care, it would be fair to conclude from his veto message that he is for *requiring* poor people to put their children in such centers but against *permitting* middle-class people to do so. But it isn't all he did. The President also used the veto message to announce his support for substantial increases in the income tax deductions that parents who are working can claim for day care expenses. This is a clear encouragement to middle-class parents to use day care centers and go to work.

Having thus put himself on the record in favor of day care—an issue about which many organized groups in the country feel strongly—Mr. Nixon then vetoed the bill which would have given a much needed spur to day care development. This bill, he said, is "the most radical piece of legislation" to come out of this Congress. You might expect, once he had said that, that he would offer an explanation of how this particular day care program differed so much from those he supports. The President did list nine specific objections. Five of them are complaints that this bill would partially duplicate services he hopes to provide in the welfare bill, would give the states too minor a role, would cost too much, would create "a new army of bureaucrats," and would create centers which would be difficult to staff. Since there is nothing "radical" in those specifics—we hear them all the time about almost every piece of legislation—the radicalness of this particular bill must lie in his other objections. They are:

"Neither the immediate *need* nor the desirability of a national child development of this character has been demonstrated." . . .

"For more than two years this administration has been working for the enactment of welfare reform, one of the objectives of which is to bring the family together. This child development program appears to move in precisely the opposite direction. There is a respectable school of opinion that this leg-

islation would lead toward altering the family relationship . . .

"All other factors being equal, good public policy requires that we enhance rather than diminish both parental authority and parental involvement with children—particularly in those decisive early years when social attitudes and a conscience are formed, and religious and moral principles are first inculcated . . .

"For the federal government to plunge head-long financially into supporting child development would commit the vast moral authority of the national government to the side of communal approaches to child rearing over against the family-centered approach."

We do not find in this one word that distinguishes the day care program Mr. Nixon vetoed from the day care program he is supporting. His specifics apply to all child care facilities and it is logically impossible to square his assertion that we need to enhance parental involvement with children with his program to compel welfare mothers to put their children in day care centers. Perhaps he did not distinguish between the programs because drawing such distinctions is difficult.

That is what convinces us that this veto message is the bone he has decided to throw to the right wing of his party. If it were not, Mr. Nixon could have vetoed this bill on the other specific objections he set out—it would, for instance, create major administrative problems—and Congress could have met them. But as it is, the President chose to kill the whole idea by spelling out his veto in language that comes straight from the material circulated against this bill by the far right, language that distorts what the bill was all about and what it would have done.

[From the New York Times, Dec. 11, 1971]

ABANDONED COMMITMENT

President Nixon explained his veto of the child development program by calling the plan too costly, administratively unworkable, professionally ill-prepared and designed to undermine the American family. The sweeping nature of this attack cannot obscure the fact that the concept of child care and development enjoys broad popular support across most of the traditional divisions of politics, class, economics and race.

The arguments put forth in the veto message are not convincing. Initial costs would not have been high. By limiting free services to the welfare level of poverty, Congress had already responded to the Administration's budgetary objections. Contributory fees could have readily been revised later, when operations would have provided a clearer picture of the extent of voluntary participation.

The President's vague reference to an unworkable bureaucracy reflects the Administration's apparent preference for control and management by the states, hardly the best administrative level for action that must be geared to local communities and neighborhoods. Participation by a wide variety of public and non-profit private agencies was one of the attractive features of the plan.

The President's charge that day care weakens the family ignores the realities of much of modern family life. Poor and working-class families normally have to leave their children improperly supervised or entirely unattended for much of the day; families at virtually all other income levels rely heavily on baby-sitters and, in the upper brackets, a variety of domestic help.

Mr. Nixon is justified in his concern over the lack of trained personnel, but much of the bill's first-year expenditure was to be devoted to the necessary training. The veto suggests that the President's concept of child care is limited to welfare cases and is only custodial at that. This approach reduces the chances that disadvantaged children will be lifted out of their debilitating environment at an early age.

In his message, Mr. Nixon observed that the proposal "points far beyond what the Administration envisioned" when it made its earlier commitment of providing healthful and stimulating development for all American children during the first five years of life. But in the absence of a positive program, his veto has reduced that supposed commitment to mere political rhetoric.

EXTENSION OF ECONOMIC OPPORTUNITY ACT: ONE MORE TIME

Mr. CRANSTON. Mr. President, I will speak briefly about the bill (S. 3010) to extend the Economic Opportunity Act for another 2 years, which, I have joined in introducing with the distinguished Senator from Wisconsin (Mr. NELSON), the chairman of the Employment, Manpower, and Poverty Subcommittee, the distinguished Senator from New York (Mr. JAVITS), the ranking minority member of the full Labor and Public Welfare Committee and the distinguished Senator from Minnesota (Mr. MONDALE), chairman of the Subcommittee on Children and Youth.

As my fellow sponsors have indicated, the bill contains the same provisions as S. 2007, the Economic Opportunity Amendments of 1971, vetoed by the President on December 9, 1971. I regret very much that we could not muster the necessary two-thirds vote to override the veto when that motion was before the Senate this past Friday, December 10. I will not, at this point, reiterate the concerns I expressed during debate, except to express my admiration for the Washington Post editorial yesterday, which, I believe, placed the President's veto in proper perspective.

The bill we join in introducing today contains provisions identical to those in section 17 of the vetoed bill to establish a National Legal Services Corporation. I remain fully committed to the achievement of such a nonprofit independent, nonpartisan corporation as the solution to ensuring continued integrity for legal services programs. It is my hope that the principles embodied in the National Legal Services Corporation title, as today reintroduced, will be able to prevail in the final disposition of this matter.

Mr. President, the bill as introduced today, however, does not contain the other major provision in S. 2007 as it was vetoed: section 13, which added a new child development title. Instead, the bill we introduce would expand the present Headstart program in three ways: first, by authorizing the appropriation of $1 billion in fiscal year 1973; second, by writing into the provision presently governing Headstart the provisions contained in section 516(a)(8) in the vetoed Child Development title, specifying that free services are to be provided to children from families earning $4,320 and that participation by children of families earning between $4,320 and $6,960 would be governed by a specific fee schedule which would permit participation in these programs by near-poor and lower income families; and third, by providing that Headstart grantees establish a project policy committee, composed at least one-half of the parents of participating children elected by parents of all eligible children in the particular community with the function of approving basic policies and decisions with respect to that program, along identical lines to the provisions of section 516(a)(5) of the vetoed Child Development title, which itself was modeled on HEW Office of Child Development Parent Participation guidelines.

Although I have participated actively in the development of this proposal to expand the present Headstart program and believe that it is a viable, although limited, alternative at this point given the President's unjustified veto, I am not committed to this particular approach as necessarily the most advantageous one. I remain fully committed to the goal of achieving comprehensive child development legislation and believe that we must in the weeks ahead develop an immediate legislative approach which will be most effective in achieving this goal.

In working toward that end, I will, of course, counsel with my good friend from Minnesota (Mr. MONDALE), the principal author of the original child development provisions, and expect to be greatly influenced by his views. I know he will continue his most effective efforts to bring about a resolution of the very complex political situation which the President's veto has created. I know he will seek to obtain the best possible legislation after consultation with all interested parties and will be openminded and generous in his deliberations consistent with the basic principles embodied in the provisions of the child development title contained in S. 2007.

Senator MONDALE is necessarily absent today, but he has asked me to submit for the record a statement he would have made had he been able to be present. I ask unanimous consent that Senator MONDALE's remarks be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. CRANSTON. Mr. President, I look forward to working with Senator MONDALE, as well as with Senators NELSON and JAVITS, to move the bill through subcommittee and full committee and to the Senate floor for a vote within the first several weeks of the second session of the 92d Congress.

STATEMENT OF SENATOR WALTER F. MONDALE

Mr. President, I am pleased to join with the distingished Senator from Wisconsin (Mr. Nelson), the distinguished Senator from New York (Mr. Javits), and the distinguished Senator from California (Mr. Cranston) in cosponsoring the bill to extend the Economic Opportunity Act, provide for the establishment of a National Legal Services Corporation, and for other purposes.

I am particularly pleased to support the provisions in this bill designed to strengthen and improve OEO programs including neighborhood health centers, emergency food and medical services, community action programs, alcoholic and drug treatment, family planning, older worker programs, migrant assistance and community economic development.

As the chief sponsor of S. 1305, the National Legal Services Corporation Act, I am also very proud and delighted to support the much needed provisions in this bill designed

to create a National Legal Services Corporation—in order to insulate this terribly important program from political pressure.

With respect to child development, this bill contains provisions designed to improve and expand Project Head Start. While I strongly support the excellent Head Start program, as the sponsor of S. 1512, the Comprehensive Child Development Act of 1971, I am uncertain at this point about what other, if any, child development provisions this bill should contain.

Thus, in cosponsoring the bill, I want to reserve the opportunity to explore more deeply during the recess other options for child development initiatives or Head Start improvements in this legislation.

Mr. JAVITS. Mr. President, as the ranking minority of the Committee on Labor and Public Welfare, I am pleased to join with Senator NELSON, the chairman of the Subcommittee on Employment, Manpower, and Poverty, in introducing this bill to extend the Economic Opportunity Act.

We have moved quickly so that the essential poverty programs—which have already suffered so much—may receive a new authorization at the earliest possible date, and so that the poor, those who work at OEO, in community action agencies and otherwise in the program, may receive a new assurance that we do not feel the Congress has given up in the face of the veto.

The bill we introduce today is identical to the conference bill in respect to the basic authorizations for the OEO; the establishment of a nonprofit corporation for legal services; and a new title for community economic development; and all other items except child development.

It does not contain the child development title to which the President particularly objected. Instead, it would advance our child development efforts under existing law by:

Providing for an authorization of $1,000,000,000 for fiscal 1973 for Headstart and Follow-Through programs. The child development title of the vetoed bill would have authorized $2,000,000,000 for that year. For this fiscal year 1972 a total of $436,377,000 already has been appropriated for these purposes, consisting of $376,317,000 for Headstart and $60,060,000 for Follow-Through.

Requiring the Secretary of Health, Education, and Welfare to establish a fee schedule under the existing Headstart program through which a family of four with $4,320 income would receive free services, and nominal fees would be charged between that level and $6,960, the so-called BLS standard. This provision is important to help the child in Headstart and follows exactly that contained in the conference bill in an effort to meet the administration objectives;

Requiring each Headstart project to establish a project policy committee, at least half of the members of which shall be elected by parents of eligible children; this provision follows that contained in the child development title.

Mr. President, I want to make clear that as a principal sponsor, with Senator MONDALE, of the child development title of the vetoed bill, I in no way to intend to abandon it. I urge the Committee on Labor and Public Welfare to proceed with comprehensive child development legislation at the earliest possible moment and I do not preclude it being added to this legislation—if the parties can be brought together. However, I stress again our primary objective of providing for the continuation of existing programs and for the improvement of what can be improved. As ranking Republican member of the committee I hope very much that the administration will work with us so that a bill meaningful to the poor may be quickly signed into law.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 2465

At the request of Mr. CHILES, the Senator from Utah (Mr. Moss), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Nevada (Mr. CANNON), the Senator from New Mexico (Mr. MONTOYA), and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 2465, to establish the Everglades-Big Cypress National Recreation Area in the State of Florida.

S. 2539

At the request of Mr. GRIFFIN, the Senators from Minnesota (Mr. HUMPHREY and Mr. MONDALE), the Senators from Wisconsin (Mr. PROXMIRE and Mr. NELSON), the Senators from Indiana (Mr. BAYH and Mr. HARTKE), the Senators from Illinois (Mr. PERCY and Mr. STEVENSON), and the Senators from Ohio (Mr. TAFT and Mr. SAXBE) were added as cosponsors of S. 2539, to designate certain lands in the Isle Royale National Park in Michigan as wilderness.

S. 2738

At the request of Mr. HUGHES, the Senator from New Mexico (Mr. MONTOYA) was added as a cosponsor of S. 2738, a bill to amend titles 10 and 37, United States Code, to provide for equality of treatment for military personnel in the application of dependency criteria.

S. 2825

At the request of Mr. PEARSON, the Senator from Missouri (Mr. EAGLETON), and the Senator from Maryland (Mr. MATHIAS) were added as cosponsors of S. 2825, establishing a government administered life insurance policy to all Vietnam era veterans.

ADDITIONAL COSPONSOR OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 49

At the request of Mr. ALLOTT, the Senator from New Mexico (Mr. MONTOYA) was added as a cosponsor of Senate Concurrent Resolution 49, calling for the humane treatment and release of American prisoners of war held by North Vietnam and its allies in Southeast Asia.

LIMITATION OF EXCLUSIONARY RULE IN FEDERAL CRIMINAL PROCEEDINGS—CRIMINAL

AMENDMENT NO. 790

(Ordered to be printed and referred to the Committee on the Judiciary.)

Mr. BENTSEN submitted an amendment intended to be proposed by him to the bill (S. 2657) amending title 18, United States Code, to define and limit the exclusionary rule for Federal criminal proceedings.

NOTICE OF HEARING ON STRATEGIC STORABLE AGRICULTURAL COMMODITIES ACT

Mr. JORDAN of North Carolina. Mr. President, I have scheduled a meeting of my Subcommittee on Agricultural Production, Marketing, and Stabilization of Prices for tomorrow morning at 9:30 a.m. in room 324 of the Senate Office Building to consider H.R. 1163, the Strategic Storable Agricultural Commodities Act, which was passed by the House on December 8. Hearings on similar Senate bills were held by my subcommittee on November 10, and I am anxious to report a bill out for consideration by the full committee.

ADDITIONAL STATEMENTS

SOVIET VERSUS UNITED STATES STRENGTH

Mr. CASE. Mr. President, with the sober judgment and balance that we have come to associate with him, in a recent press conference Deputy Secretary of Defense David Packard dealt at some length with the questions involving Soviet versus United States strength in strategic and conventional weaponry.

Because his remarks were made at a time when most of us were preoccupied with legislative matters, I ask unanimous consent that excerpts from his October 21 press conference be printed in the RECORD.

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

SOVIET VERSUS UNITED STATES STRENGTH

Q. In our relations with the Soviet Union and the change in the situation, how do you reconcile what appears to many people in this country to be a major buildup in arms on their side during these negotiations?

A. I really think that gets back to what I intimated earlier that there are doves and hawks so to speak in the Soviet Union and I think some of the people are essentially moving ahead with programs that were underway. One of the things that we often overlook is that you don't go out and start tomorrow on a new program if you are going to replace some of your older missiles with some new ones; several years of work that goes ahead. We sometimes misinterpret these moves as being things that were done on a short-term basis and they're generally not a short-term basis. I think these things are primarily evidences that they're continuing with things they had planned. The Soviet submarine buildup is a good example of that; you don't decide you are going to build twice as many submarines and start working on them months from now; you've got to do the planning. They have long lead time problems the same as we do. There's no question that they have a very substantial buildup underway in the strategic arms area and our position has to be that if we are not able to agree on a limitation to this buildup, we will have to do some things here in the U.S., but I don't see that we have reason to do anytthing today; we have a number of programs underway. We don't want to overlook the fact that

we are now equipping our Polaris fleet with Poseidons; we're improving our Minuteman capability; we've got B–1 bomber that's in development; we've got an ULMS program which we have just looked at and moved ahead on and which will provide us with the capability of strengthening our Polaris Poseidon fleet in a shorter time period if that's necessary and at the same time enable us to replace it or do whatever is necessary for the decade of the '80s, so, that in a sense, we're not sitting still either.

I think we have to be prepared in what we do for whatever the outcome in SALT is. I personally am very hopeful and I believe it's important for us to come to some agreement here. We have to have an agreement which will be acceptable in terms of our security and the security of our allies, and at the same time if for some reason we are not able to reach an agreement we have to be in a position to go ahead in whatever way is appropriate. I really think this in terms of what I've said is the overall situation here that we are moving into a period in which we can at some point get this problem under control and I think we are approaching it in a very realistic and objective way. I've been very close to this from the beginning and I take some satisfaction in seeing that the situation is greatly improved today from the way in which we saw it in the Spring of 1969.

Q. Are we really that close to losing our strategic superiority to the Russians?

A. When you are talking about strategic superiority this is a complex question. We had strategic superiority at the beginning of the early '60s, in the sense that we had a substantial larger number of weapons and of sufficiently larger number that an outcome of a nuclear exchange might have been reasonably livable; it wouldn't have been very good for the world but it would have been livable. I think we're in a situation today that almost any conceivable nuclear exchange is going to be almost unlivable for both the Soviet Union and the U.S. So, when you talk about superiority in terms of nuclear war, the question of whether you have a few more or a few less is not really the issue.

Both the U.S. and Soviet Union have adequate number of weapons that a nuclear war is unthinkable today, particularly in terms of what it was 10 or 15 years ago; it was unthinkable then but it's just completely unthinkable today.

Now, that, of course, says that in a sense there probably isn't any such thing as a nuclear superiority in terms of any ability to use them. There are some things however that you'd have to keep in mind here. The first place, the fact that we both have a very high-level nuclear capability and hopefully both have enough sense to know that it isn't any possible exchange that would be acceptable, this then puts the military situation in terms that we have a great deal more need to look after our general purpose force capability; that confrontations on that plane are much more likely to be the problem than a nuclear exchange. So, this situation does make a change in terms of what we have to think about in our military planning.

There's another aspect and that's simply the psychological aspect in terms of our ability and the Russians' ability to influence negotiations vis-a-vis each other and as a third party. If the Russians can go around and brag that they have 50% more missiles than we have, their missiles are bigger, and they have 50% more submarines than we have, although it is not necessarily a disaster in terms of the likelihood of a nuclear war, it can make them look physically stronger and more impressive that they can increase their influence in many ways. I think that their naval buildup is very much directed at that concept; I don't think they see that they, certainly not in short term, are not going to build up a naval capability in terms of the likelihood of a confrontation with us in the real sense, but it certainly gives them the ability to show the flag around the world and result in influence they have in their negotiations. I think really we've got to keep in mind that may be the more important aspect of these things that's going on.

Q. A number of people have rediscovered the Soviet bomber this year. Could you give us your personal assessment of whether this plane is in production and two, whether you expect the Soviets to produce any more than it takes to make it (unintel.)?

A. I don't know that I can give you any very useful assessment on those specifics. This plane does give the Soviets the ability to expand their bomber force if they wish to do so. I don't think we see evidence of a big program in that direction; I think it's too early to know what the intent is, I don't think we have enough information to assess that. Whether they will want to supplement their nuclear forces with a bomber, I think gets back in part to this matter we were talking about earlier. I don't think there are any great need for them to do so; they have a very good land-base missile force and they are building up as you know a very substantial submarine missile force. I think it's just a question of prestige if you want to put it that way. They may want to have a bomber force, too, so they can look as though they're at least our equal in every aspect. It's too early to assess that question. One of the troubles I'm sure you all recognize we have is we are worrying about certain things that happen but nobody yet figured out how to assess the intent, and as you look back over the years people thought the Soviets were going to build up to a land-base missile level about ours and level off; that was the general theory, but there was no way in the world to know what they were going to do. It turned out that wasn't what they did. So it's very difficult for us to project these things out in the future.

Q. Is there any evidence that the plane is gone beyond the development phase and is actually in production?

A. I just can't give you any very substantive answer to that point at this time. It looks as though they may be starting some production but I wouldn't assess this as anything that would be indicative of whether they are going to build up a big force or not. I think we'll get some better indications of this during the next few months, during the next year. I don't see this as a requirement for us to make a major change at this time in our planning for our U.S. air defense. We may have to do that in the future; that's about all you can say at this time.

Q. Just a moment ago you said there was once a thought that the Russians would level off when they came even with us on missiles and this moves me to ask you if you aren't caught with a misjudgment of the Soviet Union and your rather sanguine view to the prospects for peace. I'd like to ask this question: Have you decided now whether the Russians will be satisfied with parity and whether they have any concept of a nuclear balance as remotely similar to ours?

A. Yet me just make a comment about your point first. While I am perhaps optimistic, hopeful in terms of what can be done, I want to emphasize that in terms of our defense planning, we are trying to do everything we can to be prepared for a less optimistic outcome if that should be the results. I don't want anyone to think that we are not planning to be protected in case the outcome is not as optimistic as I expressed it here. I think we have a responsibility to (unintel) the security of the country if we fall back off the present plane of negotiations. What was the other one?

Q. I just wonder if you think that the Soviets look at the nuclear balance the way we do and have thought they did or whether parity is of no interest to them whatsoever?

A. Two things I would like to say about that. I believe that these SALT talks have been useful in giving us a better understanding of how they look at the nuclear situation and in giving them a better understanding of about how we look at it, and I think there are some people on both sides that look at it about the same way. Now, I get back again to the point I made earlier that I'm sure the people in the government of the Soviet Union are not thinking all in the same vein; I think you've got some divergence of opinion within each government; I think there is a very good chance that we are close enough together in the way we look at this situation that some viable agreement is possible. If we don't have confidence and were looking at this thing the same way, then it's going to be very difficult to come out of it with any good. I think that the talks themselves have been helpful in bringing a better understanding by both sides about how we're thinking and about how they are thinking.

Q. But have they influenced either side very much in general plans? Are they going for a first strike capability as your chief suggested a couple years ago?

A. Again, the only thing I can say is that we can't tell what their intent is; we are very much concerned about their capability and that's why we have placed so much emphasis on their buildup of these large missiles. I can say further that if they are going for a first strike capability I think we'll know it fairly soon and they'll not be interested in containing the levels they are talking about.

Q. They'll what?

A. If they continue to buildup these large missiles, I think that will be additional evidence that will support the possibility; they may not want to level off; they may be concerned about building up a first strike capability, but they don't have that at the present time. I think we've said many times when we talk about this, we're talking about what's going to happen several years from now, and we have to watch this matter very carefully.

ADDRESS BY RICHARD C. GERSTENBERG, CHAIRMAN, GENERAL MOTORS CORP.

Mr. BYRD of Virginia. Mr. President, Richard C. Gerstenberg, newly elected chairman of the General Motors Corp., delivered a significant address on December 2 to the National Association of Manufacturers.

He discussed the role of profits in the economic system of the United States—and the serious lack of public understanding about the need for profits in the American economy.

Mr. Gerstenberg points out that in our economic system—

> Business is conducted at the risk of loss and in the hope of profit. Call this system free enterprise, the competitive system, capitalism, or the profit system—whatever—it has provided our people with a quality of life unmatched in the world or in history.

Mr. Gerstenberg makes a significant point when he says:

> There are those who * * * imply there is a better way. But they never seem to come up with a workable alternative.

He makes another significant point in this statement:

> Now, this is not surprising, because other economic systems have consistently failed to produce the standards of life we enjoy in this country.

I ask unanimous consent that the text of Mr. Gerstenberg's speech of December 2, 1971 be printed in the RECORD.

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

REMARKS BY RICHARD C. GERSTENBERG, VICE CHAIRMAN, GENERAL MOTORS CORP., TO THE NATIONAL ASSOCIATION OF MANUFACTURERS, NEW YORK, DECEMBER 2, 1971

Thank you, Mr. Raynes. I am honored to address your annual meeting of the National Association of Manufacturers.

I note your theme this year is "Progress Through Understanding". Profits—the topic that your chairman, Ed Dywer, has suggested for me—is entirely appropriate. I don't know any subject more essential to progress, or any subject more in need of understanding today.

President Nixon spoke of profits in September to the Economic Club of Detroit. He said that to discuss profits before such an audience was like the minister talking to the choir—and I feel the same way today. Except that, in talking to you, I hope I can talk through you, to a larger audience. I am going to ask your help to get an important message across to the public. I am talking to the choir, all right—but I am asking the choir to sing a little louder, so that the whole congregation may better hear the message, and come to see the light.

This afternoon, I would like to discuss the serious lack of public understanding about the need for profits in the American economy. I would like to give you some idea of the extent of this lack of understanding, explore some of the causes, some of the consequences, and suggest what all of us might do to improve the public's understanding.

The evidence is convincing that too many Americans are not as aware as we should be of the major trends in our economy—or how these trends affect the quality of our individual lives.

Let me tell you about the latest survey by Opinion Research Corporation, released just last week. It asked a representative sample of the American public this question, "Just as a rough guess, what per cent profit on each dollar of sales do you think the average manufacturer makes, after taxes."

The right answer, of course, is about 4% of sales. This is what it was last year, and it has never been as high as 6% since 1950. But what answer did the American public give? The median public estimate of a manufacturer's after-tax profit was 28%. The public erred by a factor of seven. The question has been asked before, but this was the highest profit estimate received over the past 26 years.

Consider this: at a time when profit margins are close to the lowest in a quarter of a century, the American public's estimate of profit is at its highest.

This fallacy about profit is not limited to one segment of our population. The misconception exists among every group surveyed: men and women, young and old, whites and blacks, manual workers and farmers, Republicans and Democrats, Americans with high incomes and those with low, those with some college education and those with none, those who own stock and those who don't. All guessed wrong, and all by a very wide margin. This is very disturbing to me.

But equally disturbing is the finding that one of every three adult Americans thinks the Federal government should limit the size of company profits. This is Opinion Research's highest measurement of public support for profit controls since 1948. That so many would limit profit at this time—when our nation has never needed profit more—indicates how seriously uninformed the public is, not only about the size of profits, but about the decisive role of profit in the working of our economic system.

You and I know that profits are to free enterprise what oats are to the racehorse—essential both as a reward and as a fuel for continued competition. Without the opportunity for profit, there would be no incentive to invest. Without profit, there would be a crippling lack of resources to apply either to expand business or to improve American life. Without profit, or the prospect of profit, the free enterprise system as we know it would simply cease to exist.

What you and I know as profit goes by many names:

Profit means growth for our nation and its people as a greater output of goods and services lifts our standards of living.

Profit means good wages and attractive benefit plans for the employe.

Profit means more sales for supplier businesses, more savings to the banker, and more consumer spending to local shopkeepers.

Profit means contributions to schools and hospitals and community agencies. Last year, American corporations contributed $900 million to such private organizations.

Profit means taxes to every city, state, and national government. More than half of all corporate profits are paid in taxes.

Profit means dividends to shareholders—to the 31 million Americans who own stock, and to the tens of millions more who indirectly own an equity interest in pension plans, mutual funds, and insurance companies.

And to our country, profit is the key to fulfillment of all our national aspirations.

As a nation, we have set for ourselves an ambitious social agenda. We want to achieve standards of public education, health, and welfare unknown to history. We want to abolish poverty. We want to rebuild our cities. We want to restore and preserve the beauty of our land, our waters, and our skies. We want to give every American—of whatever color, religion, or background—an equal opportunity to fulfill all his capabilities.

These historic and formidable tasks will require unprecedented resources. The hard fact is that these resources will simply not be available—not unless our economy continues to generate profit. Not one of these grand goals, not one, can be accomplished unless our economy is prosperous, because the growth of our nation depends on profits.

Let's look at the challenge of attaining full employment. Between now and 1980, our civilian labor force will grow 20%—from about 84 million to about 100 million. To provide jobs for these millions of new workers, we will have to substantially increase the $80 billion we now spend every year for new plant and equipment—for the facilities and tools workers need to work.

Or let's look at our national commitment to restore and maintain our environment. We must repair the damage of the past, and we must minimize damage in the future. This also will require enormous resources. The Council on Environmental Quality has put the cost of abating air and water pollution and disposing of solid wastes at $105 billion—about $17 billion a year—in the six years 1970 to 1975.

Let us be clear. These estimates, as large as they are, are not "pie in the sky", any more than they are firm forecasts. They are, however, indicators of the kind of money we must spend to do what we should—to do what we must if the growth of America is to match the aspirations of its people.

These endeavors leave no room for any anti-growth philosophy. On the contrary, their achievement will demand all the growth, all the entrepreneurship, all the risk-taking we can muster. Their achievement will require profit—profit to plow back into business so it can grow, profit to reward current investors, and profit to attract new risk-takers.

Only the profitable business can help accomplish our national goals. To choose an example from my own experience, this year alone General Motors is spending better than $214 million to fulfill our commitment to take the automobile out of the air pollution problem, and to eliminate pollution from our factories. These and similar efforts by other American businesses involve very significant expenditures. In addition, we have extensive training programs to qualify new employees, and to hasten the upward progress of disadvantaged employees. Like other American corporations, we are assisting low-cost urban housing, providing help to minority business, and adding substantially to our deposits in minority-owned banks. The point I emphasize is that such contributions by business to a better society are possible only because the individual businesses are earning profits.

Our system is not only a profit system—it is a profit-and-loss system. Every day businesses fail. Each failure eliminates a potential contributor to our nation's growth and to its ability to fulfill the aspirations of our people. The company that fails hires no new employees, develops no new products, pays no dividends or taxes, trains no minority Americans, makes no donations to private education, and contributes nothing to its community.

Profits are so fundamental to our way of life that it is difficult to see how their necessity can be questioned. Yet the need for profit *is being* questioned and, as I have indicated, its importance is far too little understood.

The public's lack of understanding about profit is being exploited today by those whose support of the President's economic program is, at best, reluctant. The traditional critics of profit were among the first to criticize the program. They were quick to label it a bonanza for business and a windfall for corporations. They were quick to urge controls on profits or at least a tax on excess profits. There was headline talk of "skyrocketing profits" and profit increases "going into the coffers of corporations."

Fortunately, President Nixon and his associates know the importance of profits. The President told the nation "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."

Now I couldn't agree more with the President. And I am sure you agree as well. Without a healthy economy that generates profit, all the talk of national goals is only empty rhetoric.

For a single business, or for our entire economy to remain healthy, it must have the means to finance its planned growth, and also to meet unforeseen financial emergencies compounded by inflation.

There is that item in the financial statement also called "retained for use in the business." This is what remains of income after taxes, dividends, and other obligations are discharged. Throughout business generally, it amounts about half of what is earned for the stockholders, and represents what they are willing to re-invest for future growth. It might be likened to the homely old saying, "Putting some money behind the clock." Business has been borrowing at an increasing rate in order to finance future growth. Here again, the prospect of profit is essential to attract debt capital. To get right down to cases, today's profit—or at least some part of it—is frequently required to pay tomorrow's cost—the unavoidable cost—of building a better business and a better America.

The need to repeat these simple basic propositions about profit has never been as urgent as today, when profits are so low and public misunderstanding is so great.

Those opposed to profits maintain they are now close to all-time records, and cite aggregate figures. These aggregate dollar figures, of course, are high, like all aggregate dollars today, enlarged as they are by inflation and reflecting as they do the long-term growth of our economy. The true measures of profits, however, are not aggregates. They are the relative rates of profit: the percentage of profit to the gross national product, the percentage of profit to the sales dollar, and the rate of return on investment. These tell the story of profit the public must understand.

Corporate profits last year, in the aggregate, amounted to $41 billion, after taxes. A large amount, true. But when measured in relative terms, corporate profits last year were low—just over 4% of GNP. You have to go all the way back to 1938 to find a time when this relationship was lower. The last few months have seen an encouraging upturn. For the first nine months of this year, corporate profits were 4.3% of GNP, a little better than last year.

Manufacturing profits as a percent of sales in the first half of 1971 were 4.2%, which, again except for 1970, is as low as in any year in the last 25. In terms of return on stockholders' equity, the record is equally poor. The ratio of after-tax profits to stockholders' equity has declined from 13% in 1965 to 9.3% in 1970. The first half of 1971 saw only a slight improvement—to 9.7%. Any decline in this ratio is especially disturbing because stockholders' equity is a measure of society's risk capital—the driving force in the economy.

Last year, 34 of the Fortune 500 top companies lost money. Of the 500 largest industrial corporations in our country, one out of every 15 was unable to add a dollar to its stockholders' investment.

Or we can look at the profit story another way: between 1965 and 1970, our GNP went up 42%, wages and salaries rose 51%, but corporate after-tax profits went down 11.4%.

The general profit squeeze throughout American industry in the last few years has not gone unnoticed by investors. With profits so low, it is not surprising that stock prices have increased very little since 1965. Furthermore, dividend payments have averaged less than 4% of market value. Many investors, therefore, would have reason to feel they would have been better off in savings and loan associations, where they would have earned 5% without taking all the equity risks of common stock. More recently, the high rate on bonds has increased their attraction as an investment alternative.

The American public must understand that, if our economy is to recover, it must offer greatly improved prospects for profit. For this is the basic requirement to attract the capital that finances the new jobs and the growth we need. Only when our people understand that the well-being of our country depends on the well-being of our economy, and this in turn rests upon industry's ability to generate profits, only then will the importance of profits be driven home to the average American.

In our economic system, business is conducted at the risk of loss and in the hope of profit. Call this system free enterprise, the competitive system, capitalism, or the profit system, whatever—it has provided our people with a quality of life unmatched in the world or in history. Nevertheless, it does have its critics. There are those who question the profit system and imply that there is a better way. But they never seem to come up with a workable alternative. Now this is not surprising, because other economic systems have consistently failed to produce standards of life we enjoy in our country.

Those who advocate change in our system have no interest in teaching the true role of profits. Instead, they foster and promote public misunderstanding, not only about the size and distribution of profits, but about our society's need for profits.

Many critics picture businessmen as oblivious to spiritual, esthetic, and moral values. They portray businessmen as materialists, interested only in acquiring money and power, and unconcerned with social progress. Such opinions are not confined to radical journals or the underground press. Rather, sometimes we find such views sincerely held by eminent Americans. We see them printed and aired in our news media, published in books, and duly catalogued in our libraries. Worst of all, anti-business criticism today is taught in some of our high schools and colleges.

Here the consequences are the most ominous. Many of this generation of young Americans—the brightest, the most concerned, the best motivated of any in our history, the young men and women business so sorely needs—are not being encouraged to follow careers in business. Instead, many are turning to other fields—sometimes in government, perhaps to regulate business, believing that profit is earned at the expense of society; or they go on to education, perhaps to teach to still another generation the misconceptions about profit that they were taught.

Recent years have seen a marked lessening of public confidence in the established institutions of our society, business among them. A recent Harris poll showed that the number of Americans who expressed confidence in the leaders of almost every American institution has dropped drastically in only the last five years. The church, government, the press, the military, education; all have lost respect in the eyes of the public.

As citizens, we have reason to be concerned at this loss of confidence in our national institutions. And as businessmen, we have an even more direct concern about what is happening to the public's understanding and regard of the place of business in American life.

We must drive home to the public the fact that American business is not any separate group. The well-being of our economy affects every American. We all have a common stake and a personal interest in a flourishing and profitable business system. More than ever before, American business is everybody's business.

The ownership of American business has never been more widely distributed. The number of shareholders—now 31 million—has increased 50% since 1965. Indirect owners, those who participate in pension programs and investment funds or hold insurance policies, now probably include the vast majority of our people.

Ownership of other liquid assets, such as bank accounts and savings bonds, is also broadly based. Over three-quarters of American families have bank accounts. In addition, a third of American families own Series E Savings Bonds. This form of bond ownership alone—most of which is held by individuals not normally considered investors—represents a claim on $54 billion of assets. It is no empty slogan that we all have a stake, and a most important stake, in American business. Consequently all of us, every American, should be concerned about the ability of American business to continue to prosper.

We must achieve greater understanding of the profit system, and soon, before public hostility and indifference to the well-being of business lead government to further limit freedom of enterprise, and further weaken the ability of American industry to compete in the marketplaces of the world.

We in this room—each of us and all of us—have a direct personal responsibility to get this story across to the American people, in their homes, on their jobs, and more importantly, in our schools. The responsibility to tell this story is ours. No one in American society better understands the need for profit, and the importance of profit, than the American businessman.

We must demonstrate—especially to a generation that has never known a Depression—that profits do not happen automatically. They have to be worked for. They have to be earned. They are the residual that is determined only after all the forces of consumer preference and competition have exerted themselves in the marketplace. Against this stern discipline, profits are really earnings, with all the effort, dedication, and hard work that word implies.

As we tell the story of profit—and the direct relationship of profit to progress—we must emphasize the vigor and strength of our economy. This year it will add the equivalent of some $50 billion in real terms to its output. In such a climate of growth, even our most ambitious national goals can be realized. We can reach our goals. With hard work and common sense, they will be realized. This should be a source of great encouragement to our people.

We must stress the need and importance of profits as we give our full support to President Nixon's economic program. Business has already accepted the short-term restraints and sacrifices so essential if we are to gain the long-term benefits which the program seeks. We must be ready to sacrifice today to strengthen the economy for the tasks of tomorrow.

When history looks back on this period of America's economic life, I hope that it will note that American business was the first to appreciate this necessity for sacrifice and the first to give unstintingly of its support to the President and to his efforts.

The theme of your Conference is "Progress Through Understanding." Let me assure you, there is no surer road to progress than through a better public understanding of profit.

We all want to generate the profits and prosperity necessary to meet our national goals.

We all want to maintain the continued leadership of the United States.

We all want to continue to move this great nation forward.

Now, let us do it.

TRIAL FOR GENOCIDE

Mr. PROXMIRE. Mr. President, article VI of the Genocide Convention says that persons accused of acts of genocide are to be tried in the country where these alleged acts occurred. Some people who oppose our ratification of this treaty do so because they believe article VI will require American citizens to be tried by foreign courts without any of the protections of our Constitution. It is argued that the United States will have to extradite those U.S. citizens accused of genocidal acts that occurred in other countries.

Desiring to make clear the meaning of article VI, the Foreign Relations Committee has recommended to the Senate the following understanding.

That the U.S. Government understands and construes article VI of the convention—that nothing in article VI shall affect the right of any State to bring to trial before its own tribunals any of its nationals for acts committed outside the State.

Many nations have consistently asserted the right to try their own nationals for acts that occurred in other

countries. In accepting this understanding, we will remove any doubt that we would not exercise such a right with respect to any of our citizens that might be charged with genocide.

We will have available the option of trying our citizens in our courts for acts that allegedly occurred in another country. At his trial the accused will be guaranteed all the rights of our Constitution. One such right which will be maintained is the double jeopardy clause of the fifth amendment. The U.S. Government will be unable to extradite a person to be tried in another country if they have already been tried here.

Mr. President, I urge the Senate to ratify the Genocide Convention as soon as possible.

SKI U.S.A., IT IS CHEAPER AND MORE STIMULATING

Mr. ALLOTT. Mr. President, I wish to challenge an advertisement published recently in a nationally distributed magazine, trumpeting the theme, "Ski Europe, It's Cheaper."

My great State of Colorado has become the mecca of ski and outdoor enthusiasts. The slopes of Vail, Aspen, Breckenridge, and others are the most stimulating in the world, Europe included. The vistas and panoramas of Colorado rival and surpass any place on earth—whether the countryside is locked in the majestic winter snow or exploding in the splendor of spring. The idea that one would have to cross any ocean to enjoy snow sports because they are cheaper is fallacious.

Let me set the record straight. Here is just one example I asked my office to make of the several airlines that serve Colorado:

The ski fares that United Air Lines introduced this year from the east coast to Colorado and other western slopes is a better price package than skiing Europe. During the 1970–71 ski season, it was $42 cheaper to ski Colorado than to ski Europe—$202 against $160. This year, at least until February 1, the difference will be $77—$202 against $125. Even after February 1, the difference between New York–Denver against New York–Munich will be $55 in favor of the Colorado skier.

Despite the puffery of promoters, the facts are clear that Colorado is not only the best ski country; it is the best ski-travel bargain. I call attention to the fact that my great State has been selected for the Winter Olympics of 1976, and that, in itself, is a fitting tribute to the quality of the skiing there.

MADNESS FOR SECRECY

Mr. FULBRIGHT. Mr. President, in the Washington Post of Sunday, December 12, Mr. William G. Florence wrote an article entitled, "A Madness for Secrecy."

This is one of the most significant articles on this subject that I have seen. It deals with one of the most serious afflictions of our country.

The madness for secrecy has done as much as anything I know of to undermine the credibility of our Government and to weaken our democratic system. Without candor and a degree of honesty among the participants a democratic system cannot function.

I ask unanimous consent that it be printed in the RECORD.

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

A MADNESS FOR SECRECY

(By William G. Florence)

Every day they sit in the Pentagon, thousands of workers with rubber stamps marked "Confidential" and "Secret" and "Top Secret," and they stamp this paper and that, with little regard for what they are doing. It is a mass exercise in wish-fulfillment, a giant attempt to keep secret what is already public knowledge, what is bound to become widely known, or what is so trivial that it cannot possibly be of use to anyone.

In the process, the buying of toilet paper for some military men becomes a national secret. Purchases of paper clips and paint and long winter underwear can turn into guarded statistics. The purpose and dimensions of a new aircraft, long trumpeted in congressional hearings, remain, to the Pentagon's way of thinking, "Top Secret" matters. Literally millions of documents are needlessly classified alongside the relatively few—I would estimate from 1 to 5 per cent in the Pentagon—which must legitimately be guarded in the national interest.

All this would be rather humorous if it did not have serious consequences. But the fact is that the widespread abuse of secrecy provisions wastes staggering sums of money, undermines the integrity of our security system, and, as with the Pentagon Papers, conceals information which the public has a right to know.

This is not to suggest that there is a Pentagon conspiracy to hide embarrassing documents by stamping "Secret" on them. While that is sometimes the result, the secret-stampers rarely take the trouble to distinguish between what may or may not be embarrassing. Indeed, they rarely make distinctions about much else in the documents either. Which is precisely the trouble. They simply stamp away.

A BIZARRE EXERCISE

Tracing the causes and effects of this classification craze can be an exercise in the bizarre, one which I went through many times during my years at Air Force headquarters. It often begins, as it did in one case involving the F–111 fighter-bomber, with a single person at a single installation deciding that some piece of information should be closely protected. In this particular case, the person was in the Avionics Laboratory at Wright Patterson Air Force Base outside Dayton, Ohio, and what he wanted to protect was the process for turning out a metal used in the F–111.

The metal, tile-shaped pieces of ferrite developed privately by Conductron Corp. in Ann Arbor, Mich., "absorbs" radar signals. This distorts the plane's image on an enemy's radar screen.

As it happened, the same type of material had already been developed in the Netherlands, and similar radar absorbers were patented shortly afterward in Sweden. Moreover, Conductron had been generously scattering the metal tiles about in its sales effort. Despite all this, the Air Force man stamped "Confidential" on both the production process and the tiles themselves, an action which nobody above him questioned. To his mind, these were U.S. secrets, and Conductron and General Dynamics Corp., the prime F–111 contractor, were ordered to keep them so.

This was no small task. The companies, among other things, had to have special facilities to store all waste metal left from their work. The reason: The waste could not be destroyed by simple burning or shredding, the standard methods of getting rid of paper secrets. So it had to be hoarded.

From the mid-1960s until September, 1970, Conductron actually stored about 28,500 pounds of waste metal. At General Dynamics' Fort Worth, Tex., plant, where the tiles were fashioned to fit the plane's body, about 285 barrels of waste accumulated over this period. This was in addition to special guards at the plants, barriers erected to make sure nobody could get a hand on a grain of the metal, and other precautions required by the government for "Confidential" information. The overall extra cost for these measures was in the neighborhood of $400,000.

The cost would have kept rising if General Dynamics did not begin to run out of storage space. The company was faced with the choice of either putting up an additional building to hide the waste or finding some way to destroy it. A destruction study was even conducted: The best way to eliminate these leftovers, it found, was to ship the waste under guard to San Antonio, where it could be melted back to molten iron. The extra cost calculated by General Dynamics and the government: $600,000.

This, however, was not how the dilemma was solved. Rather, federal security inspectors finally asked Air Force headquarters in Washington whether the "Confidential" marking had been necessary in the first place. The question came to me, and I received assurances from the office of John S. Foster, director of defense research and engineering, that there had never been any need for protecting the metal ties. I spent the next 10 months trying to get the classification for the tiles canceled. It was finally dropped in September, 1970, after being in effect for about seven years.

But the Avionics Laboratory was able to retain the "Confidential" classification on Conductron's pending patent application. That classification, at last report, still was in effect.

AN EXPENSIVE HABIT

This is by no means an isolated case. Guarding information that is already well known is something of a habit, with many defense men. One officer at the Air Force's Aeronautical Systems Division in Ohio, for example, decided one day in late 1969 that the nation should keep a close watch on information about the new B–1 manned bomber. Mainly, he wanted to keep secret such details as the plane's purpose, its length and wing span, its take-off weight, how high it can fly, and what it looks like in a photograph.

I suppose this all would have been nice, except that it was absurd—these details had all been proclaimed for the world to hear while the Pentagon was pleading with Congress to authorize the bomber in the first place. The information had to be disclosed before a dime was approved.

But this did not deter the Aeronautical Systems officer. He insisted that the nation guard the information. So he stamped the instructions to the plane's contractor, North American Aviation, as "Secret," advising the company to keep these details under wraps.

North American, in July of 1970, forwarded some advice of its own. The initial cost for remodeling facilities and taking numerous other steps to comply with the "Secret" classification, it said, would be about $1.2 million. This did not include similar measures and expenses that would be required by subcontractors and suppliers.

Luckily, this nonsense was halted before it went too far. The security adviser at the Aeronautical Systems Division, who had opposed the classification, also phoned Washington about the problem. Instructions cancelling the classification were prepared by myself and others. The classification eventually was

dropped in early 1971, and another expensive exercise in wish-fulfillment averted.

I would estimate, however, that at least $50 million a year is still spent on storing, protecting and inspecting unnecessarily classified defense information.

While many defense planners do not like to admit it, relatively little of what they do actually can be kept secret very long. This is patricularly true in the scientific and technical area.

In early 1970, for example, a group called the Task Force on Secrecy, set up by the Pentagon and including such leading scientists as nuclear physicist Edward Teller, reported:

"Security has a limited effectiveness. One may guess that tightly controlled information will remain secret—on the average—perhaps five years. But on vital information, one should not rely on effective secrecy for more than a year. The Task Force believes that classification is sometimes more effecitve in withholding information from our friends than from potential enemies."

The Task Force, finding that secrecy hampers the flow of scientifically useful information here and abroad, estimated that the "amount of scientific and technical information which is classified could profitably be decreased perhaps as much as 90 per cent." Little has become of that report. It does not sit well with Pentagon psychology.

THE STAMPER'S BIBLE

The bible of security-stamping is called Executive Order 10501. Issued Nov. 5, 1953, by Preisdent Eisenhower, its nine pages contain commandments on what the executive branch shall classify, how sensitive information shall be stored and other rituals for keeping big secrets. It does not, however, make it very clear who shall decide what is a secret. It commands only that affected departments limit this power "as severely as is consistent with the orderly and expeditious transaction of government business."

That, which can mean almost anyone, is one reason for the classification craze. It is why thousands of bureaucrats have rubber stamps, which they can order fairly easily from supply units. At the Pentagon, desk after desk has a little tree-like stand with "Secret" and "Top Secret" hanging from its wrought-iron branches.

A second reason for the stamping binge is the security "orientation" given to new arrivals. At these, films on communism are sometimes shown and lectures on secret-keeping delivered. But rarely, if ever, is it stressed that stamping should be done sparingly—"Top Secret" if disclosure would cause "exceptionally grave danger to the nation," "Secret" if it would cause "serious" damage, and "Confidential" if it would "prejudice" the national defense.

Rather, the orientations tend to intimidate new arrivals with myths about classification—that there is some mysterious "law" dictating what must be kept secret, which there isn't, or that divulging classified information is necessarily a crime, which it isn't.

Security-stamping is done entirely on the initiative of the executive branch, governed by its own Executive Order 10501. No law specifies what the government must keep secret. The espionage laws do make it a crime to disclose defense information in some cases—but only if it can be proved, first, that disclosure would damage the nation or help an adversary, and, second, that the *intention* was to cause this damage. Otherwise, there is no crime in givng out information marked "Top Secret."

Indeed, millions of currently secret documents could be read on televison and broadcast to all of our potential enemies without any crime being committed, except perhaps to bore everyone to death. The point is that the indiscriminately applied security markings in themselves do not make anything subject to the espionage laws. That would be absurd. The legal tests are damage and intent to damage. It was on the damage test that the Supreme Court upheld the right of newspapers to publish from the Pentagon Papers, regardless of the "Top Secret" stamped on that vast study of U.S. decision-making on the Vietnam war.

THREAT OF PUNISHMENT

If bureaucrats should not worry much about criminal prosecutions, they should and do worry about being punished administratively, as any boss punishes a worker, for what the government may consider a violation of its security bible. This constant threat of punishment hanging over the heads of Pentagon workers considerably reinforces the mania for classification.

Nightly and on weekends, security police prowl the Pentagon in search of any evidence that the commandments of Executive Order 10501 are not being heeded. In the mornings, those whose offices have been searched usually find on their desks a calling card from their service's security force. The Air Force's version of this greeting is:

"The USAF Security Force did not discover any improperly stored classified information during its check of this area."

More than once, though, the snoopers do find what is, to their strange way of thinking, a violation. One morning early this year, while searching a desk in Air Force Headquarters, for example, they came upon some unclassified pages from a Rand Corporation document. The pages listed electronic equipment for six year old aircraft, including the ancient B–58 bomber.

The security checkers felt the lists should have been classified and locked in a safe. It apparently made no difference to them that the Air Force had distributed the information throughout the world for years as unclassified. They believed the information should be guarded, and they carry considerable weight. The snoopers reported their finding to the employee's superior, who ordered the worker to forfeit a day's pay.

A similar incident occurred last year at TRW Systems, Redondo Beach, Calif., one of the more than 13,000 contractors cleared for access to classified information. (Hundreds of thousands of employees at the contractor's plants are forced to sign statements that they understand improper disclosure of classified information "may be punishable under federal criminal statutes," which is simply not true.) A TRW engineer there was charged by security enforcers with improper disclosure of the scheduled operational date for the Minuteman III missile, the booster for the multi-warhead MIRV system.

That was ridiculous. The June, 1970, date was known all over the Northwest, where the missile was being put into place, as well as all over the world. Such actions cannot be kept secret very long; they are self-revealing. Indeed, Air Force Secretary Robert Seamans shortly afterward publicly mentioned the Minuteman III date. Still, the engineer was punished by his company, which acted under threat of penalty by the government.

NEEDED: LEGISLATION

These are only two of thousands of cases each year in which government and private employees are charged with security violations, most of which have no bearing whatsoever on the defense interests of this country. (At the Pentagon, the security snoopers have even left their calling cards several times in press room typewriters used by newsmen.)

Considering the inadequate executive order, the intimidating lectures and this overzealous enforcement, it is little wonder that defense workers have cultivated a mania for stamping "Secret" on everything.

If all this were not bad enough, President Nixon would now like to start a massive effort to declassify piles of old records that have already been declassified for more than 13 years. On Aug. 3, in the wake of the Pentagon Papers case, he asked Congress for an initial $636,000 to "begin an immediate and systematic effort to declassify documents of World War II." The total cost for five years of reviewing a "substantial" portion of 160 million pages of records was put at $6 million.

The intention is fine, but the fact is that the bulk of the Defense Department's World War II records were declassified or downgraded on Sept. 27, 1958, by DOD Directive 5200.9, which I wrote.

Even if that directive did not exist, a $6 million drive to read all these musty records and cancel classification markings would be a vast waste of funds. It would be far easier and less costly to wait until the records are requested, and to physically cancel the markings when the papers are withdrawn.

But canceling ancient classifications, while it may have some political appeal, is not a very lasting solution to the problem. It would help if millions of later records were declassified, but that, too, would not really be an answer. What is needed is to declassify millions of current records, and to make sure, through tighter controls on secrecy-stamping, that more do not swiftly pile up.

At present, an executive branch committee—set up under Assistant Attorney General and Supreme Court nominee William Rehnquist—is developing recommendations for improving Executive Order 10501. But chances are slim that its proposals will get to the heart of the matter. It is seeking to eliminate some classification authority, such as that now held by the Department of Health, Education and Welfare, and to cut the time period during which a document can remain classified. But far deeper change is needed, and it should be brought about by law, not by executive order.

We need to define, legally, what critical information may be classified—legislation perhaps similar to the 1954 Atomic Energy Act's provisions for protecting "restricted data"—and who may do the classifying. Only then could we begin to have secrets that are worth keeping and to tear down the current classification mad-house.

A TASK FORCE'S VIEW OF SECRECY

Following is the summary of the 1970 report of the Task Force on Secrecy established by the Pentagon's Defense Science Board. The nine-member Task Force was chaired by Frederick Seitz, former president of the National Academy of Sciences, and included such prominent scientists as nuclear physicist Edward Teller and former Atomic Energy Commission member Gerald F. Tape.

1. The task force considered the matter of classification from several viewpoints. However, it focused its main attention on the classification of scientific and technical information.

2. The task force noted that it is unlikely that classified information will remain secure for periods as long as five years and that it is more reasonable to assume its knowledge by others in periods as short as a year through independent discovery, clandestine disclosure or other means.

3. The task force noted that the classification of information has both negative as well as positive aspects. On the negative side, beyond the dollar costs of making decisions on classification and maintaining information secure, classification establishes barriers between nations, friendly as well as not, creates areas of uncertainty in the public mind on public issues and impedes the flow of useful information within our own country as well as abroad.

4. The task force noted that more might be gained than lost if our nation were to adopt, unilaterally if necessary, a policy of complete openness in all areas of information, but agreed that in spite of the great advantages that might accrue from such a policy, it is not a practical proposal at the present time. The task force believes such would not be acceptable within the current framework of attitudes, both national and international, toward classification . . .

5. The task force noted that the types of scientific and technical information which most deserve classification lie in areas close to design and production, having to do with detailed drawings and special techniques of manufacture. Such information is similar to that which industry often treats as proprietary and is not infrequently closer to the technical arts than to science. The task force believes that most of the force of attention of classification of technical information be directed to such areas instead of to research and exploratory development.

6. It is the opinion of the task force that the amount of scientific and technical information which is classified could profitably be decreased perhaps by as much as 90 per cent by limiting the amount of information classified and the duration of its classification. Such action would serve better the protection of necessarily classified information since the regulation concerning the enforcement of the residual could be applied more rigorously than at present.

THE 1972 ELECTIONS

Mr. HATFIELD. Mr. President, as we near 1972, already the newspapers are beginning their forcasting as to the various factors which will affect, or even control, the 1972 elections.

My hometown newspaper, the Newport News-Times, addressed an editorial to this subject in its December 2, 1971, issue. Because Mr. Walt Taylor's comments offer the insight of a thoughtful editor from a small town—one more than 3,000 miles away—I think his comments are worthy of our review.

I ask unanimous consent that the editorial be printed in the RECORD.

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

POCKET BOOK MAY RULE

Have you made up your mind on how you'll vote in the 1972 presidential elections?

If you answered "yes, I have," you are part of an 85 percent majority.

Strange as it may seem, the people planning the Nixon reelection drive for next year believe this. They say that only 15 percent of the voters have yet to make up their minds to vote for or against Mr. Nixon when he seeks, as expected, his second term.

This 15 percent includes the new, under 21 voters, many of the so-called hard hats and others who have been made undecided by the Vietnam war wind down.

Thus, the campaign next year will be aimed selectively. Television will be only mildly used—over exposure of paid TV spots reacted against candidates, apparently, in several key elections for the senate and house last year.

If this is the case—and the election is to be decided by a small fraction of undecided voters—then the Nixon trips to China, to Russia, and so on make even more sense politically. Obviously, they'll attract favorable reactions from the young voters . . . at least that's what the president's political advisors hope.

It also explains the extra efforts by Mr. Nixon to appeal to the rank and file of labor over their bosses in the National economic situation, and the feeling presented that the president doesn't support school busing, as also aimed at this group.

Frankly, we think the Nixon backers have guessed wrong. What we hear is people aren't making up their minds until they learn who will run against Mr. Nixon.

The Nixon people guessed, wrong four years ago, it is generally accepted today, and their campaign for him almost lost the election in the last days of the campaign.

But next year, Nixon should have more going for him—the office alone, for example. But we also feel there are an awful lot of those 85 percents who will vote their pocket book next November, and right now none of them know for sure how flat or full it'll be.

RETIREMENT OF GEN. LEONARD F. CHAPMAN AS COMMANDANT OF MARINE CORPS

Mr. STENNIS. Mr. President, before the Senate reconvenes in January, Gen. Leonard F. Chapman will step down as Commandant of the Marine Corps.

Mr. President, in recognition of his leadership as Commandant, General Chapman deserves the recognition and the thanks of the Senate and the entire Nation. As the 24th Commandant in the Corps' 196-year history, General Chapman has done his job well during a time in which all of the Armed Forces have operated under the most serious strains. Despite an unpopular conflict, General Chapman has maintained high standards of discipline and service. The Marine Corps has retained its usual high morale despite some antimilitary climate in the country.

Mr. President, General Chapman stands for discipline. And let me emphasize that without discipline, with all its implications, there can be no effective military force. Let me quote from some recent words of General Chapman himself:

The key to maintaining the professional quality of our Corps is the individual Marine—officer, noncommissioned officer, and nonrated Marine. And that's what we're concentrating on—the individual Marine.

In this process we are not giving in, Marines are not going permissive. We're proud of being tough and we're getting even tougher. That's the kind of men we've always had in our Corps, and that's the kind of men we want now. We want men who are proud of their country, who are proud of themselves, and who want to serve their country in a proud Corps.

Mr. President, General Chapman has been a rock in a surging storm which threatens the very fiber of our Armed Forces.

Another great achievement of General Chapman's has been the fact that during his tenure the Marine Corps has very effectively scaled down its overall strength from a maximum of 317,000 during the height of the Marine commitment in Vietnam to a tough, lean strength level of slightly over 200,000. We all know, Mr. President, that the problems of reducing an armed force with all its ramifications far exceed the problems of a buildup. The Marine Corps has come out of Vietnam far stronger than ever, in my opinion, which is no mean feat.

Therefore, as General Chapman closes out his record as a fighting Marine, beginning as a second lieutenant in 1935 with battle action with the 11th Marines in World War II on Peleliu and Okinawa, and with subsequent distinguished service in Vietnam, culminating in achieving the post of Commandant, the highest military office in the Corps, we can be assured that he will go down in history as a Commandant who brought the Corps safely and proudly through difficult times and as one who pointed a way toward the future.

In a word, he has lived up to the proudest traditions of the corps itself.

As chairman of the Senate Armed Services Committee, I do not have a great many intimate contacts with the senior military officers. I do not ask favors and can not be expected to extend them favors.

I do have some special contact with them as they carry out their duties. I think General Chapman has been an exceptionally fine and outstanding Commandant and member of the Joint Chiefs of Staff. Too, I know that Mrs. Chapman has been a part of these achievements and is entitled to a part of the credit. I commend and thank each of them and bid them Godspeed.

VETO OF ECONOMIC OPPORTUNITY BILL

Mr. HATFIELD. Mr. President, it is a source of great concern to me that the President has chosen to veto the authorization bill for the Office of Economic Opportunity, for it contained a section which I believe would be of tremendous value to my constituents.

I am addressing myself particularly to that part of the bill which included authorization of $2 billion in fiscal 1973—which had a $500 million setaside for Headstart programs which are very popular in my State of Oregon. The $1½ billion remaining would have begun new programs—on the order of Headstart—for day care centers which are needed by the millions of American working mothers for their children, as well as those who are poor.

According to testimony developed before the Senate Children and Youth Committee:

One third of mothers with children under the age of six—a total of four and one-half million women—are working today. As a result, there are six million preschool children who need developmental day care services while their mothers are away from home. Yet less than 700,000 licensed day care opportunities exist.

Oregonians who work with the Headstart program write to me of the thousands of poor children who are left out of this needed program. Working mothers also write to me of the expense and worry they have in affording suitable day care for their children.

The legislation which the President vetoed would not only have provided free day care for those with incomes up to $4,320—with emphasis on enriched training, nutrition, and health care—it would also have allowed middle-income parents to receive the day care on a sliding scale of payment, based on

the income of the parents. The fees were nominal compared to the costs most working mothers must now pay to have baby sitting services for their children.

As is too often the case for the children of the poor, and others as well, there are little children who receive little attention or early childhood training at all. The educational experts and the psychologists are telling us that we should be reaching these children at an earlier age—at least by the age of three—so that proper learning habits are formed, to say nothing of the need to provide the necessary breakfast—and nutrition advice for mothers—which is needed by the children so that they have the physical and mental strength to function in school. This would have been provided by the vetoed measure.

However, I believe that we will pass similar legislation in the next Congress, and I hope the President will sign the measure which will undoubtedly be presented to him again next year.

I ask unanimous consent that two editorials, one from the Portland Oregonian, the other from the Oregon Statesman, be printed in the RECORD, as well as a newspaper article from the Oregon Statesman on citizen reaction to the veto.

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

[From the Portland (Oreg.) Oregonian, Dec. 9, 1971]

CHILD-CARE DEPARTURE

There are fiscal arguments against the comprehensive child-care legislation that has now passed both houses of Congress and which Administration spokesmen have said the President probably will veto. The vast, national system of day-care centers, providing not only custodial care for the children of working mothers but also meals, education, medical care and social services, would cost the federal government $2 billion in its first year and probably much more later.

But opposition of conservatives also has a philosophical basis. They see in the program, which would be open to all economic groups but free only to the very poor, a resemblance to programs in socialist countries where children are cared for by the state in their early years. Indoctrination of the children in beliefs alien to those of their parents has been cited as a danger of such institutionalized care.

Pressure is much greater on the President for signing the bill than for vetoing it, however. It has wide support from women's groups, civil rights, labor and church organizations. The fact that the child-care program is part of a bill extending the Office of Economic Opportunity for two years is another factor making a veto difficult. A veto would eliminate this controversial but politically potent program along with the child care and would require an OEO renewal fight to be waged again in Congress.

Democrats have added to the President's dilemma by quoting a message he sent to Congress in 1969: "So critical is the matter of early growth that we must make a national commitment to providing all American children an opportunity for healthful and stimulating development during the first five years of life." Congress has now provided that commitment, Democratic congressmen have asserted.

The federal government won't actually operate the child-care centers, if they are established. States, cities, combinations of local communities, Indian tribal councils and private, non-profit organizations will run the program, with the federal government paying 80 per cent of the cost. Parents would participate in planning and conducting the program in local centers. Services would be free to children of four-member families with incomes up to $4,320 a year. Families with higher incomes would pay fees on a sliding scale.

This is a sharp departure from American tradition. Children of working mothers heretofore have been cared for through private arrangement by grandmothers, baby sitters, privately organized care centers, etc. Socialistic or not, it is in tune with other developments in this country, such as women's liberation, and will almost certainly come eventually should Mr. Nixon veto it this time.

[From the Salem (Oreg.) Statesman, Dec. 9, 1971]

PRESSURE FOR DAY CARE CENTERS

The need for children's day care facilities is atop the priority list of social service agencies in most communities. The increase in workng mothers has produced mounting pressure for this service.

Congress passed a $2 billion revolutionary day care program Tuesday which would, if signed by the President, establish day care service throughout the nation. The ultimate price will be far higher. The availability of day care centers will encourage more women to seek employment outside the home. The day care would be free for low-income families. Others would pay fees.

The objective of the bill is not to create baby-sitting services, but to provide meaningful training and enrichment for youngsters.

The measure, part of a much larger Office of Economic Opportunity package, is enthusiastically supported by the women's lib movement and equally condemned by conservative groups. Both realize a fundamental cultural change is involved.

The women's lib groups insist that each woman should be free to develop her individual interests and careers and should not be bound from birth by the cultural injunction that she must raise children. Those who give top priority to the traditional pattern of the family are convinced that without the personal care of the mother in the home, children will not have proper guidance. They link the increase in juvenile problems to deterioration of the family structure. The women's lib advocates point to sociological studies which show no relationship between working mothers and juvenile problems.

The argument rages on, but in the meantime, the cultural pattern is changing, whether the American people like it or not. Millions more women are working. The argument really revolves around the type of care which will be given the children of these women.

Will they spend their days in front of a TV set or with a babysitter, or will they be trained, given group activity experience and encouraged to adopt acceptable value systems.

These are the members of the next generation. Society either will use their talents or cope with their problems. The lesson is all too clear that if they are allowed to "grow like Topsy," society in general will pay the ultimate price. There's no law requiring parents to stay home with their children.

It is interesting to note that in the close House vote Wednesday (210–186), two Oregon congressmen, Ullman and Wyatt, voted in favor of the measure while two, Mrs. Green and Dellenback, voted against it.

Some opposition to the bill centers around its structure. The federal government would set up day care centers working with local groups and bypassing the state. The Nixon administration objects to its cost.

The President, despite his earlier threats to veto such legislation, will be under tremendous pressure to approve it. The greatest pressure will come from social service agency people who currently are involved in trying to cope with the day care problem and who see what is happening to the lives of millions of pre-schoolers who are not getting proper care and guidance.

[From the Salem (Oreg.) Statesman, Dec. 10, 1971]

VALLEY CHILD CARE OFFICIAL DISAPPOINTED BY NIXON VETO OF MEASURE

(By Allen J. Morrison)

President Nixon's veto Thursday of the nation's first major child care bill brought immediate adverse reaction from officials of Mid-Willamette Valley child care facilities.

Nixon termed the $2 billion child care and anti-poverty bill "fiscal irresponsibility" and said a need for child care facilities was never demonstrated by Congress.

Charles Owens, director of Oregon Community Coordinated Child Care (4Cs) Inc., said he disagrees with the president that the need has not been demonstrated and added that child care development could be expanded in many communities under the bill.

Mrs. Lyn Horine, a top staff member of the Mid-Willamette Valley Community Action Agency Inc., the official anti-poverty agency in Marion and Polk counties said, "We see over and over again the damage that happens to kids when they don't have adequate child care, and we watched Congress fight for five years to devise this ultimate plan that will be the answer to care for American children that is acceptable to everybody in the country."

She said, "It is extremely difficult because everyone thinks parents should do it inside the homes. But we don't even equip them so they can care for their children."

One of his reasons for veto, Nixon indicated, was the massive child care bill would break up family units.

Mrs. Horine said the problem is that traditionally there have been a "significant number of parents who did not pass on to their children parental skills." She said the problem has mounted because of a changing world and different values."

Joan Thorne, a board member of the Mid-Willamette Valley 4Cs, and active in other social services, said, "President Nixon has let down our children drastically and never has done anything for the youth of our country, first vetoing education and now child care.

"I hope there will be great concern shown by our communities and that the public will urge an override of the veto. I think his behavior shows that his words are meaningless. The president said the child care bill is fiscal irresponsibility and to that I say the only thing irresponsible about that bill is his veto."

Hope Crandall, director of child care for the Valley Migrant League (VML) said, "We are not meeting the total need of child care facilities and VML has only made a dent in the migrant need in the summer."

Miss Crandall said VML had hoped to expand its limited summer program to year-round but the president's veto prevents that unless additional funds can be obtained by Migrant and Indian Coalition which is attempting to expand child care. She said it might be possible to get funds under Title 4-A of the U.S. Social Security Act.

Mrs. John Nesvick, chairman of the board for the Mid-Willamette Valley 4Cs, said, "Mr. Nixon really does not understand the need for child care, and good quality child care will be delayed for some time," because of his action.

She said she had respect for Congresswoman Edith Green and Congressman John Dellenback and that they voted against the bill, "so the bill was not perfect."

THE TRAGEDY OF THE WAR IN SOUTH ASIA

Mr. ALLOTT. Mr. President, the overriding fact about the current conflict on the Asian subcontinent is that it is a tragedy. Assessing blame is not the first priority. Ending the suffering is.

But if we are to understand the problem, we must be clear about one thing.

India is coming perilously close to asserting the right to secession on the part of East Pakistan. I, for one, think that it ill behooves the United States to associate itself with any idea as dangerous and discredited as the right of secession.

So that all Senators may be aided in their reflection about this terrible conflict, I ask unanimous consent to have printed in the RECORD the column written by Mr. Crosby S. Noyes and published in the Washington Sunday Star of December 12, 1971.

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

MRS. GANDHI'S CURIOUS STAND ON BANGLA DESH

(By Crosby S. Noyes)

The legal grounds on which the Indian government has based its recognition of the rebellious East Pakistani government of Bangla Desh—if generally accepted—could come to haunt many governments, including India's, for a very long time to come.

I refer to the contention, spelled out by Indian Prime Minister Indira Gandhi, that the government of West Pakistan and its army had no right to be in East Pakistan, fighting to hold the eastern section of the divided country. That is a startling argument.

What Mrs. Gandhi seems to be proclaiming in this case is an inherent right of secession by a disaffected group within a nation. She is saying further that a government has no right to use force to preserve its integrity or repress rebellion, which is a new idea in international law with interesting implications.

This argument has nothing to do with the specific circumstances involved in the Pakistani conflict.

Granted that Pakistan, divided into its East and West wings by 1,000 miles of Indian territory, is a freakish kind of country to begin with. Granted also that the domination of East Pakistan by the West created abnormal tensions between the two parts of the country. Granted finally that West Pakistan precipitated the conflict by setting aside the results of an election and setting out to crush a secessionist movement with a brutal show of force.

It well may be that on a moral basis, Pakistan deserves to be dismembered, that Bangla Desh deserves its freedom and that it is very much in the interests of India to help bring these things about. The fact remains that until now Pakistan has been regarded by the world as a single sovereign nation.

(OTHER THAN FOREIGN ASSISTANCE)

In arguing the legitimacy of the "government" of Bangla Desh, Mrs. Gandhi piously quotes Thomas Jefferson to the effect that it is "supported by the will of the nation, substantially expressed." What she chooses to ignore is that, until now, there has been only one nation—and it is called Pakistan.

Until now, furthermore, it has generally been accepted that it is the right of a sovereign nation to preserve its integrity at any cost. Many nations, including our own, have fought for the principle. Certainly, if this right were to be generally denied, plenty of countries would be in serious trouble.

For the fact is that there are hundreds of secessionist movements all over the world with more or less legitimate grievances against their governments. If these movements are encouraged to the extent that Mrs. Gandhi implies they should be, the centrifugal forces set in motion could easily get out of control.

Particularly among the new and underdeveloped nations, the principle of separatism and indiscriminate self-determination can lead to chaos. In a continent like Africa, for instance, national boundaries reflect little more than the outlines of former European colonial empires, and tribal rivalries generally outweigh any concept of national loyalty. The experiences of Katanga and Biafra have shown quite clearly where the right of seccession is likely to lead.

But surely of all countries in the world India itself is the most vulnerable to the doctrines that Mrs. Gandhi is preaching at this point.

For India is an incredible hodgepodge of races, languages, and religions, bound together rather tenuously by the idea of the nation-state. Its 600 million people speak a total of 1,652 mother languages and practice six different major religions. For centuries the history of India has been one of communal strife over differences of race, religion and language.

Nor has the Indian government, since gaining its independence in 1950, shown much patience with secessionist movements within its own boundaries. Periodic revolts in Moslem-dominated Kashmir and in the Naga hill district of Assam have been bloodily suppressed. Despite appeals from the United Nations, India has never permitted a plebiscite in Kashmir to settle its dispute with Pakistan over the area. The substantial will of the local population has been consistently ignored in New Delhi.

So it might be safer for everyone concerned if India stopped pretending that any high moral or legal principles have been involved in its attack on Pakistan or that the legitimacy of the government of secessionist Bangla Desh is self-evident. What we are witnessing on the subcontinent is a ruthless power-play in the most classic tradition. And clothing it in sanctimonious language changes nothing whatever.

RESIGNATION OF DEPUTY SECRETARY OF DEFENSE DAVID PACKARD

Mr. YOUNG. Mr. President, it was with deep regret that I learned of the resignation of Mr. David Packard as Secretary of Defense. He is one of the most competent, responsible, and respected men who ever served in a top capacity in the Department of Defense.

Dave Packard is very knowledgeable on the intricate and highly involved problems of manufacturing in which he has been very successful. Most of the weapons produced for defense now are so highly sophisticated that it is absolutely necessary we have the guidance and counsel of a man like Dave Packard with his knowledge and judgment.

He was responsible for many important changes and improvements in the procurement of the tremendously costly and sophisticated equipment which is all important if we want to remain a strong nation.

Mr. President, I know of no other top official in the Department of Defense in my time whose judgment and views were more sought after by Members of Congress than Dave Packard's. His calm, knowledgeable, plainspoken, and friendly way in dealing with the most involved problems is why he won such high respect, not only from Congress but throughout the Nation.

We need more men like Dave Packard in government, not fewer.

DR. W. RICHARD BURACK HONORED WITH DISTINGUISHED ALUMNUS AWARD

Mr. McINTYRE. Mr. President, Dr. W. Richard Burack, of Jackson, N.H., has been presented the Distinguished Alumnus Award by the Bowman Gray School of Medicine of Wake Forest University.

Dr. Burack was a graduate of Bowman Gray, later was a member of the faculty of Harvard Medical School, and then moved to New Hampshire where ne practices at the Memorial Hospital in North Conway, N.H., and also serves as the chairman of the new Formulary Committee of the Commonwealth of Massachusetts.

The distinguished award was presented to Dr. Burack "in recognition of contributions to the prestige of his alma mater through distinguished achievements in the field of medicine."

Dr. Burack is the author of the "New Handbook of Prescription Drugs" which has had a phenomenal sale as people have become increasingly interested in the problems of prescription drugs.

Mr. President, I wanted to bring to the attention of the Senate the richly deserved award given to Dr. Burack. I ask unanimous consent to have printed in the RECORD a news release which goes into further depth on this honor given to a distinguished New Hampshire citizen.

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

AWARD PRESENTED

WINSTON-SALEM, N.C.—Dr. W. Richard Burack, an internist in North Conway, N.H., has been presented the second annual Distinguished Alumnus Award by the Bowman Gray School of Medicine of Wake Forest University.

The award is designed to honor Bowman Gray graduates for outstanding achievements in the field of medicine.

The awards were presented at the medical school's annual Alumni Weekend, during which Burack presented a lecture on "Relationship of the Pharmaceutical Industry, the Doctor, and the Patient."

Burack, a 1951 graduate of the Bowman Gray School of Medicine, is a former member of the faculty of Harvard Medical School. He is perhaps best known for his recent 1970 book entitled "The New Handbook of Prescription Drugs."

When the book was first published in 1967, the New England Journal of Medicine compared it to David standing up to Goliath of the drug industry. The book combines basic information for the professional reader with instructions of interest to the lay reader.

In his lecture at the Bowman Gray School of Medicine, Burack charged that "there is an epidemic of irrational prescribing of medicines on the part of doctors."

He said that too often physicians prescribe drugs when they are unnecessary, prescribe expensive drugs when less expensive drugs would do the same job, and prescribe toxic drugs when less toxic drugs would be just as effective.

Burack said that estimates within the medical profession are that 60 to 90 per cent

of prescriptions are unnecessary. "And I suspect it is closer to 90 per cent," he added.

On the prescribing of toxic drugs, Burack pointed out that 1½ million people are admitted to hospitals each year for adverse reactions to drugs.

On the expense of medicines, he said "Twenty per cent of the medical dollar goes for the purchase of prescription drugs."

He urged that physicians "practice safer, less expensive medicine by being more conservative in their prescribing of drugs."

FISH INDUSTRY REPRESENTATION AT UNITED NATIONS CONFERENCE

Mr. HATFIELD. Mr. President, I have spoken several times before in the Chamber about my deep concern over the omission of representation of U.S. commercial fishermen or fish products industry representatives from the official U.S. delegation to the forthcoming United Nations Law of the Sea Conference.

I will not repeat again today what an oversight I consider this to be, and how strongly I hope that this situation can be corrected. I submitted Senate Resolution 203 with my distinguished colleagues from the Commerce Committee (Mr. MAGNUSON and Mr. STEVENS) to indicate a sense of the Senate that our fish industry should be represented.

Senate Resolution 203 has attracted a great deal of interest and a number of cosponsors. I encourage Senators from coastal States—all of whom I asked to cosponsor this resolution—to have their names added.

Mr. President, one of the fine organizations dedicated to the future of our domestic fishing industry on the Pacific Coast is the Pacific Marine Fisheries Commission. I have worked with this group in the past, and was gratified to receive a very warm letter of support from the organization. I ask unanimous consent that this letter appear at the conclusion of these remarks.

In addition to such official groups as the Pacific Marine Fisheries Association—representing Alaska, Washington, Oregon, Idaho, and California—support for my resolution has come from smaller, private groups. One of these is the Brookings Fishermen's Wives Association. Over the years I have served in the Senate, I have been keenly aware of the great interest and concern shown by this group in efforts to preserve the future of our fishing industry. I know from my conversations with residents of Brookings that this group of women has accomplished a great deal of progress in public awareness and understanding of the problems facing our domestic fishing industry. Their concerns are not parochial—limited solely to Oregon—but evidence an awareness of the broader concerns facing the fishing industry nationwide. I ask unanimous consent that a recent letter from the Brookings Fishermen's Wives be printed in the RECORD.

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

PACIFIC MARINE FISHERIES COMMISSION,
Portland, Oreg., December 10, 1971.

Hon. MARK O. HATFIELD,
United States Senate,
Washington, D.C.

DEAR SENATOR HATFIELD: In view of your much applauded Senate Resolution 203, urging inclusion of fishermen among U.S. representatives in the U.S. delegation to the 1973 United Nations Law of the Sea Conference, I am sure you will be interested in the enclosed resolution passed unanimously by the five Compact States of the Pacific Marine Fisheries Commission at their annual meeting in Seattle November 18. This resolution speaks to several issues you have worked to develop through your leadership position in the United States Senate.

Directly related to your S. Res. 203 is the second "resolved" (page 2) "that the United States Department of State be requested to include in its official delegation at the coming Conference, including preliminary meetings, adequate representation from the United States fishing industry . . ." You may be interested to note that the language chosen by PMFC was "representation from the fishing industry" rather than fishermen specifically. It is the position of the Commission that some of this representation quite properly might be drawn from processing or other elements of the industry as a whole. It should be noted that this particular recommendation was proposed originally as a separate resolution, then subsequently combined with other materials to produce a single resolution of more pervasive significance.

The thrust of the initial portion of Resolution 1 is in strong support of the position taken by the National Federation of Fishermen and by elements of our government that management of ocean fisheries can best be accomplished in terms of *coastal, anadromous,* and high seas species. An additional point not included in the National Federation of Fishermen position is PMFC's special consideration of underharvested species. This recommendation appears entirely consistent with present provisions of the contiguous fishing zone concept.

On behalf of the Pacific Marine Fisheries Commission, representing as it does the fishing industry and management agencies of the entire Pacific Coast, let me thank you again for your continued leadership in behalf of marine resources protection and wise utilization. I hope that this PMFC resolution adequately documents the powerful support given your position by our five compact states of Alaska, California, Idaho, Oregon, and Washington.

Under separate cover, we will mail you copies of all seven resolutions adopted in November by the Pacific Marine Fisheries Commission. I am sending this one on ahead because of its special significance in relation to your own recent activities on the floor of the Senate.

Yours sincerely,
JOHN P. HARVILLE,
Executive Director.

PACIFIC MARINE FISHERIES COMMISSION

RESOLUTION NO. 1—IN SUPPORT OF FISHERIES MANAGEMENT BY COASTAL, ANADROMOUS, HIGH SEAS GROUPINGS

Whereas, an International Conference on the Law of the Sea is scheduled to be held in 1973; and

Whereas, any agreement reached by the Conference will have a deep and profound influence on American fisheries for generations to come; and

Whereas, the preliminary proposals by the United States offer little or no protection for American fisheries; and

Whereas, our coastal fishery resources are being depleted due largely to effect of foreign fishing conducted without regard to sound conservation principles; and

Whereas, conservation is urgently needed, both to maintain our fishery resources on a sustainable yield basis and to secure our economic future in the fisheries: now be it therefore

Resolved, That the Pacific Marine Fisheries Commission urge the United States government to adopt the following proposals as its objective in the coming conference:

Coastal species

Fish and shellfish resources which live on or above the continental shelf and slope and/or the waters above the shelf and slope for reproduction and/or survival during the major part of their lives shall belong to the country off whose coast the continental shelf and slope occurs.

Anadromous species

Anadromous fish shall be the property of and subject to control by the coastal state of origin. Where anadromous fish are harvestable in the territorial waters and contiguous fishery zone of a country other than the country of origin, the nations involved shall work out harvesting rules consistent with adequate conservation principles and with due regard to the right of each nation to its proper share of the allowable catch.

High seas species

All species of fish of oceanic origin and habitat shall not be subject to control by the coastal nation. The conservation and management of such species shall be the responsibility of multi-national control to be exercised jointly by the harvesting countries including countries whose coasts border the waters frequented by such species.

Underharvested species

Where stocks of fish are underharvested by the coastal nations to which they belong, provision shall be made by the coastal state for harvesting by other nations where such harvesting would not be unduly harmful to the conservation of other species in the area of harvest. Such harvesting shall be conducted under appropriate nondiscriminatory conservation rules promulgated by the controlling countries who shall be entitled to charge non-punitive users' fees of those engaged in the harvesting.

Be it further resolved, that the United States Department of State be requested to include on its official delegation at the coming Conference, including preliminary meetings, adequate representation from the United States fishing industry, and

Be it lastly resolved, that copies of this resolution be forwarded to the President of the United States, the Secretaries of State, Interior, Commerce, and Defense, to members of the House Merchant Marine and Fisheries Committee, to members of the Senate Committee on Commerce, to members of the Senate Committee on Foreign Affairs and to the Governors of all coastal states of the United States.

COMMERCIAL FISHERMEN'S WIVES,
Brookings, Oregon, December 4, 1971.

Senator MARK O. HATFIELD,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR HATFIELD: We are hoping you can send us a copy of the fish sanitation standards bill just passed by the Senate. We do not have the number here at this time, although we think it was originally S. 700. We understand the original bill has been amended, to aid the fishermen, and therefore, we are hoping you could send us a copy in it's amended form.

Also, we would like to have a copy of the Resolution you are sponsoring, in demanding a voice of the fisheries in the 1973 Law of the Sea Convention at Geneva, and the other Preparatory Meetings.

When we receive these copies, we will present them to our local Grange, of which many of us are now members, and ask for a Resolution through the Grange to support the fishermen. This will go to the State Grange, then the National Grange, and to the farmer's lobby in Washington, D.C. In the future, there will be issues that we will be supporting that will not be directly involving fishing, but we are all farmers, har-

vesting both the land and sea, and therefore are working together.

We appreciate your help in amending the sanitation bill, as it was going to be a great hardship on many fishermen in the original state. Thank you, very much. We are vitally interested in the changes made in the bill. We have found, through the years, that it is not usually the fishing boats that are unsanitary, but the neglectful handling of our fish by the shore parties—dealers, canners, truckers, etc. We are sure you are well aware of the situation where our fish comes directly from our iced holds to be laid out in fish boxes in the sun, on the docks, and ignored for hours until thrown carelessly into trucks, or tossed helter skelter into dirty fish plants, and left lying on cement floors for ages. We know our consumers, the people, deserve better than this, and therefore, we have not been against the sanitation bill, as such, but definately worried about being regulated further as boat owners. Most boats keep their holds clean, and most skippers can't abide the smell of a dirty hold, and they are usually very fussy about it.

Thank you again. We'll be in touch.

Sincerely,

Mrs. JAYNE GIBNEY.

HERBERT LINCOLN HARLEY

Mr. GRIFFIN. Mr. President, the advancement of judicial administration in America can be attributed to the dedication of a small group of reformers. Herbert Lincoln Harley, founder of the American Judicature Society and a native of Michigan, was one of this select group.

As Glenn R. Winters, Executive Director of the Society has observed:

Great as have been the contributions of Wigmore, Pound, Harno and others to the American Judicature Society, all are dwarfed by those of the Society's great founder and secretary for more than 30 years—Herbert Lincoln Harley.

Harley was born in Manistee, Mich., on December 31, 1871. He graduated from the University of Michigan Law School and practiced law before turning his talents to the publication of the Manistee Daily News.

Due in large part to the suggestions and encouragement of wealthy lumberman Charles Ruggles, Harley established in 1913 the American Judicature Society dedicated to the promotion of the efficient administration of justice.

The formation of the American Judicature Society marked the beginning of Harley's efforts to make the United States court system a working, serviceable medium for dispensing justice. With the support of such prominent jurists as Dean John H. Wigmore, of the Northwestern Law School, Chief Justice Harry Olson, of the Chicago Municipal Court, Chief Justice John B. Winslow, of the Wisconsin Supreme Court, and Dean Roscoe Pound, of the Harvard Law School, Harley formed the nucleus of the society that has expanded into new areas as the need has arisen.

Harley's intolerance for conventionalism, his recognition and acknowledgment of the progressive ideas of others and his candid writing style gave him and the Society a national influence that expanded throughout his extraordinary career.

Mr. President, I am proud that Michigan was among the first States to adopt many of Harley's proposals such as State court unification, centralized administrative control, State bar integration, and procedural improvements including the pretrial conference.

As we approach the centennial of his birth date, I am pleased to pay tribute to this outstanding lawyer and scholar.

SCHWEIKER ACT SAVINGS ANNOUNCED FOR FISCAL 1971

Mr. SCHWEIKER. Mr. President, last week President Nixon sent to Congress his annual message detailing the savings realized for fiscal year 1971 from cost-cutting suggestions made by members of the military. The figure of $117 million is the second highest since the program went into effect.

This cost-saving program is the result of legislation I introduced as a Representative in 1965. I sponsored the Schweiker Act because I felt it served the dual purpose of saving tax dollars and rewarding initiative. Since the law went into effect, $555 million in tangible benefits have been realized, and $6.3 million has been awarded to members of the Armed Services.

But the benefits of this program are greater than the dollars saved. An incentive and a vehicle have been provided for suggestions which affect economies and increase efficiency.

I am pleased that my bill has proved to be so successful. Our military personnel are rewarded for their ingenuity, and millions of dollars of taxpayers' money are being saved each year.

Mr. President, I ask unanimous consent that the text of the President's 1971 message be printed in the RECORD.

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

REPORTS OF THE SECRETARY OF DEFENSE AND THE SECRETARY OF TRANSPORTATION ON AWARDS FOR SUGGESTIONS

To the Congress of the United States:

In accordance with the provisions of 10 U.S.C. 1124, I am pleased to forward the reports of the Secretary of Defense and the Secretary of Transportation on awards made during fiscal year 1971 to members of the Armed Forces for suggestions, inventions and scientific achievements.

Participation by military personnel in the cash awards program was authorized by the Congress in September 1965. There could be no better demonstration of the program's success than the fact that tangible first-year benefits in excess of $555 million have been realized from the suggestions of military personnel since the program began.

The tangible first-year benefits resulting from adopted suggestions submitted by Department of Defense and Coast Guard military personnel during fiscal year 1971 totaled $117,676,188, the second highest annual amount in the history of the program. Cash awards presented to military personnel for their adopted suggestions during fiscal year 1971 totaled $1,919,121.

RICHARD NIXON.

THE WHITE HOUSE, *December 9, 1971.*

THE FULBRIGHT SCHOLARSHIPS

Mr. JAVITS. Mr. President, the New York Times on December 13, 1971, published an excellent article entitled "Success Story: The Fulbright Scholarships." The article was written by James H. Billington who is chairman of the board of foreign scholarships. Professor Billington's article most concisely, persuasively, and interestingly explains the origins, purposes, and successes of the Fulbright scholarship program. The success of this program is a significant and fitting tribute to Senator FULBRIGHT, the distinguished chairman of the Foreign Relations Committee. I ask unanimous consent that the text of the article be printed in the RECORD.

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

SUCCESS STORY: THE FULBRIGHT SCHOLARSHIPS

(By James H. Billington)

WASHINGTON.—Amid all the questioning about the international commitments of the American Government abroad, it is good to find a pioneering program from 1946 that still remains both popular abroad and relevant to current American needs: the educational exchanges that began with the Fulbright Act just a quarter-century ago. The ironic and perplexing fact is that the American people, who originated and continue to subsidize the program, seem to be almost the only major people in the Western world not to appreciate fully the extraordinary nature of this program.

A total of 108,284 students, teachers and professional people (two-thirds of them from other countries) have participated in these two-way exchange programs, linking America with 110 countries. These exchanges have enriched American civilization in ways that no amount of television or cheap youth fares could ever do: permitting deep contact with foreign cultures and disciplined digestion of innumerable new areas of science and learning. In many ways, this program and its imitators have provided the postwar equivalent of the earlier immigrations, which traditionally brought America a steady stream of new ideas and approaches that could never come from mere tourism.

The history of these programs shows how the quest for peace and understanding (which was central to the immediate postwar period and explicitly endorsed in the original act of 1946) can be made part of a practical program of national commitments.

There are at least three features of the program that may be both surprising to former participants and instructive for all interested in American foreign policy.

The American educational exchanges have been, first of all, ecumenical in outreach—working through foreign governments of left, right and center, moving even beyond the reach of trade and commerce. The original Fulbright Act predated the cold war; and the program has, from the beginning avoided politics and transcended any narrow focus on Europe. Precedent for the binational structures was found in an all-but-forgotten prewar exchange program with Latin America; and the first binational agreement was for a $20 million long-term program with China.

The first American scholars went abroad in 1948 to China, Burma and the Philippines—well before the large and successful European programs were launched. The first American grantee, the eminent authority on China, Derk Bodde, was labeled the "first Bodde in the program"; and the harassed wives of the first Philippine grantees jokingly called themselves "halfbrights" well before the late Senator Joseph McCarthy popularized it as a term of abuse.

Second, contrary to the initial wishes of almost every bureaucratic interest group consulted, this exchange program has been almost exclusively directed through individ-

uals. When the surplus funds first became available for overseas expenditure after World War II, Government bureaucrats argued for bigger and better embassy buildings. Even the academic guilds argued for such things as massive microfilming projects.

But the money went not for things, but for people. Both direction of the participants were confined to a presidentially appointed nongovernmental board of foreign scholarships, which exercises unusual authority for a part-time body—and has traditionally mixed in a few distinguished private citizens (Omar Bradley was on the first board) with representatives of academia.

And third, contrary to many other programs seeking to advance international understanding, the Fulbright exchanges have always been securely anchored in the reality of both the host and the sending country.

Binationalism is rooted in agreements between governments; but it is implemented in 45 of the largest participating countries by a unique and prestigious institution; the binational commission. These bodies often include cabinet ministers or deputies and university presidents, and in recent years have increasingly drawn on binational cost-sharing—now undertaken by twenty countries. Germany, for instance, provides well over 50 percent of the total funds.

Even for the pragmatist who may not share the idealism inherent in true educational adventure, there is the practical necessity of relating to the world's most rapidly growing "growth industry." For higher education is now the scene of an enormous and potentially explosive population increase, and the arena in which the elites of tomorrow are everywhere being trained. At the moment, the American program remains the best known and most highly regarded of exchange programs even without anti-American university environments.

Without the modest increases in Government appropriation needed to restore this remarkable inexpensive program at least to its size before the budget cuts in the late sixties, it is hard to envisage an adequate response to the opportunities and needs of the seventies.

CONVERSION TO THE METRIC SYSTEM

Mr. GRIFFIN. Mr. President, as a result of the metric report by the Department of Commerce, interest has been rekindled in the question of whether the United States should convert to the metric system.

Recently, I received a very interesting and informative article on this subject entitled "Meni Meni Tekel Upharsin," written by a Mr. Peter Kromann, of Holland, Mich. Mr. Kromann is personally familiar with the process of adjusting to a new measurement system since he lived through the changeover from the customary measurement system to the metric system in Denmark.

The article was prepared for the Social Progress Club of Michigan and is all the more interesting because Mr. Kromann is totally blind.

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

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

MENI MENI TEKEL UPHARSIN

(By Peter Kromann)

These were the famous words from "The Handwriting on the Wall" which the Prophet Daniel, lifting an accusing finger, interpreted for King Nebuchadnezzar as: "Weighed in the balance and found wanting". In this imperfect world this incrimination can be applied to our own accomplishments, to the accomplishments of President Nixon, and everyone in between. And we can point the finger at almost any idea or criterion, as, after some use, it will have fallen short of man's expectations.

Tonight we shall consider the inefficient, incredibly tangled, cumbersome system of our weights and measures.

Before recorded time man wanted to measure things. The Babylonians and the Egyptians noticed that it was a natural to use foot of a grown man as one unit of measurement. The Babylonians divided this foot into 12 equal parts (the width of a finger), and this division is still being used. The Egyptians used as one of their units the width of the hand at the base of the fingers. Another unit of measurement was the span between the tips of the thumb and middle finger when they were outstretched.

A measurement used by the Greeks was the length of the arm from the armpit to the tip of the middle finger. This was later used in all of Europe. The Greeks got most of their measurement ideas from the Egyptians because the bright young men of Greece went to school in Egypt. The Greeks did not develop the system further, but they carried it to Rome, and the Romans improved upon it. It was left to the Romans to make the first Prototype unit (about 300 B.C.), which was guarded carefully in the Capitol.

The Romans used both the Greek and their own measurements in trade. It is to be understood that all of these measurements were not necessarily standard, but for the trade developed at that time it was not really necessary. However, individual builders at that time must have had their own precise standards. How else could they have built such magnificent structures as the Pyramids, the Temples of Greece, the bridges, aqueducts and buildings of Rome?

Not only the measurements of length were involved, but also those of weight and volume. Some of these measurements are still used today, for instance the Troy weight for fine metals, and our present bushel which originated in Syria.

The conquering Roman armies and the trade developing along the Roman roads carried all of these measurements to most of Europe. After the Romans were gone, many small countries or provinces changed some of these measurements to fit their own needs.

The English originated the Yard as a measuring unit under King Edgar who ruled from 944 to 975, and this is how it was developed: the length from the tip of his Royal Highness' middle finger to the tip of his Royal Highness' nose, when the arm was stretched out sideways, was called a yard. There were three feet to a yard, each foot the length of 36 barley corns (taken from the middle of the head) laid end to end. An inch was three barley corns, or the width of a thumb.

When another king of different size came on the throne the measurements would of course be changed. About 25 years after Edgar, the country was conquered by the Danes, whose King, Kenneth the Great, was a big man, with a longer arm. Then when the English threw him out in 1041 a smaller man came to the throne, and for a while the measurements were in utter confusion. In 1101 King Henry the First proclaimed a precise length for the yard, and he made a Prototype of it in Elm wood, and it is this yard that the English still use.

At that time many other measurements were decided upon: an acre was the size piece of land a man could plow in a day; a furlong was the length of a furrow a team of oxen could turn over before they wanted to rest; a fathom was the length from tip to tip of Viking's outstretched arms.

As the governing units in Europe grew larger they generally developed their own measuring units, for length, volume and money. They learned soon that if they put less silver in the coins they could buy more, at least for a while. And the same kind of shenanigans took place with other measurements, all up through the Middle Ages.

How could the Hansa cities, the rich provinces of the Netherlands, the city of Paris, etc. trade with one another in such a confusion of measurements? The confusion finally grew so great that in desperation, during the French Revolution, some courageous Frenchmen (including Tallyrand) proposed a new system. In developing this system their aim was to find in nature a measure that would be constant. First, they tried to use the length a certain pendulum would swing in a second, but that proved unsatisfactory. Then they agreed on using as a base one ten millionth of the distance between the North Pole and the Equator. They called this a Meter, from the old Greek word Metron. In 1790 it was agreed to use this, and a Prototype was made and stowed away in Paris, and the different countries began working on adopting the system.

When Napoleon came to power he discontinued the effort but tried to apply the new words to the old system, which, however, failed. When he was gone the work of establishing the metric system all over Europe started in earnest.

Supporters of the Metric System in the United States can hardly be accused of advocating a radical, subversive idea. The Telephone inventor, Alexander Graham Bell, was President of the National Geographic Society and campaigned all his life for the Metric System. And George Washington unsuccessfully proposed the system for this new nation.

What is the Metric System? It is far simpler than our system. There are three basic metric units: meter for length, gram for weight, and liter for volume. (A Gram is the weight of a cube of water a centimeter on each side at 4 degrees Centigrade, the temperature of water at its maximum density. A Liter is the volume of a cube, 10 centimeters on each side.) Everything is divided into units of 10, 100 and 1,000. The prefixes used are taken from the Latin. The prefix "milli" means one-1,000th, the prefix "centi" means one-100th, and the prefix "deci" means one tenth. The prefix "kilo" means 1,000.

There are 100 centimeters in a meter, and a meter is a bit longer than a yard. There are 1,000 grams in a kilogram which equals 2.2 pounds. One thousand meters make a kilometer, a little more than half a mile. A kiloliter contains 1,000 liters, and a liter is a little more than a quart. Actually the system is easy to learn. You can learn it in five minutes, and master its use within an hour.

The Metric System is a measurement language. As mentioned, it dates back to the French Revolution. It underwent various changes and is now under the guidance of two worldwide organizations, both located in Geneva, Switzerland. The two organizations are:

The International Organization for Standardization (ISO).

The International Electrotechnical Commission (IEC).

The Treaty of the Meter, an international organization, to which the United States and 42 other nations formally adhere, was founded May 20, 1875. The General Conference of Weights and Measures, an outgrowth of the treaty, established at its 11th meeting in 1960 the formal term International system of units of which SI is the abbreviation in all languages. 36 nations, including the United States, participated in this conference.

The great advantage of the SI system is

that there is one, and only one unit for each physical quantity. The principle basic units are: length, mass, time, temperature, electric current, luminous density and others. Since metric units are related by multiples or submultiples of 10, problems of designation and calculation are greatly simplified.

The measurement standards, as maintained by the National Bureau of Standards, are all SI standards. The U.S. customary measurement standards (pound-yard-gallon Fahrenheit) are exactly defined by specified numerical ratios to the fundamental SI standards.

Clearly, the use of the Metric System by nearly 100 nations, including the adoption by the United Kingdom in 1965 (with the rest of the Commonwealth to follow) must be accepted as a fact of life, and the United States must learn to live with it. The Congress sees it as a *"Principal cause for concern* and has shown a strong interest in the interplay between metrication and areas of international relations."

A study authorized by Congress three years ago on adopting the metric system for the United States has been completed. Thousands of corporations, educators, government agencies and consumers were canvassed on their attitude, and Secretary of Commerce Stans says they overwhelmingly favor the change.

Secretary Stans has asked Congress to finally adopt the use of the Metric System. Incredible as it is, he made this presentation to Congress on the very day 105 years after President Grant signed a law designating the Metric as the legal, and the *only* legal system for the United States. Congress must decide if to make the change, when, and how the country will pay for it.

The helter skelter English system which we use has never been legalized by Congress. The yard, pound, gallon and other units are officially described by the Bureau of Standards in metric terms, as mentioned. The very question is what the Congress can do to make the old law effective. Congress has the power to set our standards, and it has done so, but it is doubtful that Congress can force the general use of the standards it has set unless it can do so under its authority to regulate Interstate and Foreign commerce.

The surest and most effective step is to order the government to do all its business, including the purchase of supplies, in metric terms. This will force contractors to change to the metric system.

But what concerns Mr. Stans is not its purchases but the foreign commerce. This is where the United States is the only one among the major trading nations that does not use the metric system, as England will have completed the change over in a few years. If American machine tools do not fit foreign machines, if American screws do not fit foreign holes, and if American standards do not fit foreign specifications, the industrialization of the rest of the world is bound to be at the expense of American Industry and Labor.

The years following the enactment of the metric study act have seen an acceleration in the internationalization of engineering standards. If the United States wishes to see the maximum amount of its engineering practices and standards included in the coming international standards, it must, without delay, take steps for active and effective participation in international standards negotiations.

The Bureau estimated the process of converting measuring and manufacturing equipment to the metric system would run anywhere from 10 to 40 billion dollars over a period of ten years. But the bureau researchers concluded that the cost would be much greater to the United States if it continued to be the sole major holdout among nations that have adopted the Metric System.

Other estimates of conversion costs seem to assume that we would have to do everything over. A critic spoke with dismay of the cost of resurveying the land. Who said anything about resurveying? We don't expect to export our land, and if it should be necessary to transfer a deed into meters it could be done very quickly from a conversion table. If it should end up with a millimeter off, it wouldn't be a disaster. One need only look at the southern boundary of Tennessee to realize that our existing baselines are less than infallible. The two boundary surveying teams missed each other by more than a mile at the Tennessee River. Even on a 100 foot lot the surveyors' pipes may end up an inch or so apart.

The Federal Government is bound to have a part in financing the change, for it will involve millions of dollars of costs in retooling, redesigning and packaging.

I understand that Chuck Conrad has been suggesting to our Senators and Congressmen that we could use our returning servicemen from Vietnam to do this job, instead of putting them on the unemployment rolls. By giving them productive work we would certainly help them as well as the change-over and the economy.

We are told that it would be confusing to use more than one system at a time, yet our present system is really a jumble of more than two. The inch has no relation to the pint, nor the pound to the gallon, and we already use the metric system in many fields.

Other countries that have shifted to the metric system found that it was less an ordeal than it had been feared. India is hardly comparable to the United States, but the shift in its industry was completed three years earlier than planned, and the cost was barely one tenth of the predicted estimate. South Africa and Britain are now in the process of shifting.

Most of us would be affected only slowly by the change. In the export industry, which would be most immediately affected, the cost of conversion might not be as great as feared. And the benefits after conversion will last indefinitely, and are therefore immeasurable.

The metric study group has identified 455 classes of manufacturing as "measurement-standards sensitive." "Examination of trade statistics shows that these 455 classes accounted for 11 Billion Dollars of exports and 4 Billion dollars of imports in 1969", the interim report reveals. "Thus, in terms of exports and imports that are measurement-standards sensitive, there was a favorable balance of 7 Billion Dollars for the United States in 1969. There is clearly much at stake in the export and import of these kinds of products.

United States exports amount to 4% of Gross National Product. In comparing this with Japan's 9%, France's 11%, West Germany's 14% and England's 17%, it seems only logical to conclude that our export potential should be much higher.

From Canada we hear that conversion is *inevitable;* from Australia that conversion *must* take place within ten years; from Japan, where conversion is completed, that with foresight and planning the cost was not as great as had been anticipated, and that they were able to get rid of much obsolete machinery. In the United Kingdom the process of metrication is being used as an occasion to *"clean house"* with regard to standards and related industrial practices. Old standards of diminishing usefulness are being discarded, rather than translated into metric language. Product lines are being redesigned and simplified.

We *are* going metric—and one towering reason why is that the cost of *not* converting is getting too steep. We're losing an estimated 10 to 20 billion dollars a year in exports simply because of our clumsy, unfamiliar weights and measures. Countless millions are being wasted on scientists and technicians who must make endless conversions back and forth between the two systems. Countless more millions are being lost in expensive and time-consuming errors inherent in the conversions.

Another reason is that we would save more than $700 Million a year just in teaching costs. In the educational field lies a great benefit . . . in favor of the metric. Teachers of Mathematics will agree that fully 25% of a child's as well as a teacher's time could be saved in Arithmetic courses if the simple, inter-related metric decimal units were substituted for the 80 different units of weight and measures "in common use" today.

A third reason is that the Metric System already is being widely used by the pharmaceutical and optical industries, the chemical, radio and electronic industries, the National Aeronautics and Space Administration, the U.S. Military services, track and swimming meets, etc.

Another reason is that each year's delay in switching is boosting the nationwide conversion costs at least 7%.

It would seem sensible for industry in its own interest to help the government do what it probably can't do by itself.

What would it mean to you and to me? Among other things, virtually every package would be redesigned and relabeled. Gone would be proper and improper fractions, least common denominators, troy and avoirdupois weights.

Fahrenheit would turn to Centigrade with the freezing point at a sensible zero, and the boiling point at 100 degrees. All school books at all levels would be revised, and so would speed limit signs and speedometers. So would rulers, scales, etc. etc.

All major countries except the U.S. are now metric.

There would be a nationally planned program in the United States to increase the use of the metric measurement system in this country.

The changeover to the metric system would be completed by the end of a designated time period.

Within the designated time period, all changes to metric language for printed materials such as signs, catalogues, deeds, and labels would be made only when such materials needed to be revised; and all changes to metric sizes or engineering standards would be made only for new or redesigned parts or products.

Existing equipment would be used until the end of its normal life cycle; the only changes to metric units would be in dials, gauges, and indicating devices.

The metric system would be taught in all U.S. schools during the transition period, and the general public would be gaining familiarity with the metric measurement system at the same time.

President Nixon, in his inaugural address said, "We seek an open world—open to ideas, open to the exchange of goods and people—a world in which no people, great or small, will live in angry isolation." (Unquote) What, then, must we do to avoid being isolated?

Enterprise and Technology have produced wealth that spreads beyond national boundaries. As technology continues to advance industrial productivity, markets of global scales are needed to realize potential production and market efficiencies. This can be greatly facilitated by use of the Metric System and International Standards.

American Space Technology has made every nation aware of our global interdependence. More than ever we are acutely aware of the need to learn to live together in peace and harmony on our spaceship Earth.

TRAUMA CENTER AT UNIVERSITY OF CALIFORNIA AT SAN FRANCISCO GIVEN SPECIAL FEDERAL RECOGNITION AND FUNDING

Mr. CRANSTON. Mr. President, I am pleased to learn that the Department of Health, Education, and Welfare has recently awarded a grant to the University of California at San Francisco School of Medicine for the support of a trauma center.

This center, which until now has been jointly sponsored by the city of San Francisco and the Medical School, will be one of nine trauma centers supported by the National Institutes of Health throughout the Nation.

These centers are devoted to reducing the tragic consequences of accidental injury. Statistics show that in the United States 115,000 persons die and 400,000 are permanently disabled each year as a result of accidents and that accidents are now the third leading cause of death and the primary killer of persons aged 5 to 45.

Many of the great tragedies which these figures represent can be avoided if adequate precautionary measures are taken at the time of the accident followed by special intensive measures in the emergency room and correct follow-up care.

The Center at University of California at San Francisco has an outstanding group of professionals committed to developing appropriate treatment procedures to reduce the tragedy of these annual statistics.

Mr. President, a press release issued by the University of California describes the proposals and the extent of the programs to be carried out at the trauma center. I believe that these plans will be of interest to the other Senators, so I ask unanimous consent that the news release be printed in the RECORD.

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

UNIVERSITY OF CALIFORNIA,
San Francisco.

A grant for $570,000 has been awarded to the University of California, San Francisco school of medicine by the National Institute of General Medical Sciences for the support of the trauma center at San Francisco General Hospital.

Dr. F. William Blaisdell, UCSF professor of surgery at SFGH, said that this hospital is one of nine medical centers across the nation selected "for the study of trauma and for improving methods of care of critically ill patients."

Other trauma center locations include Peter Bent Brigham Hospital, affiliated with Harvard Medical School, Boston; the University of Cincinnati; Columbia University; and the University of Texas at Dallas.

The grant, which covers a 3-year period, is the culmination of five years of planning by UCSF faculty.

"It is now established nationally that accidents are the third leading cause of death and the primary killer of people between the ages of 5 and 45," explains Dr. Blaisdell. During the past five years in San Francisco accidents have risen dramatically. "Not only are the freeways producing more catastrophic auto accidents here, but, as in all American cities, crimes of violence have also increased.

"Since most major accident victims are brought promptly to the Mission Emergency portion of SFGH by our efficient municpal ambulance system, the surgical services have devoted most of their attention to treating accident victims," said Dr. Blaisdell.

The surgical staff at SFGH states that the primary causes of death from accidents are shock, blood loss, lung failure and brain injury. Dr. J. Englebert Dunphy, chairman of surgery at UCSF, said that the major study of shock by Dr. Blaisdell and his colleagues will continue and that advances resulting from this major study are being utilized in the education of UCSF medical students and doctors in the community. Dr. Blaisdell and the late Dr. Paul Aggeler, UCSF hemotologist, initiated a study of blood coagulation in shock, a critical factor in the recovery of shock victims. The study is continuing under the immediate direction of Dr. Jean Robinson.

Many of the patients who demonstrate blood clotting problems develop lung failure. In fact, lung failure at the present time is the principal cause of death in patients suffering severe trauma, whether they be victims of auto accidents in San Francisco or soldiers wounded in Viet Nam. Dr. Robinson's group is developing a means of early recognition of patients with clotting problems in the belief that early treatment should greatly modify the death rate in trauma victims. Also, Drs. Richard Schlobohm and Richard Barber have been working to improve the techniques of delivering oxygen to the lungs. Another critical problem, according to Dr. Blaisdell, is not only lack of oxygen to the lungs but to the tissues of the body. "Dr. George Sheldon of the SFGH surgical staff has discovered that the body reacts in curious ways to shock and that the ability of the red blood cells to carry oxygen is altered in the shock victim," he said. Research support provided for the trauma center is directed toward solving this deficiency of blood.

"Shock also lowers the amount of oxygen in the healing wound, and the trauma center has demonstrated that this leads to wound complications. Patients who have experienced the most severe shock have the highest incidence of serious problems with their wounds."

Recently Dr. Thomas Hunt conducted a major study of wound healing following trauma. This work will continue under the new grant with the object of developing new forms of treatment to prevent these complications.

Dr. Julian T. Hoff, formerly a neurosurgeon from Cornell University, has recently been recruited for the full time faculty at SFGH. His expertise is head injury. He is utilizing new techniques to relieve pressure on the brain which might cause paralysis or death.

The orthopedic service under Drs. Edwin Bovill and Michael Chapman has developed a means of determining the healing rate of bone fractures so that patients can be removed from casts and returned to normal life in minimum time and with the least amount of disability. This unit also is accumulating specialists devoted to the care of victims paralyzed by brain or spinal cord injury.

"In order to do justice to emergency patients at SFGH," said Dr. Dunphy, "we had to strengthen our surgical staff there." During the past five years the surgical staff has increased to the point that every hour of every day a senior member of the surgical faculty is available to the emergency room within ten minutes.

"Our night professional staff equals the number of our daytime staff, with all medical specialties dealing with trauma represented," said Dr. Dunphy. "As a result of research being done at SFGH and the increase of surgical staff strength, emergency patients are now recovering at SFGH who would never have survived four years ago.

"The $570,000 grant could be interpreted as recognition by the National Institutes of Health of the excellence of the San Francisco trauma program," said Dr. Dunphy.

Up until now the program has been jointly supported by the City and UCSF.

BIRTH OF NUCLEAR POWER AT IDAHO FACILITY

Mr. JORDAN of Idaho. Mr. President, the Snake River Plain of southern Idaho today is the location of a significant 20th anniversary of the nuclear age. It is the anniversary of the first production of electricity from nuclear fuel at the national reactor testing station in Idaho in December 1951. I was Governor of Idaho at that time.

On that historic first occasion, only four light bulbs were lit at the testing station site near Idaho Falls. On the next day, the entire building of the EBR–1 experimental breeder reactor was operated on nuclear electricity. A larger experimental breeder reactor, EBR–II, has operated in Idaho since 1963, successfully producing up to 20,000 kilowatts of electricity.

This is only one of several firsts in nuclear developments pioneered at this key AEC research facility since its establishment in 1949. The 1,000 square-mile site has housed 46 experimental and testing reactors, including the prototype reactor for submarine propulsion. A boiling water reactor at the site provided the power for lighting the first American city, neighboring Arco, Idaho in 1955.

Mr. President, I am sorry that my duties in the Senate have made it impossible for me to be in Idaho Falls and to join in the honors being paid to those who helped pioneer these applications of nuclear energy. However, my colleague in the House, Representative ORVAL HANSEN—a member of the Joint Committee on Atomic Energy—played a major role in arranging this anniversary celebration and is representing the Idaho congressional delegation at this event.

Mr. President, I ask unanimous consent to have printed in the RECORD newspaper articles from the Idaho Falls Post-Register describing the anniversary celebration and its research background.

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

CEREMONIES TO MARK FIRST NUCLEAR POWER PRODUCTION

In the development of the peaceful atom a major anniversary is reached this month. Twenty years ago, in December 1951, the lighting of four bulbs by an experimental nuclear reactor at the National Reactor Testing Station in Idaho marked the first production of electricity from nuclear fuel.

On Dec. 13, an observance of the anniversary, sponsored by the communities of Eastern Idaho, will honor Dr. Walter H. Zinn and his co-workers in that historic effort. Recent accomplishments at the Idaho site in the development of the breeder reactor will be on display for industrial leaders and the national and local news media. The observance will be led by William O. Doub, one of President Nixon's recent appointees to the U.S. Atomic Energy Commission, and by Idaho's member of the Joint Committee on Atomic Energy, Congressman Orval Hansen.

The first generation of electricity was accomplished by the country's first experimental breeder reactor, EBR–I. A larger experimental facility EBR–II has been operated in Idaho since 1963 successfully producing up to 20 thousand kilowatts of electricity. For the past several years its primary purpose has been to test the nuclear fuel materials for breeder reactors of the future, including the two demonstration plants announced by President Nixon last June and September as a national commitment for the 1970's. The EBR–II and newer associated facilities of the nation's breeder program will be viewed during the observance.

The day's events will begin with a luncheon at which Dr. Zinn will speak. The observance will conclude with a public banquet with Commissioner Doub as featured speaker. The banquet to be held at 7:45 p.m. at the Westbank Restaurant in Idaho Falls will be preceded by a social hour. Reservations may be made at 522–6610, extension 1689.

Arrangements for the day are being handled by the Eastern Idaho Nuclear Industrial Council with the assistance of the Eastern Idaho Section of the American Nuclear Society.

Dr. Zinn in 1951 was the first director of Argonne National Laboratory which operates research and engineering facilities for the AEC both near Chicago and in Idaho. In 1954 he was the first president of the newly organized American Nuclear Society which is the technical society in the nuclear field. He recently retired as vice president of a major supplier of nuclear power plants to the utility industry.

BIRTH OF NUCLEAR ENERGY AT IDAHO NRTS TO BE CELEBRATED ON DECEMBER 13

With nuclear power receiving increased use for the generation of electricity in most parts of the country, a little known anniversary is being celebrated in Idaho on Dec. 13. Twenty years ago, December 1951, a nuclear reactor at the National Reactor Testing Station near Idaho Falls generated the first useful amounts of electricity from fissioning of atoms and nuclear-power generation was born.

On that first occassion, only four light bulbs were lit. On the next day the entire building of the EBR–I experimental breeder reactor was operated on nuclear electricity.

The anniversary focuses not only on the rapid development of nuclear power, but also on the 20 years of experience with breeder reactors. From four light bulbs to economical million-kilowat plants is one of the major technical achievements of the past two decades. The feat was accomplished with reactors less efficient than the fast breeder, whose technology has been developing much more slowly.

FULL DEVELOPMENT

Breeder reactor technology is now judged by the experts as ready for full-scale development to meet the power needs for many years to come. President Nixon last June therefore selected the fast breeder, a new concept to most Americans, as a national commitment for the seventies.

The nuclear age began almost 10 years before 1951. In 1942, the late Enrico Fermi and his co-workers successfully demonstrated the principle of the nuclear chain reaction by building the first nuclear reactor under the stands at the University of Chicago athletic stadium.

Even before then, they had visions of controlling that chain reaction at sufficiently high temperatures to remove heat, make steam, and drive a turbine for electricity. In the process it might even be possible to breed more nuclear fuel than is consumed.

When the nation's atomic affairs were turned over to the Atomic Energy Commission after the war, it established Argonne National Laboratory in suburban Chicago as the nation's development center for nuclear reactors. The lab's first director was Dr. Walter H. Zinn, a Canadian-born physicist and early co-worker of Fermi. Zinn, who recently retired as vice-president of a major supplier of nuclear power plants, is being honored at the twentieth anniversary observance.

EARLY IMPETUS

An early impetus for nuclear electricity came from the Navy's plans to develop nuclear powered submarines. Argonne assisted the Navy in selecting water under high pressure as the most feasible way to extract useful heat from a nuclear reactor. The water would also serve to slow down the neutrons of the chain reaction so they would more readily collide with other atoms of the nuclear fuel.

The function of slowing down or moderating the neutrons had been performed by graphite in early reactors. The moderator is the key difference between the thermal reactors now being built for power generation and the fast breeder. The selection of the most appropriate materials to cool the nuclear reactor and to moderate the neutrons occupied much of the early effort.

President Eisenhower gave civilian nuclear power its first major push in 1953 with his atoms-for-peace program. By that time five promising concepts of nuclear reactors for power had been identified. These included the fast breeder reactor cooled by liquid metal, and thermal reactors cooled by water under pressure or by boiling water within the reactor. Two other concepts which later proved uneconomical were also under consideration.

WATER REACTOR

The boiling water reactor had also been proposed by Argonne and a working model was built at the NRTS in Idaho in the early fifties. The AEC had established the NRTS in 1949 just for such field tests. Starting with the EBR–1 in 1951, the 1,000-square-mile site has housed forty-six experimental and testing reactors. Other early accomplishments included a prototype reactor for submarine propulsion in 1953 and lighting the first American city (Arco, Idaho) entirely with nuclear powered electricity from a boiling water reactor in 1955.

Since the identification of the early concepts, the U.S. program for nuclear power has generally been characterized by the orderly pursuit of several concepts at the same time. For a specific reactor type, four stages or tests have generally been necessary to move from the laboratory to full-scale economic application.

The first, or proof-of-principle, project generally establishes that the basic concept, such as cooling a reactor with boiling water or breeding more fuel in a fast reactor, is technically feasible and inherently safe. Generation of token quantities of electricity may or may not be a secondary purpose.

The second, or prototype, project provides for the construction of a complete power plant. In this plant the first tests are made on nuclear fuel and components which have been specifically developed to exploit the economic benefits of the concept.

The third stage, or demonstration plant, is sufficiently large to establish the economics of the concept and to allow long-term testing of full-size or near-full-size fuel and components. The first full-scale plants may still have further developemnt associated with them to improve economics, and full economic benefit may not be realized until later-generation plants.

EXPERIMENT SERIES

As has been mentioned, the boiling water reactor was proven out at the NRTS in the early fifties in a series of experiments with the acronym BORAX. Then two prototypes were built elsewhere: one by the AEC and the other by General Electric, who has become the sole U.S. supplier of boiling reactors. These prototypes were completed in 1956 and 1957 respectively and operated successfully.

Almost immediately work was begun on a larger demonstration plant, Dresden I, owned and operated outside Chicago, by an electrical utility, Commonwealth Edison. That plant was completed in 1959. Its successful operation plus the willingness of General Electric to supply larger units at a fixed price led to the sale of the first commercial unit in New Jersey. This Oyster Creek plant was started in 1964 and put into operation in 1969.

The development of the pressurized water reactor matched the boiling reactor step for step. Based in part on technology from the highly successful submarine program, Westinghouse constructed a government owned prototype on the grid of the Duquesne Light Company at Shippingport near Pittsburgh. To fund the construction and operation of the larger demonstration unit at Rowe, Mass., the utilities of New England formed the Yankee Atomic Electric Company.

Subsequently, several full-scale pressurized water reactors were started in the late sixties in New York, Connecticut, and California. Babcock & Wilcox and Combustion Engineering, suppliers of conventional coal-fired boilers, joined Westinghouse in offering the pressurized water reactor in commercial sizes.

ORDER REACTORS

Since the middle sixties, the electrical utilities have been ordering boiling and pressurized water reactors in increasing numbers. At this time about twenty nuclear power reactors are in operation, supplying about eight million kilowatts of electricity or about two per cent of the national usage. Almost 100 more nuclear plants, capable of supplying about ten times as many kilowatts, are under construction or on order. By 1980 nuclear plants are expected to supply close to one-fourth of the nation's electricity needs at that time.

Other thermal reactor concepts have proven technically feasible in tests in Idaho and at other government and industrial installations. Some reached the prototype stage. Then most of these failed the economic tests of being cheaper than water reactors.

A more recent concept, being developed by a subsidiary of Gulf Oil, is apparently passing the economic tests. With graphite as the moderator and helium at high temperature as the coolant, the HTGR (High Temperature Gas-Cooled Reactor) is also receiving attention from an environmental standpoint. Because of its high temperature, it is more efficient than water reactors and rejects less waste heat.

IN PENNSYLVANIA

Based in part on gas-cooled concepts developed to commercial size in Europe, a prototype HTGR was constructed at Peach Bottom, Penn. in the mid-sixties. A demonstration plant is scheduled to go into operation early in 1972 near Denver. Two full-size units for operation in the late seventies have just been ordered by Philadelphia Electric.

The success of the water-cooled reactors has provided new incentives for the development of the fast breeder reactor. The water reactors use uranium-235 the so-called fissionable isotope of uranium which makes up less than one per cent of naturally occurring uranium. At the same time they do extend our nuclear fuel supplies to some extent by converting a lesser amount of the other 90 per cent of uranium, uranium-238, to fissionable plutonium. Without a more efficient way to convert uranium-238 to plutonium, nuclear fuel and hence electricity will become more expensive when all readily accessible uranium has been mined, by the 1980's.

The breeder reactor provides this more efficient means. Fueled with a mixture of

uranium-238, and plutonium made in water reactors, it converts more uranium to fissionable fuel than the amount of plutonium it consumes. In effect it stretches the available nuclear fuel supplies by a factor of about 100.

Much of that uranium is already mined and above ground. Existing storage piles of by-product uranium-238, mostly from the manufacture of almost pure uranium-235 for atomic weapons, contain potentially several times as much energy as all the known oil reserves in the Middle East.

CONTINUED ROLE

The NRTS in Idaho has played a continuing role in development of the breeder reactor. The prototype unit, EBR–II, was completed there in 1963 and was operated for several years as a small power plant generating up to 20 thousand kilowatts. Its main function now is to test new fuel designs for the breeder reactors of the future. Based in great part on the results coming from that plant, the technology is now ready for the next step.

The President's national commitment is for one or more demonstration breeder reactors to be built during this decade. The utility industry has successfully raised the major portion of the funds necessary for the actual construction of the first plant. Details of joint funding between government and industry are being worked out. The contract for that first plant should be let within months.

Westinghouse, General Electric, and North American Rockwell are contenders for supplying the nuclear reactor. Commonwealth Edison, Tennessee Valley Authority, and the utilities sponsoring Yankee are among the most likely choices for the owner-operator.

In addition to EBR–II, the NRTS site at Idaho houses several reactor facilities used primarily to train navy personnel and two of the world's most advanced reactors for testing materials. Two other reactors, designed specifically for testing advanced safety devices, are under construction. Testing of such safety devices is required to insure the continued perfect safety record on the public, as larger and larger power reactors are proposed closer and closer to metropolitan areas all over the country.

ONE FATAL ACCIDENT

Even after 46 experimental reactors and twenty years, the 5,000 employees of the NRTS have suffered only one fatal accident associated with a nuclear reactor. Even in that accident the consequences of the radioactivity release were not detectable a couple hundred of feet away from the sheet metal silo which housed the reactor.

Since most of the 46 reactors have completed their mission, there is room for plenty more. But even space will give out before safety becomes a problem. As one expert pointed out in a recent comparison of risks, 249,267 power reactors concentrated in one area would provide the public only one-third the radiation exposure of a chest x-ray.

The residents of southeastern Idaho are convinced nuclear reactors are safe, and that's one big reason for the December 13 celebration. As is so often the case, recognition comes first from far away. As one high school teacher tells her classes "the rest of the country knows Idaho for its potatoes, but in Russia we are known for the world's largest collection of nuclear reactors".

CHILD CARE VETO

Mr. MUSKIE. Mr. President, President Nixon's veto of the Comprehensive Child Development Act, as I recently said in Houston, Tex., is an affront to Americans who care for their children, and who realize that the central theme of human activity concerns the enriching and development of the coming generation.

The President has turned his back on his own promises. On February 19, 1969, he called for a "major commitment to provide all American children an opportunity for a healthful and stimulating life." On April 9, 1969, President Nixon reaffirmed his position:

I again pledge myself to that commitment.

He has reneged on that pledge.

Experts at the White House's 1970 Conference on Children convened under the President's own auspices, agreed that a comprehensive child development program such as the act contained was the single most important and desirable undertaking of for the Nation's very young. The President has ignored his experts.

The President also ignored the recommendations of numerous organizations, all of them respected and responsible, which represent a broad, bipartisan spectrum of American concern. These include such diverse groups as the AFL–CIO, the American Bar Association, the NAACP and the American Academy of Pediatrics.

The American people need not look far for an explanation of the President's abandonment of his commitments to them and his disregard of qualified experts and spokesmen. The President has turned his back on the public good in a blatant political appeal to the far right-wing Republican elements that are considering challenging him for his party's nomination.

The President claims that the bill would lead to an "altering of the family relationship" and that it would be a departure from the "family centered approach" to child rearing. The bill's only alteration of family relationships would have been to enrich them. Participation in the program would have been purely voluntary. The bill would have offered trained supervision to children whose mothers must leave in order to earn money to support them. It would have provided education, nutrition, and medical care to children now without it. It would have permitted the dignity of jobs and self-support to mothers now doomed to dependency on welfare because they cannot leave their children. It would have provided training in the care and education of children to parents who need assistance. And it would have augmented and strengthened the "family centered approach" to child rearing.

The President's objection to the cost of the program furnishes further sad evidence of his priorities. He would spend billions to build an SST, but objects to the cost of supporting our children. He would backstop the Lockheed Corp., but objects to the expense of providing our children with needed services.

The Comprehensive Child Development Act was a sensible and necessary investment in America's future. We are only as good a country as our citizens. We shall be only as good as the children who succeed us. Unfortunately, the administration has gone against the will of Congress and has not grasped this opportunity for enriching and uplifting our children for the ultimate betterment of our Nation.

Mr. President, I ask unanimous consent that the Washington Post's Sunday editorial on the day care veto be printed in the RECORD. I think it provides an excellent analysis of the President's actions.

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

[From the Washington Post, Dec. 12, 1971]

THE PRESIDENT'S VETO OF DAY CARE

President Nixon's veto message to Congress explaining why he disapproves of the Child Development Act is, just to begin with, weird. It is weird because it is contradictory, arguing first that day care centers are good and then that they are evil. The contradiction points only to one possible conclusion: that this message is a bone he has tossed to his critics on the far right, with next November in mind, and at the expense of mothers and children and of a day care program which the President would have us believe he really supports.

The President's straddle comes about because day care centers are an integral part of his welfare reform program. His plan, sent to Congress two years ago, included a request for $750 million for funds to provide day care for children of poor families so their mothers can work. Indeed, it required that ultimately welfare mothers with children over age 3 put those children in day care centers and take jobs, providing both the centers and the jobs are available. This provision, as we have pointed out before, is largely window dressing as things are, since neither the centers nor the jobs exist, but it is the enticement the President used in trying to win right-wing support for welfare reform. In his veto message Thursday, the President called again for passage of that welfare day care program, saying that it would fill one of the needs of the country, a need "for day care, to enable mothers, particularly those at the lowest income levels, to take full-time jobs."

Now, if that were all Mr. Nixon had done in favor of day care, it would be fair to conclude from his veto message that he is for *requiring* poor people to put their children in such centers but against *permitting* middle-class people to do so. But it isn't all he did. The President also used the veto message to announce his support for substantial increases in the income tax deductions that parents who are working can claim for day care expenses. This is a clear encouragement to middle-class parents to use day care centers and go to work.

Having thus put himself on the record in favor of day care—an issue about which many organized groups in the country feel strongly—Mr. Nixon then vetoed the bill which would have given a much needed spur to day care development. This bill, he said, is "the most radical piece of legislation" to come out of this Congress. You might expect, once he had said that, that he would offer an explanation of how this particular day care program differed so much from those he supports. The President did list nine specific objections. Five of them are complaints that this bill would partially duplicate services he hopes to provide in the welfare bill, would give the states too minor a role, would cost too much, would create "a new army of bureaucrats," and would create centers which would be difficult to staff. Since there is nothing "radical" in those specifics—we hear them all the time about almost every piece of legislation—the radicalness of this particular bill must lie in his other objections. They are:

"Neither the immediate *need* nor the desirability of a national child development of this character has been demonstrated." . . .

"For more than two years this administration has been working for the enactment of welfare reform, one of the objectives of which is to bring the family together. This child development program appears to move in precisely the opposite direction. There is a respectable school of opinion that this legislation would lead toward altering the family relationship . . .

"All other factors being equal, good public policy requires that we enhance rather than diminish both parental authority and parental involvement with children—particularly in those decisive early years when social attitudes and a conscience are formed, and religious and moral principles are first inculcated . . .

"For the federal government to plunge headlong financially into supporting child development would commit the vast moral authority of the national government to the side of communal approaches to child rearing over against the family-centered approach."

We do not find in this one word that distinguishes the day care program Mr. Nixon vetoed from the day care program he is supporting. His specifics apply to all child care facilities and it is logically impossible to square his assertion that we need to enhance parental involvement with children with his program to compel welfare mothers to put their children in day care centers. Perhaps he did not distinguish between the programs because drawing such distinctions is difficult.

That is what convinces us that this veto message is the bone he has decided to throw to the right wing of his party. If it were not, Mr. Nixon could have vetoed this bill on the other specific objections he set out—it would, for instance, create major administrative problems—and Congress could have met them. But as it is, the President chose to kill the whole idea by spelling out his veto in language that comes straight from the material circulated against this bill by the far right, language that distorts what the bill was all about and what it would have done.

RECESS

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess, subject to the call of the Chair, with the understanding that the recess not extend beyond 2 o'clock today.

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

The motion was agreed to; and at 12:32 p.m., the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 1:52 p.m., when called to order by the Presiding Officer (Mr. ALLOTT).

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the joint resolution (S.J. Res. 176) to extend the authority of the Secretary of Housing and Urban Development with respect to interest rates on insured mortgages, to extend and modify certain provisions of the National Flood Insurance Act of 1968, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 9961) to provide Federal credit unions with 2 additional years to meet the requirements for insurance, and for other purposes.

The message also announced that the Speaker had affixed his signature to the following enrolled bills:

S. 113. An act for the relief of certain individuals and organizations;

S. 248. An act for the relief of William D. Pender;

S. 1828. An act to amend the Public Health Service Act so as to strengthen the National Cancer Institute and the National Institutes of Health in order more effectively to carry out the national effort against cancer;

S. 1866. An act for the relief of Clayton Bion Craig, Arthur P. Wuth, Mrs. Lenore D. Hanks, David E. Sleeper, and Dewitt John;

S. 2042. An act to provide for the apportionment of funds in payment of a judgment in favor of the Shoshone Tribe in consolidated dockets numbered 326–D, 326–E, 326–F, 326–G, 326–H, 366, and 367 before the Indian Claims Commission, and for other purposes;

S. 2837. An act authorizing additional appropriations for prosecution of projects in certain comprehensive river basin plans for flood control, navigation, and for other purposes;

H.R. 3749. An act for the relief of Richard C. Walker and to create an additional judicial district in the State of Louisiana;

H.R. 6893. An act to provide for the reporting of weather modification activities to the Federal Government;

H.R. 11341. An act to provide additional revenue for the District of Columbia, and for other purposes; and

H.R. 11955. An act making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

SECRETARY STANS' INTEREST IN THAI PAPER COMPANY

Mr. GRAVEL. Mr. President, I invite attention to an item on the Associated Press wire which discusses investments by the Secretary of Commerce in a paper company in Thailand.

It refers to an Export-Import Bank loan of $14 million, and states that the party through whom the Secretary made the acquisition is now the head of the Export-Import Bank—Mr. Kearns, also an appointee of this administration.

According to the item, the head of this company was a major general in the Thai army.

What distresses me most would be the impact on an American soldier in Vietnam who had read this report in the newspapers and who realized that some of his friends had given their lives in Vietnam, he would read in the newspapers about this kind of machination at the highest level of government. I think that that American soldier would have a normal human question, "Why is it that I am here under threat of losing my life when someone in high places in government has some obvious economic gains to make as a result of his activities in Thailand?"

The situation as reported in the article was that these interests were acquired since Secretary Stans became Secretary. So I think we could clearly say that there was no effort made not only to commit any impropriety but to leave any onus of impropriety. I think the tragedy is that the onus of impropriety is left at the highest level of this administration and I hope that the President will take cognizance of the situation and that we will see remedies to what appears, and I undersctore what appears to be an impropriety.

I want to congratulate Mr. Schwartz for an excellent piece of investigative reporting, in the finest tradition of American journalism.

It is this kind at reporting that honors the Fourth Estate and provides a necessary check on the activities of public officials.

Mr. President, I ask unanimous consent to have the article printed in the RECORD.

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

SECRETARY STANS INTEREST IN THAI PAPER COMPANY

(By H. L. Schwartz III)

WASHINGTON.—A private foundation controlled by Secretary of Commerce Maurice H. Stans has acquired since he took office an interest in a Thailand paper company which directly benefits from U.S. government cash and other assistance.

In response to written questions from the Associated Press, Stans called the $24,302 investment in Siam Kraft Paper Co. "very minor;" said he got no income from the Stans Foundation, and "couldn't conceive" of any tax breaks normally associated with such foundations as being available to him.

"There is nothing whatsoever in this situation that could conceivably involve conflict of interest," Stans said.

Disclosure of Stans' involvement in the Thailand company, founded on a $14-million loan from the U.S. Export-Import Bank, and extended the second time in recent months that questions have been raised about the secretary's financial holdings.

In February it was disclosed he held a $318,000 interest in a Penn-Central subsidiary at the time his department was engaged in secret negotiations to save the railroad from bankruptcy.

At that time, Stans said he had disqualified himself from efforts to help Penn Central after attending one high-level meeting. Tax returns for the Stans Foundation, which list Stans as president and his wife and four children as directors, show it acquired 2,667 shares of Siam Kraft in 1969 when the company was chaired by a Thai major general, managed by an American consulting firm and headed for large initial operating losses.

It got the shares from another Nixon appointee, Henry Kearns' president of the Export-Import Bank.

The foundation, Kearns and a New York investment firm, then headed by Stans, had been partners for a year in a separate real estate venture, Thai Industrial Estates.

A spokesman for Kearns and an officer of the investment firm, Glore-Forgan-Wm. R. Staats, said no real estate ever was purchased or developed although tax returns for the foundation show its initial $4.143 investment had grown to $20,851 by the end of 1968.

James Lynch, Glore Forgan vice president, said he didn't recall when the partnership was dissolved, but that Siam Shares were distributed in July 1969 to pay off the real estate investment. Kearns founded Siam Kraft in 1965 with the Export-Import Bank loan plus other backing from four American Banks, an insurance company and the General Electric Pension trust.

Questioned closely by the Senate Banking Committee about his $750,00 interest in the company, which produces paper bags, Kearns pledged to put his holdings in a blind trust and divorce himself from any Export-Import Bank efforts to help the firm.

Kearns declined a reported's request for an interview, but Don Bostwick, the bank's executive vice president, said Kearns "is and will continue to be totally disassociated with Siam Kraft Paper."

Stans also put his personal stocks and bonds into a blind trust, telling the Senate Commerce Committee he wished to avoid "circumstances which might imply any potential conflict of interest."

But he retained personal control of the foundation, plus real estate holdings in three states.

The foundation, established in 1945, increased in new worth from $501,000 in 1962 to $1.39 million by the end of last year, according to its tax returns. The returns show a $319,514 increase in 1970 alone.

The foundation's tax returns for 1969 and 1970 list Stans as devoting parttime to its operation, but he said in response to a question "I have had no transactions with the foundation for years."

Foundation experts with the House Banking Committee say there are numerous tax benefits available to those who control foundations, with one of the most common being avoidance of capital gains taxes.

"I can't conceive of any tax benefits available to me because of the activities of the Stans Foundation," said Stans. Siam Kraft's annual report to shareholders in October, listed a $4.28-million loss for the year ended last June. But the company report said extension of the Export-Import Bank loan, plus advice and assistance from officials of the bank and the U.S. Embassy in Bangkok, had brightened company prospects.

Douglas Smith, a project officer for the bank, said the payment date on the $14-million loan was extended from 1976 to 1993. Bangkok banks, benefitting from other Export-Import loans, were able to cut their interest rates to Siam Kraft, he said, and the Export-Import Bank loaned the company another $80,000 to pay the salary of a new American manager for two years.

One of the Commerce Department's functions is to encourage and assist American businessmen seeking to invest abroad. In Thailand, the department's operations center around one fulltime official and several State Department commercial officers.

Although these commercial officers work in the same office that has been most closely involved in helping Siam Kraft, John Randolph, head of the Commerce Department Far East desk, said "they have not been intimately involved."

Randolph said he routinely sees cables concerning Siam Kraft, but has never been given any special instructions about the company.

Emphasizing that he has no personal holdings in the company, Stans said he has never "discussed its affairs with anyone in the United States government."

RESIGNATION OF DAVID PACKARD AS DEPUTY SECRETARY OF DEFENSE

Mr. ALLOTT. Mr. President, during the weekend I heard over the electronic media and read in the newspapers of the resignation of David Packard as Deputy Secretary of Defense.

Of all the people in Congress, I would be the most remiss if I did not utilize this occasion to say a few words about Mr. Packard's service to his country.

I knew his father and his mother very well. I knew David Packard as a young man in high school. Then, for many years, our paths diverged, and I did not see him again or have any contact with him until he was named to the post from which he has just resigned.

His service in the Government has been symbolic of the kind of man that David Packard is. Having begun with his partner an electronics business, and having built it from a shoestring to the point that he became many times over a millionaire, he answered the call of his President. He came to Washington, and gave up everything that he had spent a lifetime building—namely, his home, his ranch, his settled family life—although his lovely wife came here with him and they made a home while they were here—in order to serve the Government. But there is more to it, I think, by far, than that, because he foreswore, as everyone knows, and as the public record shows, a great deal of money in order to serve his Government—more money, of course, than most of us will ever see. He is not like so many people who, as they acquire money, seem to get the golden glint in their eye and keep trying to get more and more.

His move to Washington did represent, in the things that mean most, family, home, a way of life for him, a great sacrifice. Beyond that there is still more; there is his great contribution.

We have had so many examples before us in the past 10 years of things that turned out to be real catastrophies in the Department of Defense, like the TFX, the C–5A, and many other things which have cost this country many millions of dollars. These catastrophies occurred because the civilians who were then at the head of the Department of Defense were wedded to ideas which had never been tested in the hard world of usage, and, therefore, as everyone knows, they fell flat on their faces.

More than any other man, David Packard has run the day-to-day operations of the Department of Defense under our distinguished Secretary of Defense Melvin Laird. As I recall, Mr. Laird has said the same thing, but if he has not, I know that he would, and would do so gladly. Beyond that, David Packard has tried to restore the defense posture of this country through research and procurement. After the long, anguishing years of Vietnam, we have regained a forward-looking thrust that will enable us to cope with the 1970's, the 1980's, and the 1990's. He has reformed the procurement process, in the Department of Defense, and he has brought, in its best sense, a businessman's approach to these functions. We are shifting back again to something we should have had a long time ago—an emphasis on the prototype approach in policy planning, which means, in ordinary verbiage, "fly before you buy."

But the main thing is that we are not committing ourselves, as we did with the F–111, to billions of dollars of development and construction before we know that we actually have a workable article in the inventory.

I would be remiss if I did not on this occasion express not only my own personal thanks to Mr. Packard for what he has given to this country, and for what he has done for this country, but also the best wishes, I am sure, of most Members of Congress for his accomplishments and the devotion that he has given to his position. I believe they have been in the highest tradition.

Mrs. Allott and I wish Mr. and Mrs. Packard a fruitful, productive, and happy life. I think they have earned it in the last 3 years.

Mr. STENNIS. Mr. President, the resignation of Mr. David Packard as Deputy Secretary of Defense is effective today. As I said Saturday, when his resignation was announced, Mr. Packard's departure is an enormous loss to the Nation.

Senators will remember that Mr. Packard came into the Government from a successful business career 3 years ago at great personal sacrifice. Now that he is leaving, I want the record to show clearly how valuable his services have been. At the same time I want to pay tribute to him, personally, as a gentleman of the highest integrity.

Mr. Packard has raised the position of Deputy Secretary of Defense to a new order of magnitude. He has, to a large degree, managed the business of the Pentagon. He has shouldered many of the responsibilities previously reserved to the Secretary of Defense.

That has eased the burdens on Secretary Laird and has put a very able two-man team in the top management of the Defense Department.

Mr. Packard's influence has been felt, especially, in the procurement area. He has steered the Pentagon away from contracts which lump procurement with research and development. He has pressed for procedures such as "fly-before-buy" and a wider use of prototypes rather than rely on paper work in the procurement process.

In these and other efforts, Mr. Packard has pointed the way to a more practical way of doing the Government's business. I honor the personal reasons which prompt Mr. Packard's departure, but I wish he were going to be on hand to keep us on course as we move along toward better business methods.

I want to add a word about the way Mr. Packard has done his job. For all of his many services, his greatest contribution may well have been in the independent and forthright posture which he assumed. His candor has been his hallmark in his 3 years on the job, and all of us who have dealt with him have been thankful for it.

One of Mr. Packard's last official acts was to testify before the Senate Armed Services Committee on legislation which would create a second Deputy Secretary of Defense. That proposal is still pending in our committee, and I do not propose to discuss it now.

However, I think it is worth pointing out—and only partly in jest—that Mr. Packard's departure from the Pentagon's management team leaves a hole which may take two men to fill in the future.

Mr. Packard had and deserved my utmost confidence. I valued and respected his judgment and often sought his advice and requested him to look into and handle certain matters for the committee. I was never disappointed in his efforts. A grateful feeling for his services and special good wishes for his future certainly go with him.

ORDER OF BUSINESS

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

(The remarks Mr. RANDOLPH made at this point when he introduced S. 3005 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

ENROLLED BILLS PRESENTED

The Secretary of the State reported that today, December 13, 1971, he presented the following enrolled bills to the President of the United States:

S. 113. An act for the relief of certain individuals and organizations;

S. 248. An act for the relief of William D. Pender;

S. 1828. An act to amend the Public Health Service Act so as to strengthen the National Cancer Institute and the National Institutes of Health in order more effectively to carry out the national effort against cancer;

S. 1866. An act for the relief of Clayton Bion Craig, Arthur P. Wuth, Mrs. Lenore D. Hanks, David E. Sleeper, and Dewitt John;

S. 2042. An act to provide for the apportionment of funds in payment of a judgment in favor of the Shoshone Tribe in consolidated dockets Nos. 326–D, 326–E, 326–F, 326–G, 326–H, 366, and 367 before the Indian Claims Commission, and for other purposse;

S. 2887. An act authorizing additional appropriations for prosecution of projects in certain comprehensive river basin plans for flood control, navigation, and for other purposes;

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

FEDERAL CREDIT UNION ACT AMENDMENTS—CONFERENCE REPORT

Mr. SPARKMAN. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 9961) to provide Federal credit unions with 2 additional years to meet the requirements for insurance, and for other purposes.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of December 8, 1971, at p. 45466.)

Mr. SPARKMAN. Mr. President, the conference accepted the Senate bill with a House amendment. The amendment intends to make it clear that the Administrator of the National Credit Union Administration need not close a Federal credit union receiving the 2-year provisional insurance and found to be in financial difficulty, if the Administrator determines there is reasonable assurance that these difficulties can be sufficiently resolved within the 2-year period so as to minimize the expenses of the insurance fund. This language is intended to give the Administrator maximum flexibility in providing marginal credit unions a reasonable opportunity to establish themselves on a sound financial basis.

Mr. President, I move the adoption of the conference report.

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

Mr. SPARKMAN. I yield.

Mr. AIKEN. Mr. President, how does it affect the rating between rural and urban housing? I know that rural housing has been severely cut.

Mr. SPARKMAN. No; I think the Senator is referring to Senate Joint Resolution 176.

Mr. AIKEN. That is right.

Mr. SPARKMAN. Which I intend to call up later. This matter relates to share insurance for credit unions.

Mr. AIKEN. I will apply that question to the next measure, then.

Mr. PROXMIRE. Mr. President, will the Senator yield for a brief statement?

Mr. SPARKMAN. I yield.

Mr. PROXMIRE. Mr. President, I heartily endorse the report of the House and Senate Conferees on H.R. 9961 which amends the Federal Credit Union Act. The Conferees have, in my opinion, recommended a fair and equitable solution to the serious problem faced by nearly 1,200 credit unions which have been rejected for Federal share insurance under the program enacted by Congress last year.

H.R. 9961 as passed by the House of Representatives would have given these 1,200 credit unions 2 additional years to qualify for Federal share insurance. If at the end of the 2-year period a credit union still failed to qualify, its charter would be suspended or revoked and in most cases it would be required to liquidate. Any losses resulting from these liquidations would be borne by the individual savers. It has been estimated that these losses could run as much as $2 million and could adversely affect 50,000 savers.

The Senate bill required the Administrator of the National Credit Union Administration to insure for a 2-year period all Federal credit unions which failed to meet the insurance standards provided they meet the statutory reserve requirements established under Section 116(a) of the Federal Credit Union Act. If at the end of the 2-year period these credit unions still failed to meet the insurance standards, the Administrator is required to revoke or suspend their charter. However, unlike the House bill, losses under the Senate bill would be paid by the credit union share insurance fund rather than the individual saver.

The Senate by a vote of 62 to 17 adopted the position that savers in federally chartered credit unions should not lose their savings as a result of a credit union's being required to liquidate under the share insurance program. These savers placed their money in a Federal credit union in good faith and had every reason to expect that a financial institution chartered and supervised by the Federal Government was financially sound. It would be most unfortunate if the share insurance program should inflict sizable losses on these credit union savers.

I am happy to say the conference committee upheld the Senate position. In agreeing to the Senate position, the conferees also added an amendment to clarify the authority of the Administrator under section 207(a)(1) of the Federal Credit Union Act. Under section 207(a)(1), the Administrator is required to close an insured credit union if he finds it is bankrupt or insolvent.

There are some who feared that because of this apparently mandatory language, the passage of the Senate bill would require the immediate liquidation of a sizable number of credit unions which might be regarded as technically insolvent. In order to prevent this harsh and rigid application of 207(a)(1), the conference committee recommended an amendment to give the Administrator substantially more flexibility in deciding whether or not to close an insolvent or bankrupt credit union. The amendment directs the Administrator to prevent the closing of any Federal credit union receiving provisional share insurance if he determines that there is a reasonable assurance that the credit union's financial difficulties can be sufficiently resolved within the 2-year period so as to minimize the expenses of the insurance fund.

It would be foolish for the Administrator to close a credit union for reasons of insolvency if there is a reasonable expectation that the financial condition of the credit union would be improved, particularly with the provision of share insurance. Even if a credit union cannot be expected to meet the insurance standards after 2 years, it might be more advantageous to the insurance fund to defer its liquidation in order to reduce the ultimate losses accruing to the insurance fund. The amendment by the conferees thus establishes the sound principle that after taking all factors into account the Administrator shall take such action as may be necessary to safeguard the assets of the insurance fund.

The conferees from the Senate and

House were primarily interested in protecting credit union savers against loss. However, the conferees were also interested in seeing that no credit union be arbitrarily closed without being given a reasonable chance to improve its financial condition. I believe the amendment adopted by the conference committee will achieve both of these objectives. I therefore urge the Senate to adopt the report of the conference committee.

Mr. SPARKMAN. Mr. President, may I add this note to what the Senator from Wisconsin has said? It may be recalled that when we were presenting the bill I made some reference to what the Senator from Wisconsin has referred to about the stabilization fund, and I made some comment about the some 22 or so credit unions in my State that were left that had not as yet qualified for share insurance. I think the Senator would be pleased to know of a letter I received from the executive director of the Alabama Credit Union League in which he said:

> I want to assure you that we shall use the stabilization fund for the purpose of protecting every shareholder in Alabama. We do not intend that a single shareholder shall lose out by reason of the action you have taken.

Mr. PROXMIRE. That is precisely what we had in mind. It was because the Senator from Alabama continued to urge that if they use their resources to make sure that no saver would lose his funds that this was done. That is exactly what we were trying to accomplish.

The PRESIDING OFFICER. The question is on agreeing to the adoption of the conference report.

The report was agreed to.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the separate printing of the conference report as a report of the Senate be waived.

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

INTEREST RATES ON INSURED MORTGAGES—CONFERENCE REPORT

Mr. SPARKMAN. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the joint resolution (S.J. Res. 176) to extend the authority of the Secretary of Housing and Urban Development with respect to interest rates on insured mortgages, to extend and modify certain provisions of the National Flood Insurance Act of 1968, and for other purposes.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of December 9, 1971, at pp. 45892–45893.)

Mr. SPARKMAN. Mr. President, I should like to make a statement on the conference report on the joint resolution providing for interim housing legislation. I want to commend the members of the conference committee of both Houses of Congress. They met bright and early one morning this week to resolve differences. In a spirit of goodwill and purposeful deliberation they promptly resolved all outstanding issues. It was a model legislative conference, particularly for its brevity. I am pleased to report that all of the members of the conference committee signed the report. The Senate conferees, I should add, were very satisfied with the results of the conference.

The joint resolution on which we conferred is an interim housing measure. The Subcommittee on Housing and Urban Affairs has worked hard this year on proposals to effect major changes in our housing and community development laws. But with the other important issues the Committee on Banking, Housing and Urban Affairs had to deal with this year, particularly the economic stabilization matters, we felt that we should take a little longer before reporting out what may turn out to be the broadest revision of our housing and community development legislation in some 40 years.

Accordingly we have deferred, until early next year, final action on the major bills now pending before the Banking, Housing, and Urban Affairs Committee, and in Senate Joint Resolution 176 acted on only those matters which required our attention this session.

Senate Joint Resolution 176 as finally approved by the conferees contains 10 sections, which provide: Authority for a flexible interest rate; amendments to the National Flood Insurance Act; a waiver on limitations applicable to mortgage purchases by the Government National Mortgage Association; a deferral of State authority to tax the intangible property of national banks; a reduction in premium prepayment required by the Federal Savings and Loan Insurance Corporation; a temporary waiver on requirements for basic water and sewer grants; an expansion of supplemental grant assistance under the new community assistance program; increased authorizations for comprehensive planning and open-space grant programs; prohibition of reductions in assistance to welfare residents in low-rent housing; and authority for SBA guarantees for small business investment companies. All of these were judged to be matters of high priority by the conferees that required enactment before adjournment of this session of Congress.

The conference report on Senate Joint Resolution 176 and the joint explanatory statement of the committee of conference may be found on pages 45892–45893 of the RECORD of December 9, 1971.

Mr. President, I ask unanimous consent that the separate printing of the conference report as a report of the Senate be waived.

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

Mr. AIKEN. Mr. President, will the Senator yield for a question?

Mr. SPARKMAN. I yield.

Mr. AIKEN. What effect will the conference bill have on the relationship between HUD expenditures in the rural and the heavily urban areas of this country? It is my understanding that even with the increased appropriation of $100 million, the rural areas of this country will receive considerably less in allocation than they did previous to Secretary Romney's announcing the new formula. It that a fact, that this is a big city bill now?

Mr. SPARKMAN. No, this bill is——

Mr. AIKEN. Much of our area cannot qualify, I understand.

Mr. SPARKMAN. This bill does not make material changes in the housing laws or the housing program. It simply takes care of some things that were more or less urgent. The Senator understands, I hope, that earlier this year we did hold hearings on what might be a very important and sizable housing measure.

Mr. AIKEN. Yes.

Mr. SPARKMAN. But do to the fact that all of this economic load came onto us, we simply were not able to put through that bill this year; but we are going to take it up early in the new year.

Mr. AIKEN. What bill is the Senator talking about now?

Mr. SPARKMAN. It will be a housing bill, the real housing bill. This is just picking up a few of the things that need to be done.

Mr. AIKEN. Will it help build a house on the farm somewhere?

Mr. SPARKMAN. I certainly hope that we will be able to get a program going that will develop rural housing. We are doing everything we can.

Mr. AIKEN. Yes.

Mr. SPARKMAN. And may I say to the Senator that we have as a part of that bill a community development program that I hope we will be able to put through in such a way as to comply with that part, at least, of the President's revenue-sharing program.

Mr. AIKEN. Well, it is my understanding that while this bill does not make any material changes in the procedures for implementing the program, it does permit the Secretary of Housing and Urban Development to make considerable changes, which I understand he is already planning to do. I have a two- or three-page letter from him here explaining the situation, but it does not change my mind too much that this is a bill which is directed toward the cities of the United States, because such a large area of our country cannot qualify at all, as I understand it.

Mr. SPARKMAN. If it is, it is because there are certain urgencies that need to be met there, whereas I think our rural housing has to undergo a considerable change of program.

Mr. AIKEN. Then the Senator from Alabama, the chairman of the committee, is sure that early next year, if there are any differences in requirements or advantages, every effort will be made to even them out?

Mr. SPARKMAN. I certainly will. And one of the things I have been working hard to accomplish for a good many years now has been to get good housing out in the farm areas; and I am glad to say we have made considerable progress, but not enough.

Mr. AIKEN. The Farmers Home Administration has been helping a lot.

Mr. SPARKMAN. Yes.

Mr. AIKEN. But unfortunately, quite a lot of the money which Congress appropriated for the Farmers Home Administration has been, as the administration calls its, reserved.

Mr. SPARKMAN. Oh, yes, I know.

Mr. AIKEN. Other people say it has been impounded, but that depends on how you look at it.

Mr. SPARKMAN. Yes. In fact, during the early part of this year, the administration impounded, I believe, about 60 percent—I am not certain of that figure——

Mr. AIKEN. A little over.

Mr. SPARKMAN. But it is a very high percentage of all of the funds voted for housing programs.

Mr. AIKEN. Yes. They say they reserved it.

Mr. SPARKMAN. Reserved, but I say impounded.

Mr. AIKEN. All right.

Mr. SPARKMAN. And I say to the Senator from Vermont that I share his interest in rural housing, and I am going to do everything I can to get it.

Mr. AIKEN. I know how the Senator from Alabama feels about rural housing. I know the rural dweller has no better friend in the Senate than the senior Senator from Alabama.

Mr. SPARKMAN. I appreciate that.

Mr. AIKEN. And so, on the basis of his assurance that he will do everything he can to correct any inequities, I have no objection to approving this conference report.

Mr. SPARKMAN. I appreciate the remarks of the Senator from Vermont.

Mr. President, I ask unanimous consent that a statement by the Senator from Massachusetts (Mr. BROOKE) be printed in the RECORD.

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

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

STATEMENT BY SENATOR BROOKE

The Senate is preparing to vote on ("or has just adopted") a clarifying amendment intended to correct an oversight in our current housing laws, relating to the so-called Brooke amendment of 1969.

The purpose of this clarifying amendment is to insure that the reduction of rent authorized under this amendment is made applicable to all families resident in public housing. Under the 1969 provision, public housing residents were relieved of having to pay more than 25 percent of their adjusted income for rent. However, in some states, public housing residents receiving public assistance have been denied the benefit of the amendment. These states pay out assistance for rent on an "as-paid" basis up to a maximum. Thus, if the Brooke amendment were to be applied, their public assistance benefits would be reduced accordingly, with no benefits occurring to these residents or their families. It is the purpose of this 1971 clarifying amendment to make it possible for rents of these resident families to be reduced.

As we clarify this oversight, Mr. President, I would like to repeat the understandings surrounding the passage of the 1969 amendment to insure that as rents of public assistance families resident in public housing are reduced, that local housing agencies are protected from any loss in revenue due to this reduction.

It was the clear understanding of the members of the Banking and Currency Committee at the time of the passage of the 1969 amendment that in no event was a local housing authority to receive less revenue because of the rent reduction applying the 25 percent rent ceiling to families in occupancy in public housing.

Annual contributions were especially authorized by the Congress in 1969, under the "Sparkman" amendment, to cover the loss in revenue due to the 25 percent rent reduction, as well as for other operating service needs of local housing agencies which could not be met within available income. I am deeply disturbed to learn that annual contribution payments, particularly to compensate for congressionally-mandated rent reduction, are not being made promptly to local housing agencies. It is the clear intent of the 1969 legislation that the Secretary of Housing and Urban Development make annual contribution payments pursuant to rent reductions under Section (2) (1) of the United States Housing Act of 1937 without delay, and without other administrative qualifications, in order that local housing agencies can continue their operations without curtailment of services.

Mr. President, I have discussed these understandings surrounding the passage of the 1969 "Brooke Amendment" with the distinguished Senator from Alabama, Senator Sparkman, and he concurs in the explanation of these understandings that I have just recited.

Mr. McINTYRE. Mr. President, Senate Joint Resolution 176 contains several provisions which are vitally important to various segments of our economy, but I wish to speak on only one of them at this time: Section 10 which is most significant to the hard-pressed small businessmen of this Nation.

In reality, section 10 is not a complex bit of legislation, but it will undoubtedly bring great benefits to independent business concerns. This section merely restores to the Small Business Administration the authority it formerly had to raise funds for the small business investment company program through the use of a guaranty procedure.

Prior to 1967, the Small Business Investment Act, passed in 1958, allowed SBA to place its guarantee on debentures issued by SBIC's, so that those debentures could be sold to institutional and private lenders. The dollars raised by this device were then used by SBIC's making additional investments in worthy small businesses.

When the Small Business Investment Act was amended in 1967, Congress inadvertently dropped several words from the act and that omission cast a doubt upon SBA's legal right to pledge the full faith and credit of the Federal Government. Stated most simply, the bill before us will restore SBA's authority to what it was prior to 1967.

On the other hand, the ramifications of our favorable action on Senate Joint Resolution 176—and the President's signature—will undoubtedly mean that SBIC's, for the first time, will operate with the certainty that SBA will be able to provide the leverage promised SBIC's by the Small Business Investment Act.

As all of my colleagues know, that act established an entirely new program for supplying long-term credit and equity capital for new and small businesses. In return for a charter limiting them to loans and investments in qualified small firms, SBIC's were promised that SBA would lend them $2 or $3 for each dollar of their private capital. This incentive has brought some 800 SBIC's into the industry over the past 12 years.

SBA's inability, however, in recent years to provide leverage for SBIC's due to budgetary problems occasioned by the impounding of appropriated funds by the Office of Management and Budget has been a major factor in the drastic decrease in the number of SBIC's. The officers of many BCIC's which have found it impossible to borrow from SBA—the only significant incentive in the SBIC program—have decided to use their capital in some other endeavor and have surrendered their licenses.

The decline in the number of dollars committed to the SBIC industry has brought serious problems to many small businesses, since that type of financial assistance is seldom available elsewhere. Moreover, every authority on the SBIC program agrees that new and small concerns need many more SBIC dollars, not fewer. The qualified investment opportunities are here, only the resources are limited.

Mr. President, I invite the Senate's attention to a recent survey undertaken by the Small Business Administration at the request of the Office of Management and Budget. SBA questioned the owners of several hundred small businesses which had received SBIC financing to find out how these men felt about SBIC's and how their firms had fared. The three chief queries and the responses were as follows: First, SBA asked, "Did your business benefit from the SBIC financing?" The answers were: 95.5 percent "yes"; 4.5 percent "no." The second question was: "Were you satisfied in your dealings with the SBIC?" The answers: 85 percent "yes"; 15 percent "no." The third query: "Under similar circumstances would you use SBIC assistance again?" the answers: 89.7 percent "yes"; 10.3 percent "no."

Officials at the Small Business Administration have said that this survey, along with their other studies, shows that—

The SBIC program is reaching and assisting the firms to which the program mission is directed.

There are only two other figures which I wish to call to the attention of the Senate: $2 billion and 40,000 businesses. The first SBIC's were licensed a bit more than 12 years ago and the bulk of the industry has been in business for less than 10 years, but in that time, small business investment companies have disbursed almost $2 billion to just about 40,000 new and small business firms.

Before concluding these remarks, Mr. President, I want to say again how pleased I am that this guaranty legislation is completing its passage through Congress. The records of the Small Business Subcommittee of the Senate Banking, Housing, and Urban Affairs Committee demonstrate how obstacle-ridden and tortuous that path can be. As chairman of the subcommittee, I became aware of the doubts expressed about

SBA's guaranty power in June 1969. The Justice Department gave substance to the general doubts at the end of that month and I sponsored a bill to overcome the Justice Department objections early in July. In just 5 weeks, hearings were held, a bill reported and unanimous Senate passage was obtained, but the bill did not go farther.

In 1970, the Senate again considered and passed legislation clarifying SBA's power to place its guaranty on SBIC debentures, but the 91st Congress adjourned without any further action.

Early this year, the Small Business Subcommittee again considered this problem, and others, and the Senate passed S. 1905 in May. That legislation contained a number of provisions but only the SBIC guaranty section is included in Senate Joint Resolution 176 which we are now considering. I hope that the other body will have an opportunity to vote upon the other important portions of S. 1905 soon after the second session convenes in January.

So, Mr. President, passage of the bill before the Senate concludes a long legislative journey. It was never plagued with partisan bickering, since President Nixon strongly urged its adoption in both his 1970 and 1971 small business messages. Both sides of the aisle have joined in sponsoring it in the Senate and in the House where the chairman and ranking minority member of the Small Business Subcommittee introduced H.R. 8634, the SBIC guaranty bill in May. It is just that Congress sometimes finds it difficult to schedule consideration of unspectacular measures dealing with the nonheadline problems of small business. It is my hope that enactment of this legislation will break the logjam, so we can soon pass a number of other bills which are so important to the 5½ million small businessmen in the United States.

The PRESIDING OFFICER (Mr. TAFT). The question is on agreeing to the conference report.

The report was agreed to.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, informed the Senate that, pursuant to the provisions of section 1202, Public Law 91–452, the Speaker had appointed Mr. CELLER, Mr. MIKVA, Mr. MCCULLOCH, and Mr. SANDMAN as members of the National Commission on Individual Rights, on the part of the House.

The message announced that the House had passed, without amendment, the bill (S. 2429) to amend the District of Columbia Unemployment Compensation Act in order to conform to Federal law, and for other purposes.

The message also announced that the House had passed the bill (S. 1938) to amend certain provisions of subtitle II of title 28, District of Columbia Code, relating to interest and usury, with an amendment, in which it requested the concurrence of the Senate.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess awaiting the call of the Chair, with the understanding that the recess not extend beyond 4 p.m. today.

The motion was agreed to; and (at 2 o'clock and 49 minutes p.m.) the Senate took a recess, subject to the call of the Chair.

The Senate reassembled at 4 p.m., when called to order by the Presiding Officer (Mr. TAFT).

MIGRATORY BIRD HUNTING STAMP ACT

Mr. MANSFIELD. Mr. President, with the approval of both sides and all Senators so far as I can determine, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 556, H.R. 701.

The PRESIDING OFFICER (Mr. TAFT). The bill will be stated by title.

The assistant legislative clerk read as follows:

(H.R. 701) to amend the Migratory Bird Hunting Stamp Act to authorize the Secretary of the Interior to establish the fee for stamps issued thereunder, and for other purposes.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

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 ordered.

The question is on the third reading and passage of the bill.

The bill (H.R. 701) was ordered to a third reading, was read the third time, and passed.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar, reported earlier today from the Committee on the District of Columbia which are at the desk and which have been cleared all around.

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

The PRESIDENT pro tempore. The nominations on the Executive Calendar as reported earlier, will be stated.

IN THE DISTRICT OF COLUMBIA

The assistant legislative clerk read the nomination of H. Mason Neely, of the District of Columbia, to be a member of the Public Service Commission of the District of Columbia.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

The assistant legislative clerk read the nomination of Joseph M. F. Ryan, Jr., of Maryland, to be an associate judge, Superior Court of the District of Columbia.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

The assistant legislative clerk read the nomination of George W. Draper II, of Maryland, to be an associate judge, Superior Court of the District of Columbia.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

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

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

LEGISLATIVE SESSION

Mr. GRIFFIN. 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.

PROGRAM

Mr. MANSFIELD. Mr. President, the conference report on phase II has been agreed to but it is in the process of being worked up.

That is the only piece of legislation on which the Senate acts first. On the remaining three items the House will have to act first. So that at 5 p.m. today we will be ready to proceed with consideration of the conference report.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed the bill (S. 2878) to amend the District of Columbia Election Act, and for other purposes, with an amendment, in which it requested the concurrence of the Senate; that the House insisted upon its amendment to the bill, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. STUCKEY, Mr. MIKVA, Mr. NELSEN, and Mr. BROYHILL of Virginia were appointed managers on the part of the House at the conference.

RECESS TO 5 P.M. TODAY

Mr. MANSFIELD. Mr. President, I move that the Senate stand in recess until 5 p.m. today.

The motion was agreed to; and (at 4:03 p.m.) the Senate took a recess until 5 p.m.; whereupon the Senate reassembled when called to order by the Presiding Officer (Mr. SPONG).

ORDER FOR ADJOURNMENT TO 12 NOON TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

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

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that after the two leaders have been recognized under the standing order tomorrow, there be a period for the transaction of routine morning business not to exceed 30 minutes, with statements therein limited to 3 minutes.

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

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess, subject to the call of the Chair, not to extend beyond 6 p.m. today.

The motion was agreed to; and (at 5:01 p.m.) the Senate took a recess, subject to the call of the Chair; whereupon the Senate reassembled at 5:02 p.m., when called to order by the Presiding Officer (Mr. SPONG).

ALASKA CLAIMS BILL CONFERENCE REPORT — UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at such time as the conference report on H.R. 10367, the Alaska claims bill is called up, there be a time limitation thereon of 1 hour, to be equally divided between the Senator from Nevada (Mr. BIBLE) and the Republican leader or his designee; that any time on any motion, appeal, or point of order with the exception of nondebatable motions, be limited to 10 minutes, to be equally divided between the mover of such and the able Senator from Nevada (Mr. BIBLE).

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

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess, subject to the call of the Chair, but not beyond 6 p.m.

The motion was agreed to; and (at 5:03 p.m.) the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 5:43 p.m., when called to order by the Presiding Officer (Mr. SPONG).

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

(The remarks of Mr. NELSON when he introduced S. 3010 are printed in the morning business section of the RECORD under Statements on Introduced Bills and Joint Resolutions.)

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess awaiting the call of the Chair, and that the recess not extend beyond 6:30 p.m. today.

The motion was agreed to; and (at 5 o'clock and 45 minutes p.m.) the Senate took a recess, subject to the call of the Chair.

The Senate reassembled at 5:54 p.m., when called to order by the Presiding Officer (Mr. SPONG).

DISTRICT OF COLUMBIA CONSUMER CREDIT PROTECTION ACT OF 1971

Mr. EAGLETON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1938.

The PRESIDING OFFICER (Mr. SPONG) laid before the Senate the amendment of the House of Representatives to the bill (S. 1938) to amend certain provisions of subtitle II of title 28, District of Columbia Code, relating to interest and usury, which was to strike out all after the enacting clause and insert:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the text of section 28–3301 of subtitle II of title 28, District of Columbia Code, is amended to read as follows:

"Except as otherwise provided in section 28–3308, chapter 36 of this subtitle, the parties to an instrument in writing for the payment of money at a future time may contract therein for the payment of interest on the principal amount thereof at a rate not exceeding 8 percent per annum."

SEC. 2. The text of clause (2) in the first sentence of section 28–3303 of subtitle II of title 28, District of Columbia Code, is amended to read as follows:

"(2) in writing, to pay a greater rate than is permitted under section 28–3301 or 28–3308 or under chapter 36 or 39 of this subtitle, the creditor shall forfeit the whole of the interest so contracted to be received."

SEC. 3. Chapter 33 of subtitle II of title 28, District of Columbia Code, is amended by adding the following section:

"§ 28–3308. Finance charge on direct installment loans

"(a) On a loan in which the principal does not exceed $25,000 (other than a loan directly secured on real estate or a direct motor vehicle installment loan covered by chapter 36 of this subtitle) to be repaid in equal or substantially equal monthly, or other periodic, installments, any federally insured bank or savings and loan association doing business in the District of Columbia may contract for and receive interest at the rate permitted under this chapter or, in lieu of such interest, a finance charge, which, if expressed as an annual percentage rate, does not exceed a rate of 11½ percent per annum on the unpaid balances of principal. This section does not limit or restrict the manner of contracting for the finance charge, whether by way of discount, add-on or simple interest, so long as the annual percentage rate of the finance charge does not exceed that permitted by this section.

"(b) If such installment loan is precomputed,

"(1) the finance charge may be calculated on the assumption that all scheduled payments will be made when due, and

"(2) except as provided in subsection (c), upon prepayment in full of the unpaid balance of a precomputed direct installment loan, refinancing, or consolidation, an amount not less than the unearned portion of the finance charge calculated according to this section shall be rebated to the debtor. If the rebate otherwise required is less than $1, no rebate need be made.

"(c) Upon prepayment in full of such direct installment loan other than a refinancing or consolidation, whether or not precomputed, the lender may collect or retain a minimum charge within the limits stated in this section if the finance charge earned at the time of prepayment is less than any minimum charge contracted for. The minimum charge may not exceed the smaller of the following: (1) the amount of the finance charge contracted for, or (2) $5 in a transaction which had a principal of $75 or less, or $7.50 in a transaction which had a principal of more than $75.

"(d) The unearned portion of the finance charge is a fraction of the finance charge of which the numerator is the sum of the periodic balances scheduled to follow the computational period in which the prepayment occurs, and the denominator is the sum of all periodic balances under either the related loan agreement or, if the balance owing resulted from a refinancing or a consolidation, under the related refinancing agreement or consolidation agreement.

"(e) As used in this section, 'finance charge', and 'annual percentage rate' shall have the respective meanings under the provisions of the Truth-in-Lending Act (82 Stat. 146 et seq.; 15 U.S.C. 1601 et seq.) and the regulations and interpretations thereunder; and 'federally insured bank or savings and loan association' means an insured bank as defined in section 3 of the Federal Deposit Insurance Act or an 'insured institution' as defined in section 401 of the National Housing Act."

SEC. 4. Subtitle II of title 28, District of Columbia Code, is amended by adding at the end thereof the following chapters:

"Chapter 36.—DIRECT MOTOR VEHICLE INSTALLMENT LOANS

"§ 28–3601. Direct motor vehicle installment loans

"The provisions of the Act approved April 22, 1960 (Public Law 86–431, 74 Stat. 69; D.C. Code, 1967 ed., chapter 9 of title 40), covering installment sales of motor vehicles, as amended, and the regulations issued thereunder, shall apply to the extent appropriate to, a direct installment loan, secured by a security interest in a motor vehicle, made by a federally insured bank or savings and loan association doing business in the District of Columbia, subject to section 28–3602.

"§ 28–3602. Finance charge

"Such a bank or savings and loan association may contract for and receive interest at the rate provided for in chapter 33 or, in lieu of such interest, a finance charge which, if expressed as an annual percentage rate, does not exceed a rate of 11½ percent per annum on the unpaid balances of principal.

"§ 28-3603. Definitions

"As used in this chapter, 'finance charge' and 'annual percentage rate' shall have the respective meanings under the provisions of the Truth-in-Lending Act (82 Stat. 146 et seq.; 15 U.S.C. 1601 et seq.) and the regulations and interpretations thereunder; and 'federally insured bank or savings and loan association' means an insured bank as defined in section 3 of the Federal Deposit Insurance Act or an 'insured institution' as defined in section 401 of the National Housing Act.

"Chapter 37.—REVOLVING CREDIT ACCOUNTS

"§ 28-3701. Definitions

"As used in this chapter—

"(1) 'revolving credit account' means an arrangement between a seller or financial institution and a buyer pursuant to which (A) the seller may permit the buyer to purchase goods or services on credit either from the seller or by use of a credit card or other device, whether issued by the seller or a financial institution, (B) the unpaid balances of amounts financed arising from purchases and the credit service and other appropriate charges are debited to an account, (C) a credit service charge if made is not precomputed but is computed on an outstanding unpaid balance of the buyer's account from time to time, and (D) the buyer has the privilege of paying the balances in full or in installments.

"(2) 'credit service charge' means the sum of (A) all charges payable directly or indirectly by the buyer and imposed directly or indirectly by the seller as an incident to the extension of credit, including any of the following types of charges which are applicable: time price differential, service, carrying or other charge, however denominated, premium or other charge for any guarantee or insurance protecting the seller against the buyer's default or other credit loss; (B) charges incurred for investigating the collateral or credit-worthiness of the buyer or for commissions or brokerage for obtaining the credit, irrespective of the person to whom the charges are paid or payable, unless the seller had no notice of the charges when the credit was granted.

"(3) 'seller' means a person engaged in the District of Columbia in the business of selling goods or services to retail buyers.

"(4) 'buyer' means a person who buys goods or obtains services from a seller pursuant to a retail credit sale and not principally for the purpose of resale; and includes a person who enters into a prior agreement with a financial institution whereby the latter agrees to pay the debts of the buyer as they accrue at various retail sellers, designated by the financial institution, in consideration of the buyer paying to the financial institution the cash sales price plus the credit service charge on the purchase.

"(5) 'person' includes any individual, partnership, corporation, association, trust, joint stock company, or any other group of persons however organized.

"(6) 'financial institution' means a person who enters into an agreement with a buyer whereby the former agrees to extend credit to the buyer and to apply it as directed by the buyer pursuant to a credit card issued to the buyer by the financial institution; and this term includes any federally insured bank as defined in section 3 of the Federal Deposit Insurance Act doing business in the District of Columbia.

"§ 28-3702. Amount and computation of credit service charge

"(a) The seller or financial institution may contract for the payment by the buyer of a credit service charge not exceeding that permitted by this section.

"(b) A credit service charge may be made in each billing cycle. For the purpose of computing the outstanding balance subject to the credit service charge, (1) the outstanding balance on any day shall consist of an amount which shall not exceed the sum of the total charges to the account less the amounts paid or credited to the account prior to such day, or (2) the outstanding balance may be computed by the average daily balance method. The credit service charge may also be computed for all outstanding balances within a range of not in excess of $10 on the basis of the median amount within such range if as so computed such credit service charge is applied to all outstanding balance within such range.

"(c) If the billing cycle is monthly, the charge may not exceed 1½ percent of that part of the outstanding balance which is $50 or less and 1 percent on that part of this amount which is more than $500. If the billing cycle is not monthly, the maximum charge is that percentage which bears the relation to the applicable monthly percentage as the number of days in the billing cycle bears to thirty. For the purposes of this section, a variation of not more than four days from month to month is 'the same day of the billing cycle'.

"Chapter 38.—CONSUMER PROTECTIONS

"§ 28-3801. Scope—Limitation on agreements and practices

"This chapter applies to actions to enforce rights arising from a consumer credit sale or a direct installment loan.

"§ 28-3802. Definitions

"As used in this chapter—

"(1) 'revolving credit account' means a revolving credit account as defined in section 28-3701 of this subtitle.

"(2) 'consumer credit sale' means a sale of goods or services in which—

"(A) credit is granted by a person who regularly engages as a seller in credit transactions of the same kind;

"(B) the buyer is a natural person;

"(C) the goods or services are purchased primarily for a personal, family, household, or agricultural purpose;

"(D) either the debt is payable in installments or a finance charge is made; and

"(E) the amount financed does not exceed $25,000.

The term includes any contract in the form of a bailment or lease if the bailee or lessee contracts to pay as compensation for use a sum substantially equivalent to or in excess of the aggregate value of the property and services involved and it is agreed that the bailee or lessee will become, or for no other or a nominal consideration has the option to become, the owner of the property upon full compliance with his obligations under the contract.

"(3) 'direct installment loan' means a direct installment loan as that term is used in section 28-3308 of this subtitle and does not include a loan secured on real estate or a direct motor vehicle installment loan covered by chapter 36 of this subtitle.

"(4) 'cross collateral' means an arrangement wherein a seller in a 'consumer credit sale' secures a debt arising from the sale by contracting for a security interest in other property if as a result of a prior sale the seller has an existing security interest in the other property. The seller may also contract for a security interest in the property sold in the subsequent sale as a security for the previous debt.

"§ 28-3803. Balloon payments

"With respect to a consumer credit sale or direct installment loans except for revolving credit accounts:

"(1) No creditor shall at any time enter into an agreement which contains or anticipates a schedule of payments under which any one payment is not equal or substantially equal to all other payments, excluding any final payment which is less than the average of previous payments or any down payment received by the creditor contemporaneously with or prior to the consummation of the transaction, or under which the intervals between any consecutive payments differ substantially.

"(2) Notwithstanding any provision of this section, where a consumer's livelihood is dependent upon seasonal or intermittent income, the parties may agree in a separate writing that one or more payments or the intervals between one or more payments may be reduced or expanded in accordance with the needs of the consumer if such payments are expressly related to the consumer's income. The separate writing shall contain a conspicuous notice directly above the signature line stating: 'I waive my right to have all payments to be made under this agreement in substantially equal amounts'.

"(3) In the event that the provisions of paragraph (2) apply, the consumer shall have the right at any time, without further cost or obligation, to revise the schedule of payments to conform both as to amounts and intervals to the average of all installments and intervals.

"§ 28-3804. Assignment of earnings and authorization to confess judgment prohibited

"(a) A creditor may not take an assignment of earnings of the consumer for payment or as security for payment of an obligation arising out of a consumer credit sale or direct installment loan.

"(b) A creditor may not take or accept from the consumer a warrant or power of attorney or other authorization for the creditor, or other person acting on his behalf, to confess judgment arising out of a consumer credit sale or direct installment loan.

"(c) An assignment of earnings or an authorization in violation of this section is subject to the provisions of section 28-3813 (d) (1) of this subtitle.

"§ 28-3805. Debts secured by cross-collateral

"(a) If debts arising from two or more consumer credit sales other than sales pursuant to a revolving charge account (§ 28-3701), are secured by cross-collateral, or consolidated into one debt payable on a single schedule of payments, and the debt is secured by security interests taken with respect to one or more of the sales, payments received by the seller after the taking of the cross-collateral or the consolidation are deemed, for the purpose of determining the amount of the debt secured by the various security interests, to have been first applied to the payment of the debts arising from the sales first made. To the extent debts are paid according to this section, security interests in items of property terminate as the debts originally incurred with respect to each item are paid.

"(b) Payment received by the seller upon a revolving charge are deemed, for the purpose of determining the amount of the debt secured by the various security interests, to have been applied first to the payment of credit service charges in the order of their entry to the account and then to the payment of debts in the order in which the entries to the account showing the debts were made.

"(c) If the debts consolidated arose from two or more sales made on the same day, payment received by the seller are deemed, for the purpose of determining the amount of the debt secured by the various security interests, to have been applied first to the payment of the smallest debt.

"§ 28-3806. Attorney's fees

"With respect to a consumer credit sale or direct installment loans the agreement may provide for the payment by the consumer of reasonable attorney's fees not in excess of 15 per centum of the unpaid balance of the obligation.

"§ 28–3807. Negotiable instruments prohibited

"(a) In a consumer credit sale, no seller shall take or otherwise arrange for the consumer to sign an instrument, except a check, payable 'to order' or 'to bearer' as evidence of the credit obligation of the consumer.

"(b) Any holder of an instrument prohibited by subsection (a) of this section 28–3807, if he takes it with knowledge of a violation of this section, takes it subject to all claims and defenses of the consumer up to the amount owing on the transaction total at the time of the assignment.

"§ 28–3808. Assignees subject to defenses

"(a) With respect to a consumer credit sale, an assignee of the rights of the seller or lessor is subject to all claims and defenses of the consumer or lessee arising out of the sale notwithstanding any terms or agreements to the contrary, but the assignee's liability under this section may not exceed the amount owing to the assignee at the time of the assignment.

"(b) Rights of the consumer or lessee can only be asserted as a matter of defense to or set-off against a claim by the assignee.

"§ 28–3809. Lender subject to defenses arising from sales

"(a) A lender who makes a direct installment loan for the purpose of enabling a consumer to purchase goods or services is subject to all claims and defenses of the consumer against the seller arising out of the purchase of the goods or service if such lender acts at the express request of the seller, and—

"(1) the seller participates in the preparation of the loan instruments, or

"(2) the lender is a person or organization controlled by or under common control with the seller, or

"(3) the seller receives or will receive a fee, compensation, or other consideration from the lender for arranging the loan.

"(b) The lender's ability under this section may not exceed the amount of the loan. Rights of the debtor can only be asserted affirmatively in an action to cancel and void the sale from its inception, or as a matter of defense to or set-off against a claim by the lender.

"§ 28–3810. Referral sales

"With respect to a consumer credit sale, the seller or lessor may not give or offer to give a rebate or discount or otherwise pay or offer to pay value to the buyer or lessee as an inducement for a sale or lease in consideration of his giving to the seller or lessor the names of prospective purchasers or lessees, or otherwise aiding the seller or lessor in making a sale or lease to another person, if the earning of the rebate, discount, or other value is contingent upon the occurrence of an event subsequent to the time the buyer or lessee agrees to buy or lease. If a buyer or lessee is induced by a violation of this section to enter into a consumer credit sale, the agreement is unenforceable by the seller or lessor and the buyer or lessee, at his option, may rescind the agreement or retain the goods delivered and the benefit of any services performed, without any obligation to pay for them.

"§ 28–3811. Home solicitation sales

"(a) As used in this section, 'home solicitation sale' means a cash sale or a consumer credit sale of goods, other than farm equipment, or services in which the seller or a person acting for him engages in a personal solicitation of the sale or at near a residence of the buyer and the buyer's agreement or offer to purchase is there given to a seller or a person acting for him. It does not include a sale made pursuant to a preexisting revolving credit account or prior negotiations between the parties at a business establishment at a fixed location where goods or services are offered or exhibited for sale.

"(b) Except as provided in subsection (f), in addition to any right otherwise to revoke an offer, the buyer has the right to cancel a home solicitation sale until midnight of the third business day after the day on which the buyer signs an agreement or offer to purchase which complies with this section.

"(c) Cancellation occurs when the buyer gives written notice of cancellation to the seller at the address stated in the agreement or offer to purchase.

"(d) Notice of cancellation, if given by mail, is given when it is deposited in a mail box properly addressed and the postage prepaid.

"(e) Notice of cancellation given by the buyer need not take a particular form and is sufficient if it indicates by any form of written expression the intention of the buyer not to be bound by the home solicitation sale.

"(f) The buyer may not cancel a home solicitation sale if the buyer requests the seller to provide goods or services without delay because of an emergency, and

"(1) the seller in good faith makes a substantial beginning of performance of the contract before the buyer gives notice of cancellation, and

"(2) in the case of goods, the goods cannot be returned to the seller in substantially as good condition as when received by the buyer, and

"(3) the buyer has signed separately the following notice which appears under the conspicuous caption: 'WAIVER OF RIGHT TO CANCEL' and reads as follows: 'Because of an emergency I waive any right I may have to cancel this home solicitation sale'.

"(g) (1) In a home solicitation sale, unless the buyer requests the seller to provide goods or services without delay in an emergency, the seller must present to the buyer and obtain his signature to a written agreement or offer to purchase which designates as the date of the transaction the date on which the buyer actually signs and contains a statement of the buyer's rights which complies with paragraph (2) of this subsection.

"(2) The statement must—

"(A) appear under this conspicuous caption: 'BUYERS RIGHT TO CANCEL', and

"(B) read as follows:

"'If this agreement was solicited at or near your residence and you do not want the goods or services, you may cancel this agreement by mailing a notice to the seller. The notice must say that you do not want the goods or services and must be mailed before midnight of the third business day after you signed this agreement. The notice must be mailed to:_____
(insert name and military address of seller)
If you cancel, the seller may not keep any of your cash down payment.'

"(3) Until the seller has complied with this section the buyer may cancel the home solicitation sale by notifying the seller in any manner and by any means of his intention to cancel.

"(h) (1) Except as provided in this section, within ten days after a home solicitation sale has been canceled or an offer to purchase revoked the seller must tender to the buyer any payments made by the buyer and any note or other evidence of indebtedness. A provision permitting the seller to keep all or any part of any payment, note, or evidence of indebtedness is in violation of this section and unenforceable.

"(2) If the down payment includes goods traded in, the goods must be tendered in substantially as good condition as when received by the seller. If the seller fails to tender the goods as provided by this section, the buyer may elect to recover an amount equal to the trade-in allowance stated in the agreement.

"(3) The seller is not entitled to retain a cancellation fee.

"(4) Until the seller has complied with the obligations imposed by this section the buyer may retain possession of goods delivered to him by the seller and has a lien on the goods in his possession or control for any recovery to which he is entitled.

"(i) (1) Except as provided by the provisions on retention of goods by the buyer (subsection (h) (4) of this section), within a reasonable time after a home solicitation sale has been canceled or an offer to purchase revoked, the buyer upon demand must tender to the seller any goods delivered by the seller pursuant to the sale but he is not obligated to tender at any place other than his residence. If the seller fails to demand possession of goods within a reasonable time after cancellation or revocation, the goods become the property of the buyer without obligation to pay for them. For the purpose of this section, forty days is presumed to be a reasonable time.

"(2) The buyer has a duty to take reasonable care of the goods in his possession before cancellation or revocation and for a reasonable time thereafter, during which time the goods are otherwise at the seller's risk.

"(3) If the seller has performed any services pursuant to a home solicitation sale prior to its cancellation, the seller is entitled to no compensation.

"§ 28–3812. Limitation on creditors' remedies

"(a) This section applies to actions or other proceedings to enforce rights arising from consumer credit sales, consumer leases, and direct installment loans (other than a loan directly secured on real estate or a direct motor vehicle installment loan covered by chapter 36 of title 28, District of Columbia Code); and, in addition, to extortionate extensions of credit.

"(b) (1) During the thirty-day period after a default consisting of a failure to pay money the creditor may not because of the default (A) accelerate the unpaid balance of the obligation, (B) bring action against the debtor, or (C) proceed against the collateral.

"(2) Unless the creditor has first (A) notified the debtor that he has elected to accelerate the unpaid balance of the obligation because of default, (B) brought action against the debtor, or (C) proceeded against the collateral, the debtor may cure a default consisting of a failure to pay money by tendering the amount of all unpaid sums due at the time of tender, without acceleration, plus any unpaid delinquency or deferral charges. Cure restores the debtor to his rights under the agreement as though the defaults cured had not occurred.

"(3) Posting any notice required by law shall be deemed valid if mailed by certified mail to the debtor's last known address.

"(c) (1) The debtor may redeem the collateral from the creditor at any time—

"(A) within fifteen days of the creditor's taking possession of the collateral, or

"(B) thereafter until the creditor has either disposed of the collateral, entered into a contract for its disposition, or gained the right to retain the collateral in satisfaction of the debtor's obligation pursuant to the provisions on disposition of collateral in section 9–505 of subtitle I of title 28, District of Columbia Code.

"(2) The debtor may redeem the collateral by tendering fulfillment of all obligations secured by the collateral including reasonable expenses incurred in realizing on the security interest.

"(d) Subject to the provisions in this part, the parties may agree that the creditor has the right to take possession of the collateral on default. In taking possession, a secured party may proceed without judicial process if this can be done without breach of the peace and with consent of the debtor. Those who take the collateral through repossession shall be deemed the agent of the creditor, and

the creditor shall be civilly liable for any of the actions of its agents.

"(e)(1) This subsection applies to consumer credit sales of goods or services and to direct installment loans secured by interests in goods.

"(2) A creditor may not maintain a proceeding for a deficiency unless he has disposed of the goods in good faith and in a commercially reasonable manner.

"(3) If the creditor repossesses or voluntarily accepts surrender of goods which were the subject of the sale and in which he has a security interest, the consumer is not personally liable to the creditor for the unpaid balance of debt arising from the sale of a commercial unit of goods of which the cash price was $2,000 or less. In that case the creditor is not obligated to resell the collateral unless the consumer has paid 60 percent or more of the cash price and has not signed after default a statement renouncing his rights in the collateral.

"(4) If the creditor takes possession or voluntarily accepts surrender of goods which were not the subject of the sale but in which he has a security interest to secure a debt arising from a sale of goods or services or a combined sale of goods and services and the cash price of the sale was $2,000 or less, the debtor is not personally liable to the creditor for the unpaid balance of the debt arising from the sale and the creditor's duty to dispose of the collateral is governed by the provisions on disposition of collateral in section 9–505 of subtitle I of title 28, District of Columbia Code.

"(5) If the creditor takes possession or voluntarily accepts surrender of goods in which he has a security interest to secure a debt arising from a direct installment loan and the net proceeds of the loan paid to or for the benefit of the debtor are $2,000 or less, the consumer is not personally liable to the lender for the unpaid balance of the debt arising from the loan and the lender's duty to dispose of the collateral is governed by the provisions on disposition of collateral in section 9–505 of subtitle I of title 28, District of Columbia Code.

"(6) The consumer shall be liable in damages to the creditor if the debtor has wrongfully damaged the collateral or if, after default and demand, the debtor has wrongfully failed to make collateral available to the creditor.

"(7) If the creditor elects to bring an action against the buyer for a debt arising from a consumer credit sale of goods or services, when under this section he would not be entitled to a deficiency judgment if he repossessed the collateral, and obtains judgment—

"(A) he may not repossess the collateral, and

"(B) the collateral is not subject to levy or sale on execution or similar proceedings pursuant to the judgment.

"(f)(1) If it is the understanding of the creditor and the debtor at the time an extension of credit is made that delay in making repayment or failure to make repayment could result in the use of violence or other criminal means to cause harm to the person, reputation, or property of any person, the repayment of the extension of credit is unenforceable through civil judicial processes against the debtor.

"(2) If it is shown that an extension of credit was made at an annual rate exceeding 45 per centum and that the creditor then had a reputation for the use or threat of use of violence or other criminal means to cause harm to the person, reputation, or property of any person to collect extensions of credit or to punish the nonrepayment thereof, there is prima facie evidence that the extension of credit was unforceable under paragraph (1) of this subsection.

"(g)(1) With respect to a consumer credit sale, or direct installment loan, if the court as a matter of law finds—

"(A) the agreement to have been unconscionable at the time it was made, or to have been induced by unconscionable conduct, the court may refuse to enforce the agreement, or

"(B) any clause of the agreement to have been unconscionable at the time it was made, the court may refuse to enforce the agreement, or may enforce the remainder of the agreement without the unconscionable clause, or may so limit the application of any unconscionable clause as to avoid any unconscionable result.

"(2) If it claimed or appears to the court that the agreement or any cause thereof may be unconscionable the parties shall be afforded a reasonable opportunity to present evidence as to its setting, purpose, and effect to aid the court in making the determination.

"(3) For the purpose of this section, a charge or practice expressly permitted by this section is not in and of itself unconscionable in the absence of other practices and circumstances.

"§ 28–3813. Consumers' remedies.

"(a) The remedies provided by this section shall be liberally administered to the end that the consumer as the aggrieved party shall be put in at least as good a position as if the creditor had fully complied with this chapter. Except as is otherwise specifically provided where there are willful and repeated violations of this chapter consequential and special damages may be had in lieu of the specific penalties allowed, and in addition punitive damages may be had as indicated.

"(b) Any right or obligation declared by this chapter is enforceable by action unless the provision declaring it specifies a different and limited effect.

"(c) 'Transaction total' means—

"(1) in the case of transactions pursuant to open end credit plans or consumer credit transactions, the total of the following calculated as if the amount or amounts financed were paid over the maximum period of the plan or, if there is no such period, over twelve months beginning with the next billing cycle or cycles following the transaction or transactions:

"(A) the amount financed, plus any down payment or required deposit balance, and

"(B) the total finance charge, including any prepaid finance charge;

"(2) in the case of other than open end transactions or consumer credit transactions, the total of the following:

"(A) the amount financed, plus any downpayment or required deposit balance, and

"(B) the amount of all precomputed or precomputable finance charge, including any prepaid finance charge.

"(d)3(1) In the discretion of the court, a consumer may recover from the person violating this chapter, in addition to the damages the law otherwise allows, 10 per centum of the transaction total, if applicable, or $100, whichever is greater, for violations to which this section applies.

"(2) This section also applies to all violations for which no other remedy is specifically provided.

"(e) If a consumer prevails in a suit brought under this Act, the court may assess reasonable attorney's fees in addition to any other amounts recoverable under this chapter.

"(f) Any charge, practice, term, clause, provision, security interest, or other action or conduct which can be shown to be in willful violation of the provisions of this chapter shall confer no rights or obligations enforceable by action.

"§ 28–3814. Debt collection

"(a) This section only applies to conduct and practices in connection with collection of obligations arising from consumer credit sales, consumer leases, and direct installment loans (other than a loan directly secured on real estate or a direct motor vehicle installment loan covered by chapter 36 of title 28).

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

"(1) 'claim' means any obligation or alleged obligation, arising from a consumer credit sale, consumer lease, or direct installment loan;

"(2) 'debt collection' means any action, conduct or practice in connection with the solicitation of claims for collection or in connection with the collection of claims, that are owed or due, or are alleged to be owed or due, a seller or lender by a consumer; and

"(3) 'debt collector' means any person engaging directly or indirectly in debt collection, and includes any person who sells or offers to sell forms represented to be a collection system, device, or scheme intended or calculated to be used to collect claims.

"(c) No debt collector shall collect or attempt to collect any money alleged to be due and owing by means of any threat, coercion, or attempt to coerce in any of the following ways:

"(1) the use, or express or implicit threat of use, of violence or other criminal means, to cause harm to the person, reputation, or property of any person;

"(2) the accusation or threat to falsely accuse any person of fraud or any crime, or any conduct which, if true, would tend to disgrace such other person or in any way subject him to ridicule, or any conduct which, if true, would tend to disgrace such other person or in any way subject him to ridicule or contempt of society;

"(3) false accusations made to another person, including any credit reporting agency, that a consumer has not paid a just debt, or threat to so make such false accusations;

"(4) the threat to sell or assign to another the obligation of the consumer with an attending representation or implication that the result of such sale or assignment would be that the consumer would lose any defense to the claim or would be subjected to harsh, vindictive, or abusive collection attempts; and

"(5) the threat that nonpayment of an alleged claim will result in the arrest of any person.

"(d) No debt collector shall unreasonably oppress, harass, or abuse any person in connection with the collection of or attempt to collect any claim alleged to be due and owing by that person or another in any of the following ways:

"(1) the use of profane or obscene language or language that is intended to unreasonably abuse the hearer or reader;

"(2) the placement of telephone calls without disclosure of the caller's identity or with the intent to harass or threaten any person at the called number; and

"(3) causing expense to any person in the form of long-distance telephone tolls, telegram fees, or other charges incurred by a medium of communication, by concealment of the true purpose of the notice, letter, message, or communication.

"(e) No debt collector shall unreasonably publicize information relating to any alleged indebtedness or debtor in any of the following ways:

"(1) the communication of any false information relating to a consumer's indebtedness to any employer or his agent except where such indebtedness has been guaranteed by the employer or the employer has requested the loan giving rise to the indebtedness and except where such communication is in connection with an attachment or execution after judgments as authorized by law;

"(2) the disclosure, publication, or communication of false information relating to a consumer's indebtedness to any relative or

family member of the consumer unless such person is known to the debt collector to be a member of the same household as the consumer, except through proper legal action or process or at the express and unsolicited request of the relative or family member;

"(3) the disclosure, publication, or communication of any information relating to a consumer's indebtedness by publishing or posting any list of consumers, except for the publication and distribution of "stop lists" to point-of-sale locations where credit is extended, or by advertising for sale any claim to enforce payment thereof or in any other manner other than through proper legal action, process, or proceeding; and

"(4) the use of any form of communication to the consumer, which ordinarily may be seen by any other persons, that displays or conveys any information about the alleged claim other than the name, address, and phone number of the debt collector.

"(f) No debt collector shall use any fraudulent, deceptive, or misleading representation or means to collect or attempt to collect claims or to obtain information concerning consumers in any of the following ways:

"(1) the use of any company name, while engaged in debt collection, other than the debt collector's true company name;

"(2) the failure to clearly disclose in all written communications made to collect or attempt to collect a claim or to obtain or attempt to obtain information about a consumer, that the debt collector is attempting to collect a claim and that any information obtained will be used for that purpose;

"(3) any false representation that the debt collector has in his possession information or something of value for the consumer, that is made to solicit or discover information about the consumer;

"(4) the failure to clearly disclose the name and full business address of the person to whom the claim has been assigned for collection, or to whom the claim is owed, at the time of making any demand for money;

"(5) any false representation or implication of the character, extent, or amount of a claim against a consumer, or of its status in any legal proceeding;

"(6) any false representation or false implication that any debt collector is vouched for, bonded by, affiliated with or an instrumentality, agent, or official of the District of Columbia or any agency of the Federal or District government;

"(7) the use or distribution or sale of any written communication which stimulates or is falsely represented to be a document authorized, issued, or approved by a court, an official, or any other legally constituted or authorized authority, or which creates a false impression about its source, authorization, or approval;

"(8) any representation that an existing obligation of the consumer may be increased by the addition of attorney's fees, investigation fees, service fees, or any other fees or charges when in fact such fees or charges may not legally be added to the existing obligation; and

"(9) any false representation or false impression about the status or true nature of or the services rendered by the debt collector or his business.

"(g) No debt collector shall use unfair or unconscionable means to collect or attempt to collect any claim in any of the following ways:

"(1) the seeking or obtaining of any written statement or acknowledgment in any form that specifies that a consumer's obligation is one incurred for necessaries of life where the original obligation was not in fact incurred for such necessaries;

"(2) the seeking or obtaining of any written statement or acknowledgment in any form containing an affirmation of any obligation by a consumer who has been declared bankrupt without clearly disclosing the nature and consequences of such affirmation and the fact that the consumer is not legally obligated to make such affirmation;

"(3) the collection or the attempt to collect from the consumer all or any part of the debt collector's fee or charge for service rendered;

"(4) the collection of or the attempt to collect any interest or other charge, fee, or expense incidental to the principal obligation unless such interest or incidental fee, charge, or expense is expressly authorized by the agreement creating the obligation and legally chargeable to the consumer or unless such interest or incidental fee, charge, or expense is expressly authorized by law; and

"(5) any communication with a consumer whenever it appears that the consumer has notified the creditor that he is represented by an attorney and the attorney's name and address are known.

"(h) No debt collector shall use, or distribute, sell, or prepare for use, any written communication that violates or fails to conform to United States postal laws and regulations.

"(i) No debt collector shall take or accept for assignment any of the following:

"(1) an assignment of any claim for attorney's fees which have not been lawfully provided for in the writing evidencing the obligation; or

"(2) an assignment for collection of any claim upon which suit has been filed or judgment obtained, without the debt collector first making a reasonable effort to contact the attorney representing the consumer.

"(j) (1) Proof, by substantial evidence, that a debt collector has willfully violated any provision of the foregoing subsections of this section shall subject such debt collector to liability to any person affected by such violation for all damages proximately caused by the violation.

"(2) Punitive damages may be awarded to any person affected by a willful violation of the foregoing subsections of this section, when and in such amount as is deemed appropriate by the court and trier of fact.

"§ 28–3815. Administrative enforcement

"(a) As used in this section—

"(1) 'Commissioner' means the Commissioner of the District of Columbia or his designated agent;

"(b) Compliance with the requirements imposed under this chapter shall be enforced by the Commissioner. Nothing contained herein shall be construed to affect the authority and jurisdiction of the respective agencies designated in section 108 of the Truth-in-Lending Act (82 Stat. 146 et seq.; 15 U.S.C. 1601 et seq.).

"§ 28–3816. Inconsistent laws: What law governs

"If any provision of law or regulation promulgated thereunder is inconsistent with this chapter, this chapter shall govern, unless this chapter or the inconsistent provision of the other laws specifically provides otherwise."

SEC. 5. Section 571 of title 16 of the District of Columbia Code is amended to read as follows:

"§ 16–571. Definitions

"For purposes of this subchapter—

"(1) The term 'wages' means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus, or otherwise, and includes periodic payments pursuant to a pension or retirement program.

"(2) The term 'disposable wages' means that part of the earnings of any individual remaining after the deduction from those earnings of any amounts required by law to be withheld.

"(3) The term 'garnishment' means any legal or equitable procedure through which the wages of any individual are required to be withheld for payment of any debt."

SEC. 6. The text of clauses (1), (2), and (3), in the first paragraph of section 16–572 of subchapter III of chapter 5 of title 16, District of Columbia Code, is amended to read as follows:

"(1) 25 per centum of his disposable wages that week, or

"(2) the amount by which his disposable wages for that week exceed thirty times the Federal minimum hourly wage prescribed by section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) in effect at the time the wages are payable,

whichever is less. In the case of wages for any pay period other than a week, the Commissioner of the District of Columbia shall by regulation prescribe a multiple of the Federal minimum hourly wage equivalent in effect to that set forth in paragraph (2)."

SEC. 7. Subchapter III of chapter 5 of title 16, District of Columbia Code, is amended by adding the following sections:

"§ 16–583. No garnishment before judgment

"Notwithstanding any other provision of law, prior to entry of judgment in an action against a debtor, the creditor may not obtain an interest in any property of the debtor by attachment, garnishment, or like proceedings.

"§ 16–584. No discharge from employment for garnishment

"No employer shall discharge an employee for the reason that a creditor of the employee has subjected or attempted to subject unpaid earnings of the employee to garnishment or like proceedings directed to the employer for the purpose of paying a judgment."

SEC. 8. (a) The analysis of chapter 33 of title 28 of subtitle II, District of Columbia Code, is amended by adding at the end thereof the following new item:

"28–3308. Finance charge on direct installment loans."

(b) The analysis of subtitle II of title 28, District of Columbia Code, is amended by adding at the end thereof the following new items:

"36. Direct Motor Vehicle Installment Loans ..... 28–3601.
"37. Revolving Credit Accounts ..... 28–3701.
"38. Consumer Protections ..... 28–3801."

(c) The analysis of subchapter III of chapter 5 of title 16, District of Columbia Code, is amended by adding at the end thereof the following new items:

"16–583. No garnishment before judgment.
"16–584. No discharge from employment for garnishment."

SEC. 9. (a) The Act of February 4, 1913 (relating to the regulation of the business of loaning money in the District of Columbia) (D.C. Code, secs. 26–601—26–611), is amended by adding at the end of that Act the following:

"SEC. 14. (a) No provision of this Act shall apply with respect to any loan, or to the making of any loan—

"(1) to any corporation which is unable to plead any statutes against usury in any action;

"(2) at a rate of interest which does not exceed the maximum lawful rate of interest which would be applicable to such loan but for the provisions of this Act;

"(3) secured on real estate located outside of the District of Columbia;

"(4) to a borrower residing, doing business, or incorporated outside of the District of Columbia; or

"(5) greater than $10,000.

"(b) If any provision of this section or the application thereof to any person or circumstance, is held invalid, the remainder of the section, and the application of such provi-

sion to other persons or circumstances shall not be affected thereby."

(b) The amendment made by subsection (a) of this section shall apply with respect to any loan made, or to the making of any loan, in the District of Columbia on or after the effective date of such Act of February 4, 1913 (as specified inspection 13 of such Act); except that such amendment shall not apply with respect to any loan made, or to the making of any loan, in the District of Columbia concerning which an action under such Act of February 4, 1913, has been filed in a court of competent jurisdiction on or before November 10, 1971.

SEC. 10. This Act may be cited as the "District of Columbia Consumer Credit Protection Act of 1971".

Mr. EAGLETON. Mr. President, I move that the Senate concur in the House amendment to S. 1938, in the nature of a substitute, with the following amendments.

The PRESIDING OFFICER. The amendments will be stated.

The legislative clerk read as follows:

On page 1, line 3, after "28–3308," insert the word "and".

On page 2, line 5, strike "or 39".

On page 11, line 13, strike "his" and insert in lieu thereof "this".

On page 15, line 8, strike "ability" and insert in lieu thereof "liability".

On page 18, strike "military" from the parenthetical insert under line 16.

The PRESIDING OFFICER. The question is on agreeing to the motion to concur in the House amendment with amendments.

The motion was agreed to.

THE REPUBLICAN REPORT (S. DOC. NO. 92–49)

Mr. SCOTT. Mr. President, I yield myself such time as I may endure.

The PRESIDING OFFICER. The Senator may proceed.

Mr. SCOTT. Mr. President, it is customary at the end of each session for the Republican leader to present the Republican report; and I ask unanimous consent to have this report for the 92d Congress, first session, printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. SCOTT. I also ask unanimous consent that this report, entitled "The Republican Goal," be printed as a Senate document.

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

Mr. SCOTT. Mr. President, when this Republican report used to be presented by our great and eminent friend, Sentor Dirksen, it was accompanied by considerable panache and with oratorical skill, which I cannot summon. Therefore, I am sparing my colleagues the perorations and gestures and the inimitable style of which the late Everett Dirksen was master.

I do hope, however, that my colleagues on both sides of the aisle will read the report, recognizing, as I do, that in it we have sought to give credit where credit is due, to pay tribute to the distinguished majority leader and the assistant majority leader, the members of the leadership on this side, and all those with whom I have had the pleasure of being associated in this position during the current year.

I thank the distinguished assistant majority leader for giving me this time.

EXHIBIT 1

[The Republican report]

THE REPUBLICAN GOAL

(Peace—With a chance to survive; stability—in our economy and national life; responsibility and responsiveness—in our leadership)

INTRODUCTION

Mr. President, in presenting the Minority Leader's report may I express my appreciation to the Majority Leader, the Honorable Mike Mansfield for his tact, skill and cooperative management of the business of the Senate, under the terms of rational competition which prevail in our legislature.

I also wish to express particular thanks to my Republican leadership colleagues, Senator Robert Griffin, Senator Margaret Chase Smith, Senator Gordon Allott, Senator Norris Cotton, and our regional whips. Without their assistance, my post would be far more difficult.

I. THE UNITED STATES SENATE

Mr. President, surveying the Senate at the end of a session is exhilarating and exhausting. We take pride that we are still part of a genuinely independent law-making body, in a world where so many parliaments either have disappeared or have surrendered most of their original powers.

One is exhausted, however, by the grinding length of our sessions. True, we will not quite match the 1970 session in total days, in number of record votes, or the 1964 session in number of votes on one bill; but 1971 will be a close second in all of these. That is hardly a feat to be proud of; even worse, it may spur some of my colleagues to try harder next year. And that could be disastrous.

There were some unusual records set this year, principally in the Senate or its environs, which deserve a footnote in the Guiness book of records. They would include the number of Senators yielding to what one columnist calls "the subliminal summons of the Electorate" to announce for the Presidency; and thereafter the number of acceptance speeches given a year before their Party Convention; followed inevitably by the number of Inaugural Addresses given; and finally the number of withdrawals (none with quite the finality of General Sherman's, worse luck).

Congress, especially the Senate, was turned into a staging area for Presidential campaigns, with attendant sorties, abortive commando raids, and even retreats, depending upon how much logistical support could be extracted.

In short, this has been perhaps the most political session of an always political body that it has been my privilege to serve in.

The product of Congress is always overwhelming in sheer bulk of number of bills introduced, time in debate, bills enacted, to pick out but a few statistical items.

But unless subjected to further analysis, this is not a satisfactory way of measurement.

How has the Democratic Congress treated Presidential proposals? The common wisdom is that the President has fared better in foreign than domestic matters. One would hope so, since there must necessarily be a unified and single direction of foreign policy; or so the Founding Fathers thought, and so all "great" Presidents have assumed and acted. Nevertheless, we have had putative or would-be Presidents in Congress attempting to negotiate with other nations on all sorts of matters. We have had Senators attempting to wage war, or direct their several versions of foreign policy from the bowels of the Senate. Thus, President Nixon has had to devote an enormous amount of time and energy to preserving the concept of a unified direction of foreign policy.

Has he neglected domestic affairs, as the common wisdom would have it? In 1971, Presidential messages to Congress totalled 26. Thereunder were proposed some 104 measures, of which over 90 percent dealt with domestic matters. As of December 13, 1971, 11 have been enacted or approved and became laws, 10 of them domestic.

The rest, particularly those of major import, have been largely ignored. There would seem to be some truth in a Baltimore Sun headline earlier this year that "Presidential Programs Lie Bleaching in the Deserts of Congress." Unfortunately, these programs contain some of the most innovative and constructive ideas proposed to Congress in many decades, to further develop the "New Federalism" concept.

The following chart sets forth the status as of December 13, 1971, of (only) major legislative proposals submitted to implement Presidential messages:

STATUS OF MAJOR BILLS TO IMPLEMENT LEGISLATIVE MESSAGES OF THE PRESIDENT (AS OF DEC. 13, 1971)

92D CONG., 1ST SESS.

Message, title, date, and bill number	Senate		House		Conference report agreed to—		Date approved	Public Law No.
	Reported	Passed	Reported	Passed	Senate	House		
State of the Union, Jan. 22, 1971:								
Welfare reform: H.R. 1	(1)	(1)	May 26	June 22				
Cancer conquest—new agency:								
S. 1828 (as amended)	June 29	July 7	Nov 10	Nov 15	Dec 10	Dec 9		
H.R. 8343								
Cancer conquest—$100,000,000: H.R. 8190 (2d supplemental)	May 13	May 19	May 6	May 12	May 24	May 20	May 25	92–18
Unfinished business, Jan. 26, 1971:								
Alaska Native claims:								
S. 1571	(1)	(1)			(2)	(2)		
H.R. 10367 (S. 35) passed in lieu	Sept 15	Nov 1	Sept 28	Oct 20				
Assistant Secretary of Interior for Indian and Territorial Affairs:								
S. 291	Aug. 3	Aug. 5						
H.R. 8062			(3)	(3)			July 1	92–39
Micronesia claims and compensation: H.J. Res. 617	June 10	June 17	May 25	June 9				

Footnotes at end of article.

Message, title, date, and bill number	Senate		House		Conference report agreed to—		Date approved	Public Law No.
	Reported	Passed	Reported	Passed	Senate	House		
Emergency School Aid Act (desegregation):								
S. 1557 (clean bill)	Apr. 15	Apr. 26						
H.R. 2266			Oct. 19	(1)		(1)		
H.R. 2266 subsequently added to H.R. 7248 by amendment on Nov. 4								
H.R. 7248 passed House on Nov. 5. (Proceedings vacated and S. 659, with language of H.R. 7248, passed in lieu.)								
S. 659 (H.R. 7248)	Aug. 3	Aug. 6	Nov. 5	(2)		(2)		
Rural telephone bank:								
S. 70	Feb. 25	Mar. 1						
S. 70 (as amended)			Feb. 22	Mar. 24	Apr. 29	May 4	May 7	92-12
Authorize Secretary of Agriculture to insure FHA operating loans:								
S. 1806	May 7	May 11						
H.R. 10538		Oct. 1	Sept. 13	Sept. 30			Oct. 5	92-133
Sale VA direct loans: H.R. 3344	July 22	July 23	June 24	July 6			Aug. 5	92-66
Asian Development Bank—$100,000,000:								
S. 749	Oct. 14	Oct. 20						
H.R. 5013			(1)	(1)				
Inter-American Development—$900,000,000:								
S. 748	Oct. 14	Oct. 19						
H.R. 5014			(1)	(1)				
Draft reform, Jan. 28, 1971:								
Military Selective Service Act:								
S. 427								
H.R. 6531 (as amended)	May 5	June 24	Mar. 25	Apr. 1	Sept. 21	Aug. 4	Sept. 28	92-129
Federal Executive Service, Feb. 2, 1971:								
S. 1682	(1)	(1)						
H.R. 3807			(1)	(1)				
Transportation labor disputes, Feb. 3, 1971:								
Emergency Public Interest Protection Act:								
S. 560	(1)	(1)						
H.R. 3596			(1)	(1)				
General revenue sharing, Feb. 4, 1971:								
S. 680	(2)	(2)						
H.R. 4187			(2)	(2)				
Environment, Feb. 8, 1971:								
$6,000,000,000 to build municipal waste treatment facilities:								
S. 1013 and H.R. 5962	(1)	(1)						
S. 2770 passed in lieu of S. 1013, S. 1014, and S. 1012	Oct. 28	Nov. 2	(2)	(2)				
Environment financing authority:								
S. 1015	Nov. 3							
H.R. 5970			(1)	(1)				
Improve, enforce water quality standards:								
S. 1014	(1)	(1)						
H.R. 5966			(1)	(1)				
Increased Federal aid to State water pollution control programs:								
S. 1012	(1)	(1)						
H.R. 5958			(1)	(1)				
2 international conventions on oil spills: Executive G	Aug. 6	? Sept. 20						
Federal Environmental Pesticide Control Act:								
S. 745 and H.R. 4512	(1)	(1)	(1)	(1)				
H.R. 10729 passed in lieu with administration support			Sept. 25	Nov. 9	(3)	(3)		
Toxic substances:								
S. 1478	(1)	(1)						
H.R. 5276			(2)	(2)				
Regulation of ocean dumping:								
S. 1238 and H.R. 4247	(1)	(1)						
H.R. 9727 passed in lieu	Nov. 12	Nov. 24	July 17	Sept. 9	(3)	(3)		
Noise control:								
S. 1016	(1)	(1)						
H.R. 5275			(1)	(1)				
National land use policy:								
S. 992	(1)	(1)						
H.R. 4332			(1)	(1)				
Land and water conservation fund formula adjustments:								
S. 990	(2)	(2)						
H.R. 4705			(2)	(2)				
Powerplant Siting Act of 1971:								
S. 1684	(2)	(2)						
H.R. 5277			(1)	(1)				
Mined Area Protection Act of 1971:								
S. 993	(1)	(1)						
H.R. 4704			(1)	(1)				
National Resource Land Management Act of 1971:								
S. 2401	(1)	(1)						
H.R. 10049			(1)	(1)				
Health, Feb. 18, 1971:								
Health maintenance organizations:								
S. 1182	(1)	(1)						
H.R. 5615			(1)	(1)				
Health manpower:								
S. 1183 and H.R. 5614								
H.R. 8629 and H.R. 8630 passed in lieu with administration support		July 14	June 9	July 1	Oct. 19	Nov. 9	Nov. 18	92-157
National Health Insurance Partnership Act of 1971:								
S. 1623	(1)	(1)						
H.R. 7741			(1)	(1)				
Higher Education, Feb. 22, 1971:								
National Student Loan Association scholarships:								
(S. 1123) in S. 659	Aug. 3	Aug. 6		Nov. 5	(3)	(3)		
H.R. 5191			(1)	(1)				
National Foundation for Higher Education:								
S. 1062—Title III of S. 659	Aug. 3	Aug. 6		Nov. 5	(3)	(3)		
H.R. 5192			(1)	(1)				
Consumer affairs, Feb. 24, 1971:								
Drug identification:								
S. 788	(2)	(2)						
H.R. 3667			(2)	(2)				
Consumer Product Safety Act:								
S. 1797	(2)	(2)						
H.R. 8110			(2)	(2)				
Consumer fraud prevention:								
S. 1222	(1)	(1)						
H.R. 6315			(2)	(2)				
Federal Trade Commission Act amendments:								
S. 1219	(1)	(1)						
H.R. 6313			(1)	(1)				
Fair Warranty Disclosure Act of 1971:								
S. 1221	(1)	(1)						
S. 986 passed in lieu	July 16	Nov. 8						

Footnotes at end of table.

STATUS OF MAJOR BILLS TO IMPLEMENT LEGISLATIVE MESSAGES OF THE PRESIDENT (AS OF DEC. 13, 1971)
92D CONG., 1ST SESS.—Continued

Message, title, date, and bill number	Senate		House		Conference report agreed to—		Date approved	Public Law No.
	Reported	Passed	Reported	Passed	Senate	House		
Consumer Products Test Methods Act:								
S. 1692	[1]	[1]						
H.R. 6891			[2]	[2]				
Consumer Protection Act—to create agency in Executive Office of the President: H.R. 10835			Sept. 30	Oct. 14				
Law enforcement revenue sharing, Mar. 2, 1971:								
S. 1087	[3]	[3]						
H.R. 5408			[3]	[3]				
Manpower revenue sharing, Mar. 4, 1971:								
S. 1243	[1]	[1]						
H.R. 6181			[1]	[1]				
Urban community development revenue sharing, Mar. 5, 1971:								
S. 1618	[1]	[1]						
H.R. 8853			[1]	[1]				
Rural community development revenue sharing, Mar. 10, 1971:								
S. 1612	[1]	[1]						
H.R. 7993			[3]	[3]				
Transportation revenue sharing, Mar. 18, 1971:								
S. 1344	[3]	[3]						
H.R. (not yet introduced)								
Action, Mar. 24, 1971: reorganization plan No. 1	[10]	[10]	[10]	[10]	[10]	[10]		
Government Reorganization, Mar. 25, 1971:								
Department of Community Development:								
S. 1430	[11]	[11]						
H.R. 6964			[11]	[11]				
Department of Natural Resources:								
S. 1431	[11]	[11]						
H.R. 6963			[12]	[12]				
Department of Human Resources:								
S. 1432	[11]	[12]						
H.R. 6966			[12]	[12]				
Department of Economic Affairs:								
S. 1433	[12]	[12]						
H.R. 6965			[12]	[12]				
Education revenue sharing, April 6, 1971:								
S. 1669	[1]	[1]						
H.R. 7796			[1]	[1]				
District of Columbia, Apr. 7, 1971								
Foreign Assistance Reform, Apr. 21, 1971:								
Proposed to separate International Security Assistance Act; and								
S. 1657	[1]	[1]						
S. 2819 passed in lieu	Nov. 8	Nov. 11		Nov. 18	[4]	[4]		
Humanitarian Assistance Act:								
S. 1656	[1]	[1]						
S. 2820 passed in lieu	Nov. 8	Nov. 10		Nov. 18	[4]	[4]		
(H.R. 9910, Foreign Assistance Act amendments combining military and humanitarian aid reported first).	Oct. 21	[13]	July 26	Aug. 3				
Wilderness preservation, Apr. 28, 1971:								
S. 2453	[3]	[3]						
H.R. 10752			[1]	[1]				
Legal Services Corporation, May 5, 1971:								
S. 1769 and H.R. 8163			[1]	[1]				
S. 2007 passed in lieu	July 30	Sept. 9		Oct. 1	Dec. 2	Dec. 7		
Energy program, June 4, 1971:								
Powerplant Siting Act:								
S. 1684	[3]	[3]						
H.R. 5277			[1]	[1]				
Department of Natural Resources:								
S. 1431	[11]	[11]						
H.R. 6963			[12]	[12]				
Drug Control, June 17, 1971:								
Special Action Office for Drug Abuse Prevention:								
S. 2097	Nov. 17	Dec. 2						
H.R. 9264			[1]	[1]				
New economic policy address (taxes), Aug. 15, 1971:								
Revenue Act of 1971: H.R. 10947	Nov. 9	Nov. 22	Sept. 29	Oct. 6	Dec. 9	Dec. 9	Dec. 10	92-178
Minority business enterprise, Oct. 13, 1971:								
Small business amendments:								
S. 544	[3]	[3]						
H.R. 7692			[3]	[3]				
Indian Business Development Act:								
S. 2237	[3]	[3]						
H.R. 8340			[3]	[3]				
Indian Financing Act:								
S. 2036	[3]	[3]						
H.R. 2378			[3]	[3]				
District of Columbia Development Bank:								
S. 2196	[3]	[3]						
H.R. 11313			[1]	[1]				

[1] Hearings.
[2] Senate asks.
[3] No hearings.
[4] Failed to pass Nov. 1.
[5] House asks.
[6] Executive session.
[7] Ratified.
[8] House requested bill returned Nov. 17. Senate concurred in House request Nov. 19.
[9] Field inspection.
[10] Became law after S. Res. 108 (of disapproval) failed to pass Senate on June 3, and H. Res. 411 (of disapproval) failed to pass House on May 25.
[11] Specific hearings.
[12] Overview hearings.
[13] Failed.

Money bills delayed

This is not to say that the basic nuts and bolts work of the Senate was not accomplished. Most of the appropriations bills did come through more rapidly than last year. As usual, the delay has largely been because of unnecessary wrangling over authorizing legislation required prior to enactment of money bills. Many important programs were enacted or amended and extended, and Republican Senators played an important role in shaping such legislation. To name but a few, the amendments to the Higher, Vocational and General Education Acts; the Federal Election Campaign Act; the Alaska Native Claims Act; the Indian Education Act; the Constitutional Amendment lowering the voting age in Federal elections to 18; the Draft Reform amendments; Public Services Employment Act; the Legal Services Act; elimination of the detention camp provision from the 1950 Internal Security Act; and additional protections for both consumer and environment.

But what one must realize in listing legislative accomplishments is that most of them mean new expenditure added to expenditure provided for in former years.

Public programs may be created by spontaneous combustion, but they only survive on taxes.

Defense spending cut

President Nixon effected a fundamental change in budget priorities for both FY 1971 and 1972. Defense spending is at the lowest percentage point both of our GNP and our total budget since 1951. This not only means that more monies are being spent on domestic needs than on defense but that the

"domestic" total is the highest in our history. And the total will continue to rise since yearly increases in spending are programmed into all the laws designed to meet domestic needs.

Thus, euphoric disquisitions by Presidential hopefuls about how they will divide up the "peace dividend" are post-prandial; there is nothing left but a good, healthy belch.

I reserve for special mention the Economic and Stabilization Act amendments, and the Revenue Act of 1971.

These were intended to carry forward the Nixon Administration's efforts to curb inflation and promote economic growth. To our surprise, many Senators, including Presidential hopefuls, began to denounce the President for daring to use wage and price control powers they had earlier loudly advocated and voted for. Like Cronos in Greek mythology who swallowed his own children, these Congressional critics began devouring their own legislative progeny. This would seem to be political Cronosism at its worst.

Tax bill becomes hostage

As for the Tax bill, another regrettable record was set in the number of irrelevant Christmas tree amendments hung on one long-suffering revenue act—most of which were then simply wiped out in Conference with the House, but not before a certain amount of political advantage was wrung from them. Worst of all, the bill became hostage to a check-off provision on tax returns to guarantee appropriations for politicians, again because of the dreams and hungers of our multitude of Presidential Senators. Never mind that it would subsidize all sorts of splinter parties, and very well destroy our two-party system. The preoccupation was with "next year."

Other peculiar impasses in conducting the business of the Senate have resulted from that same fixation.

Nominations by the President to fill executive and judicial vacancies became an automatic signal for interminable discussions of the personalities of the nominees. In the eyes of many, it was not integrity, or competence, but "sensitivity," which determined the fitness of such nominees. Thus, Supreme Court nominees who were not hot-eyed advocates of expanding the powers of the Federal Bureaucracy at the expense of the Congress were labeled "unqualified by virtue of insensitivity."

And this seems most inconsistent, for the same critics are waging constant war on the floor of the Senate against what they allege to be Presidential excess in the conduct of foreign relations. The Senate and, as a result Congress, has been tied up by endless attempts to fix deadlines for U.S. troop withdrawals in Vietnam, ignoring the accelerating rate of withdrawal under Presidential directive. Proposals with the surface appeal of "end-the-war" labels—again ignoring the fact that the war will not end when U.S. troops leave, but when North Vietnam ceases its invasions of Vietnam, Laos, and Cambodia—have been attached to almost every proposal except a resolution celebrating National Bananas Week.

Junior Senators effective

Would that this passion for deadlines could be applied to shortening our own sessions! For the Senate has effected some good procedural changes, and Republican Senators, particularly a number of our younger, junior Senators have made outstanding contributions. I refer to the change in our committee seniority system whereby Republicans agreed that a Senator could be ranking minority member on only one major committee. I salute my senior colleagues for the graceful and modest manner in which they gave up posts which took them many long hard years to earn.

I refer also to the improvements in the conduct of the morning hour and introduction of legislation. Again, these have been the work of our newer colleagues.

As a future target for improvement, there is a real need for rule changes so that unnecessary delay in the authorizing process does not prevent timely enactment of appropriations bills. At the time this report was being prepared, with the fiscal year already half over, there were still appropriations bills which had not yet been enacted into law. It is an area in which we hope, with the cooperation of the Majority, to make some improvement next year.

II. OUR FOREIGN POLICY

Developing a nation's foreign policy requires both a craftsman's hands and an artist's eye. The final product must not only have substance, it must have form. The structure must not only be sound, it must *look* right. Otherwise, critics seize upon shabby appearance to condemn what may well be strong, firm policies with good chance for ultimate success.

A new architect of foreign policy cannot sweep aside all that has been done before and start afresh. *The old can be replaced only if a new structure is there to replace it.* To those impatient for change this process becomes burdensome and chafing, particularly among the eager and, quite understandably, idealistic young.

Faced with a patently unsound foreign policy—a policy that was costing 250 lives a week—upon entering the White House, President Nixon began immediately to design a blueprint for change. He could not—no President could—immediately pull all of our forces everywhere back within our borders as some, including many of those seeking to challenge him for the White House next year, would have wished. Some commitments were made a quarter-century ago, were still intact for valid cause, and could not be scrapped.

Our foreign policy needed overhauling, but the entire structure could not be torn down in the process. This would have been somewhat like the 18th and 19th century European game of power politics with old alliances continually abandoned for new ones in a search for dominance, a search that led inevitably to bigger and bigger wars.

A new era

As this session of Congress draws to a close we face the prospect of beginning a new session in an era in which the United States no longer plays the role of warrior but rather that of mediator on the world's stage.

As the year ends there is almost no American ground combat presence in Vietnam. Fewer than one-third the number of troops present in Southeast Asia just three short years ago remain.

We will be spending less than $8 billion—mostly to support the South Vietnamese, Cambodians and Laotians—in an area where, just three years ago we were spending at the rate of over $30 billion a year.

But of far greater importance to all Americans is the fact that the American death rate of over 250 a week in 1968 has dropped to fewer than 10 a week during November and December of this year.

Vietnam which has taken months upon months of the Senate's time in what often developed into acrimonious discussion, is no longer the issue it once was.

Nuclear arms race ending?

From the day Russia exploded its first atomic device in 1949 until the present, people have been asking: Isn't there *some* way to end the nuclear arms race? Until recently the answer appeared inevitably to be a tired, "no way."

But there now does appear to be real hope for an end to the nuclear race. The Strategic Arms Limitations Talks (SALT) broke through enough barriers last spring so that on May 20 President Nixon and Soviet Premier Kosygin announced jointly that major progress had been made.

It took concessions on the part of the United States followed by concessions on the part of the Soviet Union to break the deadlock. There remains a good chance for a final binding agreement before summer.

As a natural follow-on to the May 30 announcement there came in September the agreement between the U.S. and the U.S.S.R. designed to prevent an accidental war from breaking out.

Berlin agreement

U.S. negotiators working with the two Germanies have set the stage for agreement on Berlin, freer access of West Berliners to the east, and general access guaranteed to Berlin from West Germany. Another of the European "hot boxes" has been dramatically cooled off.

All of which leads to the possibility of negotiations between the Atlantic Alliance and the members of the Warsaw Pact, on troop reductions across-the-board. Possibility of such talks was raised this year by the Communists and the suggestion met with immediate favorable response from the Administration which is pressing for that goal.

These delicate negotiations in Europe have had a definite impact on deliberations of the Senate. Because of the need for a free hand in negotiating from strength, Congress provided the President with funds for continued development of the Anti-Ballistic Missile (ABM) system. It is likely that such a system will be outlawed or sharply curtailed by U.S. and Soviet agreement; nonetheless the Senate felt it should maintain our position of strength so that our negotiators would have something to negotiate with.

A move to curb American strength in Europe by unilateral action was also defeated and largely for the same reason—to give American negotiators, when the time is ripe, something with which to negotiate with their Soviet counterparts.

In both instances the Administration has assured the Congress that the United States will work for binding reductions on both sides.

The Middle East

The fantastic, almost weird nature of events in the Middle East—and the extreme difficulty we face in helping to achieve our goal of peace in the area—is perhaps best demonstrated by what happened in the Sheraton Hotel in Cairo late last month. Four men burst into the lobby of that hotel and gunned down the Prime Minister of Jordan. Then one of the assassins knelt and drank of his blood.

The four men represented an organization of which nobody, including most people in the Arab world, had even heard. They claimed to speak for the Palestinian refugees; but there was none among the refugees who acknowledged their leadership. They claimed to be fighting Israel for the return of the refugees' lands, but they chose to kill the prime minister of Jordan who was in Cairo to map Arab strategy against Israel.

It is not enough to write this incident off as Arab extremism; nor can we say simply it demonstrates beyond question the lack of Arab unity even in their common profession of hatred for Israel. It is both, and yet it is more. It epitomizes the overwhelming complexities of the Middle Eastern cauldron. If nothing else, this irrational incident points up the need for cooling off the region before the conflagration can consume us all.

It is a tribute to the patience and renewed diplomatic skill of the United States that for the eighteenth month now there has been no real incident of war in the Middle East. For 18 months Israel has had a breathing spell, a time in which Israeli troops have not been committed daily to skirmishes with their Egyptian, Jordanian and Syrian neighbors.

Peace talks continue

This is not to say the United States, despite its careful negotiations and efforts at mediation has achieved peace in the area; there is no peace. Obviously, we alone cannot create peace. Yet Israel and her Arab enemies are still talking; and where there is talk, rather than gunfire, there is hope for ultimate solution based on justice rather than on force of arms.

The Soviet Union, occasionally willing to negotiate seriously and with rational intent elsewhere in the world, has demonstrated hard-line support of Egypt and other Arab countries both in diplomacy and by supplying those countries with the latest in arms and equipment and advisers.

There are indications, however, of a small chill growing in the area: the coup and counter coup in the Sudan now blamed on the Soviets, the treason trials in Egypt involving allegations of too much friendship for Russia. It is unwise to overemphasize these incidents. The United States must and will continue to supply Israel with the weapons she needs to protect herself. But we are trying to cool the heat there.

The India-Pakistan tragedy

Tragedies with the greatest impact are those you can see coming but cannot prevent. Watching developments on the great subcontinent of India these past several months has been like watching careening cars on an icy street. The crash was inevitable but there was nothing a bystander could do to prevent it.

The war between India and Pakistan is insane, and, there is ample blame for both sides.

Our Government has attempted through the United Nations to bring about a cease fire, to achieve a troop pull-back, to create the atmosphere needed for political settlement. The Soviet Union, backing India, refused to permit the Security Council to act. So we turned to the General Assembly.

Neutrality stressed

Our Government has declared neutrality in this conflict. This is the only reasonable course for us to take. Arms shipments to both India and Pakistan have been cut off. Other forms of assistance may also be stopped, but, of course, humanitarian assistance will be continued. If the other great powers of the world would follow a similar course the dreadful tragedy unfolding between the two countries, both of them friends of ours, could be more readily contained.

But so far they have not. Both China and Russia have shown a determination to use the tragedy of this war for their own advancement. This I find alarming.

Equally alarming, however, is the shrill outcry mounted by our Presidential Senators against U.S. efforts to maintain neutrality.

What exactly do some of our Presidential Senators want? Do they wish us to acknowledge their moral superiority on all matters, foreign and domestic? We imperfect humans will do so gladly—they are so obviously our moral superiors. It was that type of moral and intellectual superiority that slithered us into a ground war in Vietnam ten years ago. And could again if one of these impulsive candidates occupied the presidency.

False accusation

A few years and many soldiers' lives later, you walked away from the mess you had created, and began pointing the accusing finger and uttering shrill outcries of moral indignation about President Nixon's efforts to effect an honorable withdrawal from Vietnam.

Next, you morally superior people began lecturing and hectoring Britain about the tragic civil strife in Northern Ireland.

Now we have the crowning performance: The war between India and Pakistan is somehow the fault of the U.S.

Were it not for your moral superiority, one might suspect motives here. One might even drag in the phrase "political ambition."

But morally superior people do not discuss such tragedies as war unless from the purest of motives.

Perhaps we imperfect people may be allowed to point out that a great power does not take sides in a war without next finding it necessary to "do something about it." And when a great power takes that giant step, it finds itself eyeball to eyeball with other great powers. The further we depart from neutrality, the closer we get to war.

What then do my moral superiors want?

Do they want us to start down the road to another war in Asia?

Tell us imperfect people what you want: tell the President and his advisers; but above all tell the American people!

Personal diplomacy

The year 1971 may become known as the year in which Communist China emerged from her isolation and became an active—if not everywhere welcome nor always calcitrant—member of the community of nations.

Many were surprised and some shocked that President Nixon should have taken the initiative in drawing China into the mainstream of world affairs. They should not have been. His actions in this area demonstrate once again the fact that if you want to know what President Nixon is going to do, read his speeches. From his very first pronouncement as President, he has stated repeatedly his desire to see China emerge from her "angry isolation" and to see a free exchange of peoples, ideas and goods between nations.

In his inaugural address January 20, 1969, President Nixon made as one of his key points this argument:

"After a period of confrontation we are entering an era of negotiation.

"Let all nations know that during this administration our lines of communication will be open.

"We seek an open world—open to ideas, open to the exchange of goods and peoples—a world in which no people, great or small, will live in angry isolation."

In his American Society of Newspaper Editors speech this year Mr. Nixon again made reference, obliquely, to his desire to see China and the United States achieve more normal relations. On April 26 at a press briefing the White House again brought the matter up.

Thus, the President's moves on the mainland of Asia came as no lasting shock to those who had followed the precept that Mr. Nixon does what he says he will do.

Shortly after the announcement that Mr. Nixon would visit Peking he announced he would also visit with Soviet leaders in Moscow. Then, in quick succession, came word the President would also confer with our allies of long standing, Mr. Trudeau of Canada, Mr. Heath of England, President Pompidou of France and Prime Minister Sato of Japan. Thus, the President has not risked destruction of what has been good in our foreign relations over the years simply to reach a better understanding with the Soviet Union and China.

The China affair had its repercussions in Congress. When friends and legatees of American generosity abandoned us in the U.N. by voting to expell Taiwan while seating Peking, reaction here was to kill the Foreign Aid bill, then being debated in the Senate.

Not a bad year

Actually, this was not all bad. It did give the Senate a chance to reconsider earlier Administration requests to divide U.S. foreign aid into two separate programs, one for military assistance, one for economic aid. The two bills did emerge from the Foreign Relations Committee and were passed by the Senate.

In sum, in the area of foreign relations this has been a vintage year for the United States. We have moved ahead briskly, firmly, and with spectacular success on many fronts.

The Republican Administration has built soundly, with an eye to the structural viability of the finished product.

The Republican goal in this area is the same as that of all Americans: Peace. Peace as soon as possible; but Peace with a chance to endure. Peace on earth for all men, everywhere.

We seek Peace not only for ourselves but for all people. But in our search for Peace we will not try to impose our will or our ways on any other nation.

We have not set out to reshape the world. We want only to help those who wish to shape their own future.

III. THE ECONOMY

The 4th century BC Greek philosopher Zeno once stated this paradox: If Achilles runs 10 times faster than a tortoise which has a 100 yard start, then while Archilles runs 100 yards the tortoise runs 10; when Archilles runs these 10 yards the tortoise adds another yard, and so on. Theoretically, in Zeno's mind, Achilles could never quite catch up with the tortoise.

Nixon Administration strategists began 1971 on the heels of what was, at best, a disappointing 1970 performance of classical economic tools. They had a credible enough game plan for 1970: Create a mild slowdown that would dampen inflation without the traditional sharp rise in unemployment. Then, in the second half of 1970 they could ease restraints and allow the economy to resume normal growth. But by January 1971—like Zeno's Achilles—the gap had yet to be closed.

The economic slowdown of 1970, of course, was far from any real disaster. It was not as deep as even the mildest of the post-war recessions. But coming on top of eight years of rapid growth, it did cause discomfort in unexpected places. Many corporations, already overextended, found themselves caught in a credit crunch; the problem was abetted by a cutback in defense spending, truckers's and auto worker's strikes, and a refusal of Congress to guarantee loans for major aeronautical programs, notably the SST.

By January 1971, most Americans clearly placed the health of the economy as their number one concern. On January 2, the Gallop Poll said 74 percent of all Americans were concerned about unemployment, while one day later, the Harris Survey showed 63 percent of the Nation listing the state of economy their number one concern. The same week, a former member of President Johnson's Council of Economic Advisers, Otto Eckstein, reported from Harvard University that growth in the 1970's would be retarded by the distortions of the 1960's.

Expansionary policy

So it was no surprise that early in January, President Nixon anounced he would send an "expansionary budget" to Congress, and would rely on the Federal Reserve Board to continue its "easier" money policy already in operation. In line with expansionist policy, the President indicated he would not ask for new taxes for 1971, but did plan to move ahead with a number of social programs, including a family assistance plan, a national health program, and some form of revenue sharing.

The same week, Federal Reserve Board Governor George Mitchell said, "the downturn is over," but that how much "up" the economy experienced in 1971 would depend largely upon consumer behavior. Perhaps the most interesting turnaround in 1970 was in savings accounts. Commercial banks ended 1970 with approximately $33.3 billion of new

savings, compared with a net loss in 1969 of $9.3 billion. This net inflow was by far the highest on record. (In 1967, another record year, bank net inflow was only $23.7 billion.)

Walter Heller, formerly Chairman of the Council of Economic Advisors in the Kennedy and Johnson Administrations, declared, "this year promises to be considerably better than last." Added economic columnist Sylvia Porter, "assuming that the recession of 1969–71 is reaching bottom in this, its 14th month, it will go down in history as the mildest of the five business downturns since World War II."

Opponents satisfied

By the second week of January, President Nixon had announced new, liberalized, depreciation rules, permitting business to write off equipment purchases 20 percent faster than before. Chairman McCracken of the Council of Economic Advisors intimated that business could increase its investment in new equipment as much as $1 billion during 1971, most of it in the last six months. Two frequent opponents on matters of economic policy—the United States Chamber of Commerce and Wisconsin's Senator Proxmire, Chairman of the Joint Economic Committee—endorsed the President's depreciation liberalization. Senator Proxmire hailed President Nixon's actions as a "major step in the right direction to get the economy off dead center." In the long run, he said, faster tax write-offs would result in higher productivity and lower business costs. In the short run, it could avoid a "significant downturn" in plant and equipment spending.

The President, of course, was confronted with a choice of evils. To combat inflationary tendencies he had to dampen expansion, but to fight unemployment he had to inflate the economy. His decision was to seek growth, but slow growth.

Yet, as I have said before, economics is to politics as courtship is to marriage, and the 1972 presidential campaign was already begun. The Democrats attacked the President for his decision to spur new investment to create new jobs. (In so doing, they reminded me a bit of 14th-century French philosopher Jean Luridan's hypothetical ass. Buridan once suggested that an ass placed between equidistant and equi-delicious bundles of hay, having no reason to eat one rather than the other first, would die of starvation.)

Discount rate cut

On January 17, cuts of one-fourth of 1 percent in prime rates and discount rates were announced by commercial and Federal Reserve banks. It was the first time the discount rate had dropped to 5 percent since April 19, 1968.

Long, long after history has happened, historians seek, and usually find, an inevitable logic to events. But at the time events are moving, the air is full of confusion and uncertainty. This was the case in President Nixon's first use of the "jawbone" when, in January, he confronted the steel industry. The President threatened a drastic liberalization, possibly even elimination, of steel import quotas, and to withhold Government contracts from steel producers who raised prices by amounts unacceptable to the Administration. Result? Price rises were held to about 6.8 percent. The President reasoned that the price of an across-the-board 12 percent steel price rise in balance-of-payments losses and rising unemployment would be too high to pay.

Incomes policy

In the first week of February Paul McCracken testified that an "incomes policy" had gradually been set in place, and the likelihood was that it would be made "more systematic and comprehensive." McCracken went so far as to say that a wage-and-price board, whose function would be to bring pressure against big wage and price increases before they go into effect, was among the possibilities. This testimony, remember, was made in the first week of February, 1971. John Connally, then about to join the Nixon Cabinet as Secretary of the Treasury, told the Finance Committee that he too considers himself an "activist" when it comes to jawboning.

By February 18, Wall Street had more than recovered from its bearish mood. The Dow Jones industrial average was up 253.9 points from its 1970 low. The same day, Milton Friedman said he looked for "a very rapid expansion" of business activity during the next 6 to 8 months.

The fervor and faith of pseudo, pop, journalistic and genuine economists in the unique virtue of their own solutions has always bemused me. It is matched only, to my knowledge, by the Southcottians, who believed the claims of a Devonshire farm servant, Joanna Southcott (who died in 1814) to prophetic powers. The student will remember she left a box, to be opened only in time of national crisis and in the presence of all the bishops of England. There was some public demand for this during World War I, but it was not until 1927 that a bishop could be found to assist in the ceremony. Inside, unfortunately, were only odds and ends and, I believe, a gun.

Solutions differ

By March, 1971, the Southcottian debate over how to stimulate the economy was full blown. The Keynesians said the budget should run at a whopping deficit to stimulate economic expansion. The Chicago monetary economists had focused their attention on the money supply, arguing the Federal Reserve Board should further expand the amount of money in circulation. J. Kenneth Galbraith proposed controls on corporations and unions which use their power in the market to drive up wages and prices. Mr. Leonard Woodcock of the United Auto Workers proposed a set of review boards to focus public attention on wage and price decision. Robert Roosa suggested that a freeze on all prices, wages and profits be applied to set the stage for the wage and price review boards. Henry Wallich and Sidney Weintraub suggested penalty taxes on corporations that negotiate inflationary wage contracts.

Leonard Silk once wrote that every President's economic policy has five major goals: full employment, price stability, higher living standards, preventing trouble for the United States dollar internationally, and winning elections. Because the fifth goal is the wild card in the deck, said Mr. Silk, Presidents tend to be more flexible than economists about both the ends and the means of economic policy.

Bipartisan approach

Thus a decision announced by Secretary of the Treasury John Connally to accept—rather than fight—legislation authorizing the President to apply wage and price controls if necessary was quite appropriate. So too was his decision to add to his informal group of advisers such Democratic economists as Richard Musgrave of Harvard, Charles Schultze, and Arthur Okun of the Brookings Institution.

Underlying the new firmness with which the President now approached inflation was his suspension of the Davis-Bacon Act, which puts a floor under construction wages, to bring increases in the industry to a lower, more acceptable level.

And earlier this year, in an unusual speech before the National Economic's Club, former Vice President Hubert Humphrey said, "in retrospect, it is now clear that fiscal policy should have been sharply reversed in 1966 and we should have continued to exercise monetary restraint even after the (income tax) surcharge was enacted in 1968." Thus, in an honorable and gentlemanly statement, Senator Humphrey pleaded guilty to the charge the Nixon Administration had been leveling at his party for 2 years; that is, setting off the inflation which still plagues the economy.

Stocks move upward

By March, of course, the bull market on Wall Street had lasted 10 months. Stocks had advanced more than 45 percent.

Most economists agreed that a major key to economic recovery was consumer spending. They observed the Nation's high savings rate and wondered when consumers were going to step up their outlays substantially. "The fact that stands out," Mr. Arthur Burns once said, "is that the impact of business cycles on consumption has recently diminished, while the effects of consumption on the business cycle have become more decisive."

The Department of Commerce reported that U.S. gross national product rose by $28.5 billion or 12 percent for the first quarter of 1971. That increase was historic, for it raised our GNP above the trillion-dollar mark for the first time in American history. In dollar terms, the increase also set a record. In percentage terms, it was the sharpest rise since 1958.

Economy now issue

Meanwhile, the state of the economy, not the Vietnam war, was seen as the big issue of the 1972 Presidential campaign. By April 1, private nationwide surveys by pollster Oliver Quayle showed that the "economic issue" had suddenly and dramatically eclipsed the "social issue" for the first time. On April 22, Nobel prize-winning economist Paul Samuelson, addressing a luncheon of the Women's National Democratic Club, said he expected a period of "uninterrupted economic gains" from then until at least election day in 1972. He said that inflation has peaked, real growth is starting, and consumers are buying more cars and retail goods. Samuelson said he hated to throw "cold water" on the hopes of his audience.

As Marquis Childs wrote, reading the economic tea leaves, an indoor sport ranking considerably below table tennis and just above mumbletypeg, was a chancy business those days. The specialists in the dismal science were divided over whether the trend was up or down.

Wage and price controls

By June, the unemployment rate had declined to 5.6 percent of the labor force but inflation had yet to be fully conquered.

In the words of the Wall Street Journal, "most major critics of current Government economic policies offer only one alternative: wage and price controls."

Meany adds support

George Meany, President of the AFL-CIO, joined the chorus when, in a television interview, he had this advice for President Richard Nixon: "I can tell you this," he said. "If I was in his position I would impose controls at this time. I don't see any other way that this situation is going to get under control."

In July, Representative Wilbur Mills (D-Ark.), Chairman of the House Ways and Means Committee, also endorsed some sort of incomes policy, ranging as the need required "from jawboning to guidelines to actual controls" to check inflationary rises in wages and prices.

Also in July, J. Kenneth Galbraith called for a controlled American economy under which the Government would make most wage and price decisions. Galbraith said only permanent Government controls can crack the power of big business and big labor to impose inflation, and its resulting unemployment, on the economy. On July 28, my colleague Senator George McGovern (D-S. Dak.) called for an immediate selective six month wage and price freeze.

As the Apostle Matthew recorded, "Ask, and it shall be given you; seek, and ye shall find; knock, and it shall be opened to you."

Phase I

America's balance-of-payments, in the red for over a decade, ran a $10 billion deficit in settlements with foreign governments in 1970. A combination of American tourists spending U.S. dollars abroad, the cost of maintaining U.S. forces overseas, the cost of the Vietnam War, operation of U.S. corporations abroad, foreign aid, payments to retired Americans living overseas, and money sent abroad simply as gifts, all contributed to the problem. In the first quarter of 1971, the U.S. balance-of-payments hit a record deficit of $5.5 billion.

Although the trade surplus for 1970 approached $3 billion, rising prices in the United States were making our exports more expensive to buyers in foreign countries and their products less expensive to U.S. consumers. During the opening months of 1971 our surplus of exports over imports remained well below the monthly average for 1970. By June, the United States had suffered two consecutive monthly trade deficits for the first time since 1950.

The Connally analysis

Treasury Secretary John Connally said the best way to defend the dollar's strength abroad was to strengthen our domestic economy and to demand fair treatment by foreign competitors. "We have legitimate complaints about some of the practices of other nations . . . that have the effect of blunting our competitive effort," said Connally.

Other nations also bear a responsibility for stabilizing the international economy, said Mr. Connally, citing three challenges for international policy-makers.

1. U.S. allies must accept "a fair sharing of the burden" for mutual security.

2. All nations must broaden co-operation and finance in foreign aid.

3. "The efforts to foster increased competitiveness in our economy must be actively pursued in the context of fair and liberal trading arrangements."

"A generation of ease and affluence enjoyed by (American) labor and business alike—a period when our strength was so apparent that erosion in our competitive position was almost unnoticed—is over," said Mr. Connally.

He was right.

The United States recorded the highest quarterly balance-of-payments deficit in its history in the first three months of 1971.

That record was broken during the second quarter of 1971.

Before announcing what the President was later to describe as "the most comprehensive new economic policy to be undertaken by this Nation in four decades," enough Democrats and Republicans in Congress had committed themselves to elements of this new policy to insure bi-partisan support.

Representative Wilbur Mills had made proposals of his own in July, including an import surcharge as well as an export rebate. Several potential Democratic presidential candidates, including Senator Muskie, were heard in Dallas in the four days before President Nixon disclosed his new policy, telling the Texas State Labor Convention that President Nixon ought to make cuts in the income tax and introduce wage-price controls.

The Nixon program

On August 15, 1971, President Nixon announced Phase One of his new economic program, including a set of sweeping measures to deal with the Nation's domestic and international economic problems. The President ordered wages, prices, salaries and rents held to their July-August levels for a period of 90 days. The President also announced the United States temporarily would stop exchanging foreign-held dollars for gold, thus allowing American currency to float in international money markets. He coupled this with imposition of a temporary 10 percent surcharge on imports into the United States, designed to help relieve the Nation's worsening deficit in international trade.

In addition, he requested a series of tax cuts from Congress designed to stimulate the economy and reduce unemployment. To avoid increasing the Federal deficit in the wake of these tax cuts, the President announced plans for a $4.7 billion cut in Government spending, which would be accomplished by trimming Federal employment 5 percent, and delaying by 6 months the Federal pay raise previously scheduled for January 1, 1972.

The President also announced he would ask Congress to delay his two most pressing domestic programs, revenue sharing and welfare reform; deferring the effective date of the first by three months, and the second by a full year.

The 10 percent surcharge on imports, designed to bolster his other moves on the international monetary front, would add an estimated $2.1 billion to Federal revenues.

The economists Comment

Economists across the nation generally reacted in favor of President Nixon's actions in undertaking Phase One of his new economic policy. "We're better off this Monday morning than we were Friday night," said Dr. Paul Samuelson. Milton Friedman, the University of Chicago economist, said he approved of the tax and spending cuts. "This was the most thrilling economic speech I've ever heard; a blockbuster," said Pierre Rinfrit. Said the New York Times, "we unhesitatingly applaud the boldness with which the President has moved on all economic fronts—and most especially his order for a 90 day freeze on prices and wages as a preliminary to a flexible policy for checking the runaway spiral that has eroded the purchasing power of all Americans, and made American products increasingly uncompetitive in world markets."

Impact abroad

As startling as the domestic effects of Phase One proved to Americans, the result abroad was far from the chaos which successive European bankers and ministers of finance had prophesied should the exchange rates of most major currencies ever float. This is not to say foreign countires were not stunned.

"Only a year ago in Denmark," reflected the Wall Street Journal on the occasion of the October, 1971 IMF meeting, "the IMF could easily contemplate its own immortality . . . True, there were some ominous clouds. The Canadian dollar was floating, the U.S. was catching flak about its unchecked balance-of-payment deficit, inflation was an increasing irritant, and there was a whiff of protectionism around. The talk of reforms to add strength and flexibility to the system retained a low-key remoteness, unable to stir the blood . . ."

To many international economists, the old system of world finance was doomed from the beginning because of its rigidity and the difficulty with which it adapted to changes in relative economic strength among nations. Further, advanced economies have been unwilling to absorb a downward adjustment of prices and wages merely to make their goods more competitive on the world markets.

Governments have lately shown themselves willing to act quickly and decisively to protect their own citizens' self-interest. England's re-evaluations, the floating of the Canadian dollar, and the actions of West Germany and the Netherlands in the spring of 1971, allowing their currencies to float, sounded the alarm bells for fixed exchange rates well in advance of President Nixon's actions.

The time had come

"What Mr. Nixon did on August 15," said the Washington Post, "was to proclaim a revolution that almost all central bankers and finance ministers intuitively knew would some day arrive. But they weren't prepared for the event, in part because they refused to believe their own rhetoric about the necessity to cure the U.S. balance of payments deficit."

In short, what the Administration wanted was an improvement of $13 billion a year in America's balance of payments; enough to shift from a trade deficit of $5 billion plus other outflows of $6 billion (in conditions of full employment) to a surplus of $2 billion. This could be done by: (a) upvaluing other currencies, (b) agreeing to share more of the cost of mutual defense and (c) abolishing trade barriers (such as the variable levies in Europe's common farm policy, Japan's import controls, etc.).

"After a full month of huffing and puffing," wrote the London Economist, "America's trading partners have now reached a measure of unity among themselves where there was none before. None of them, not even France, now wants to see too rapid a change in the American deficit which they inveighed against so freely in the old days."

Connally at Rome

At this writing, a three-day bargaining session in Rome during the first week of December had just been concluded. At the end, it was clear that the non-communist nations have moved a long way toward settling their international monetary squabble. In open praise of the U.S. Delegate, Treasury Secretary John Connally, the Washington Post wrote: "It was an astonishing performance that kept the shrewd European money men and their counterparts from Japan and Canada off balance here during three days of bargaining. Veteran observers of international economic conferences could not remember one so completely dominated by a single man."

The meeting concluded with the Europeans offering an average eight percent rise in their foreign currencies and Connally, in return, offering a ten percent increase in the U.S. price of gold; an effective devaluation of such magnitude that American exporters would have a whopping edge over the British, Italians, French and other manufacturing nations. The meeting convenes again on December 17, 1971, in Washington, D.C. The prospect is bright indeed for an early settlement, one not at all unfavorable to the United States.

The tax plan

The other major portion of the President's proposal, his new tax package, has gone to the President for his approval.

House and Senate action

As passed by the House of Representatives on October 6, the tax bill:

(1) Provided a 7 percent tax credit effective April 1, 1971, rather than the 10 percent first-year, 5 percent thereafter requested by the President.

(2) Modified the Asset Depreciation Range regulations.

(3) Increased personal income tax exemptions by $50 (from $650 to $700 as of July 1, in effect making the exemption $675 for 1971.

(4) Reduced taxes paid by low-income persons by making the existing low-income allowance of $1,050 available in 1971 without reduction where income exceeded nontaxable levels.

(5) Raised the low-income allowance to $1,300 effective in 1972.

(6) Made effective January 1, 1972, an increase in personal exemption by $50 to $750.

(7) Raised the percentage standard deduction to 15 percent on income up to $2,000 as of January 1, 1972, instead of as of 1973 as originally scheduled.

(8) Repealed the 7 percent excise tax on automobiles effective August 15, 1971, and the 10 percent excise tax on small trucks effective September 22, 1971.

(9) Allowed tax deferrals on increased export profits earned by a company through a

domestic international sales corporation, called a DISC.

The House bill would cut taxes a total of $1.7 billion in 1971, $7.8 billion in 1972, and $6.0 billion in 1973.

Although much was added to the bill by the Senate, much was removed by the Senate-House Conference, and the final legislation could bear considerable resemblance to the House-passed measure.

Phase II

It is far too early, of course, to gauge accurately the success or failure of the second part of the President's program with its Wage Board and Price Board and Cost of Living Council.

Of one thing, we are certain: the public approves of Phase Two, and approves overwhelmingly. The Louis Harris survey of December 5, for instance, showed approval of from 4-to-1 for such things as the control of wages, to 7-to-1 for the control of prices, to almost 14-to-1 approval of removing auto excise taxes.

And the Gallup Poll of December 3 revealed only about one American in seven—about 15 percent—thinks current Phase Two wage-price controls should be "less strict."

The uncertainty principle

A last word on the economic year in review. In 1927, a German physicist, Werner Heisenberg, formulated a principle known variously as the Principle of Indeterminacy, or simply as Heisenberg's Uncertainty Principle. It bears much relevance to the economic nostrums offered up daily by politicians of many stripes. What it says is that the more accurately the position of an atomic particle is determined, the less accurately can its momentum be determined, and vice versa.

I rather like that. For as I said a year or so ago, a living economy is not a fixed *thing* but a flowing event, like a flame or a whirlpool: only the rough outline is stable. The substance—manpower, machinery, buyers, sellers, exporters—is a stream of energy going in at one end and out at the other. One of its manifestations is in the form of all sorts of statistics.

During discussions of economic theory, as long as we direct our concern to the real men and real women who are the raw energy of the economy, the statistics should take care of themselves quite well.

CONCLUSION

Mr. President, since January 1969, the Republican Party in the United States Senate has found itself in a strange position. A man from our ranks is in the White House as President of the United States. And yet we ourselves are the party of the minority in the Senate, and, for that matter, in the entire Congress.

It is a difficult responsibility to bear. As a minority in the Senate it would be easy simply to carp against or criticize what the majority is attempting to do. Yet we may not do that because we must support in the Senate what the President asks in his search for peace abroad, prosperity and domestic tranquility at home.

At times we find ourselves almost in the role of mediator between the executive and the majority in the Senate.

We have attempted always, however, to support the majority where possible. This has been made difficult because of two factors. Too often the tendency on the part of many of my majority colleagues has been to greet every Presidential proposal with the immediate cry, "It ain't enough," or simply, "I double it." Is this because of some ancient conditioning, wherein, like a cormorant, these Senators will swallow more even if it chokes them? Or is there some other reason?

The second problem, the astounding proliferation of Presidential Senators, recalls an ancient festival held in England each September at Abbotts Bromley, just west of Burton-on-Trent. The festival's highlight is an elaborate and rather sinister dance by six men in Tudor costume, each wearing reindeer antlers. They dance about a hobby-horse.

While no similarity is intended between this vestige of English antiquity and the six Presidential hopefuls now sitting in the United States Senate, it is significant that the dance is done about an object only *representative* of the real thing; that is, about a hobbyhorse rather than a real, breathing, live animal.

What we Republicans call for is reality in political conversation, not dancing about political totems.

American people won't buy the extreme left, just as they won't buy the extreme right.

In the next election, as in all elections, the choice will go to whoever more nearly meets the centrist wishes of the Nation:

For peace, but with adequate security.

For stability at home, in our economy and in our national life.

For responsiveness to the legitimate needs of our citizenry.

For responsibility in leadership towards a more creative future.

RECESS

Mr. SCOTT. Mr. President, the other body took a vacation over Thanksgiving for a fortnight or less, as a result of which, certain necessities have arisen, and we live not as we would but as we must.

Therefore, I ask unanimous consent that the Senate stand in recess, subject to the call of the Chair, but not later than 6:30 p.m.

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

Thereupon, at 5:57 p.m., the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 6:02 p.m., when called to order by the Presiding Officer (Mr. HUGHES).

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the bill (H.R. 8856) entitled "An act to authorize an additional Deputy Secretary of Defense, and for other purposes."

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to H.R. 9961, entitled "An act to provide Federal credit unions with 2 additional years to meet the requirements for insurance, and for other purposes."

RECESS SUBJECT TO CALL OF THE CHAIR

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess, subject to the call of the Chair, but not to extend beyond 6:30 p.m.

The motion was agreed to; and (at 6:03 p.m.) the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 6:30 p.m., when called to order by the Presiding Officer (Mr. HUGHES).

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

ECONOMIC STABILIZATION ACT AMENDMENTS OF 1971—CONFERENCE REPORT

Mr. SPARKMAN. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2891) to extend and amend the Economic Stabilization Act of 1970. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. HUGHES). Is there objection to the present consideration of the report?

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

The PRESIDING OFFICER. The clerk will call the roll.

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

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

PRIVILEGE OF THE FLOOR

Mr. TOWER. Mr. President, I ask unanimous consent that John Evans of the staff of the Committee on Banking, Housing and Urban Affairs be permitted to be present in the Chamber during the consideration of the conference report.

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

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

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

Mr. SPARKMAN. Mr. President, I ask unanimous consent that we may proceed to the consideration of this conference report, even though all of the papers are not in the file. We have them, and they will be made available very shortly.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of today at pp. 46596–46602.

Mr. SPARKMAN. Mr. President, as may be well known, we have been proceeding under considerable pressure in an effort to get this conference completed and reported. We started this morning at 9 o'clock, and have been in session all day until a little while ago, when we turned it over to the Legislative Counsel and staff to put in proper form.

We had a long and rather involved conference, but I think a very successful conference. Every one of the conferees signed the report, and I believe that we are bringing before the Senate a good version of this difficult legislation, that as we found when we handled it here on the Senate floor before. We did not get everything that the Senate wanted, but neither did the House conferees get everything that the House wanted. However, as a Member of the Senate, I want to say that I was quite pleased with the outcome. I think as a whole we have brought back a very good bill, and one that is workable.

One thing that pleased me was to see the reaction of some of those who were vitally interested in certain amendments, on both sides, who said, "That is a good measure you have worked out." It always makes one feel good when he can bring a controversial matter to that kind of a resolution, and we did that as to many of the vexatious features of this bill.

Mr. President, the Senator from California (Mr. CRANSTON) has advised me that he wants to ask a question. I am glad to yield to him at this time.

Mr. CRANSTON. Mr. President, I thank the distinguished chairman very much for affording me this opportunity.

As the chairman knows, my amendment would have exempted various of the media from wage and price controls, although passed by the Senate by a vote of 50 to 36, was dropped in the conference, as was a quite different House amendment introduced for the same purpose.

At the time the amendment came up, I asked if the spokesman who was appearing before the conference from time to time, Mr. James Smith, could be asked in to state the administration's views on my amendment. He was not then available. He had gone elsewhere. The conference proceeded to vote, but with the understanding that we might reconsider if he became available at a later time. He did make himself available later. He came in and stated that the administration, after talking to the Wage and Price Boards, had decided to drop their opposition to the amendment and that they felt that the amendment was now acceptable to them.

He said that the reason for this was that they had talked to representatives of the Wage and Price Boards; that the boards had indicated that, upon looking into the matter, they had decided that it was a very, very complex and complicated matter to determine what to do about requests for wage and price adjustments. They felt that they would need a large staff, at considerable expense, to handle this, and felt that it would not be wise to undertake.

I think an element in their administration is the difficulty of measuring productivity when you are talking about writers.

He cited the difficulty in determining what the facts were and what was justified or not justified in television production. He stated that this was just an example of the problems they would face in dealing with other media.

After that discussion, nonetheless, the committee, without my bringing it to a vote, obviously was not in a mood to change its position on my amendment; but they adopted that attitude in the atmosphere of a statement by a man who was not responsible, since the administration would not be responsible for making exemptions—it acted on the basis of statements that the Wage and Price Boards would, by administrative action, proceed to make exemptions in regard to various of the media.

I simply ask the chairman whether that is an accurate statement of what transpired in the conference.

Mr. SPARKMAN. I believe that is an accurate statement.

Let me say that he said one other thing. I do not remember the figures he gave, but the relatively small part that the total amount involved here is to the over-all is almost negligible. I think probably that was one reason why they felt that they could take the more or less neutral attitude regarding it.

Mr. CRANSTON. Yes. I recall that that also was stated.

I thank the Senator for his comments.

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

Mr. SPARKMAN. I yield.

Mr. TOWER. I think it is important that we clarify the effect of the Fong-McGee amendment which was put on on the Senate floor, which was accepted by the House with an amendment. I just want to be certain that we make the proper legislative history.

Is it the understanding of the Senator from Alabama that the 5½-percent increase for the Federal employees is on an annual basis?

Mr. SPARKMAN. Yes.

I may say that I am glad the Senator from Texas brought this matter up, because a great many people were interested in this amendment, and it was rather difficult. I think we worked it out quite satisfactorily.

Incidentally, I may say that as a part of it—or at least in conjunction with it—another feature of the bill in which a great many people have shown interest is that involving teachers. We have agreed that teachers will be entitled to their increases where they have been voted in accordance with the formula that was worked out.

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

Mr. SPARKMAN. I yield.

Mr. PROXMIRE. Not only with respect to teachers but also with respect to all workers, both State and local workers and workers in private industry, I felt that the conference adopted a wise and helpful retroactive pay provision.

As I understand it, they took the Senate language, which provides that retroactive payments will be made wherever they are not unreasonably inconsistent with the guidelines. Then they added to that the provision that even where they are unreasonably inconsistent, they can be made, provided there has been a price increase or a tax increase or a productivity increase which makes it possible to make this retroactive payment.

I think that by melding those provisions together, they gave the working people, who have earned this money and who had a contract for it, a really substantial break, which I think is something that should be recognized.

Mr. SPARKMAN. I am glad the Senator has brought that up. That is true.

What happened was that the conferees accepted the Senate language and added to it the substance—in fact, most of the Stevens amendment. It was that combination that worked out the proposition to which the Senator from Wisconsin refers.

Another thing that I think is good is the manner in which we worked out certain fringe benefits, such as the pension plan and things of that kind, that might be involved as a part of any contract that was made. I think we worked out a very good arrangement on that.

I think the bill, as a whole, is very good, and I hope the Senate will agree to the conference report.

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

Mr. SPARKMAN. I yield.

Mr. TAFT. I have listened with interest to the colloquy with regard to the matter of retroactivity, and I would only say this: It seems to me that, while, for many circumstances, the retroactivity provision of the Senate will be a very fair one, and in others I think the House provision might be a fair one, too, many employers are taking the freeze at its word in industries that reflect immediately the cost of labor increases. They are going to take a very considerable beating in regard to this.

All I am suggesting is that I wonder whether the conference got into discussing whether the Wage Board, in considering what is unreasonably inconsistent as to future increases—not retroactive but deferred increases—discussed at all whether the Pay Board, in deciding whether or not deferred increases are unreasonably inconsistent, considered the retroactive increases that already might have been given in these types of industries.

Mr. SPARKMAN. It was very hard to work out the two of them together, but I believe that we did come up with a very good plan.

As a matter of fact, is the Senator familiar with the Stevens amendment that was offered in the House?

Mr. TAFT. Yes.

Mr. SPARKMAN. If the Senator recalls, there were two divisions of that. We felt that the first division was covered adequately by the Senate language. We did take the second division and provided that certain payments could be made where these conditions had been met.

Mr. TAFT. I thank the Senator.

I hope the Wage Board will recognize that even under the Senate amendment, quite a number of employers and quite a number of industries are going to be paying a very heavy increase, for which they were not able to make an increase in their prices; and the Price Commission or the Wage Board, in the future, in deciding what is unreasonably inconsistent in the standards which are set, should take that into consideration.

Mr. PROXMIRE. As a matter of fact, this was a melding of the Proxmire amendment as modified by the Taft amendment in committee.

With respect to the employer, I think that is the only adverse effect from which he could suffer—that is, the fact that he might have to provide an increase; but it could not be unreasonably inconsistent, for which he could not increase prices. The only way you could go further than that would be if he had increased prices or had a substantial increase in his productivity or where, with respect to State and local government, there had been a tax increase. Only in those circumstances could you go beyond what Senator TAFT had provided in the Senate Committee. This does not do any further damage to the employer.

Mr. TAFT. It is particularly harsh in the case of some of the retail industries, I find, in its application, where this retroactive situation applies, where some of these retail industries are frozen by the price commission to a mark-up percentage.

Mr. SPARKMAN. We also decided to put this in the report urging the boards to take pains to take care of hardship cases or inequities that might appear, as there are bound to be as we move on. Most of it can be handled administratively without our legislating on it. We have, I think, expressed our own hope that they will use considerable flexibility in meeting these unusual situations and conditions.

Mr. TAFT. I thank the Senator for his explanation.

Mr. JAVITS. Mr. President, I have two questions I should like to ask the Senator from Alabama unless he prefers to wait until the report comes up for a vote.

Mr. SPARKMAN. As a matter of fact, I would be glad to "go" now, because I am watching the clock, as I have to catch a plane, and I should be leaving right about now, so I would appreciate it if the Senator would let me have the questions.

Mr. JAVITS. In other words, the Senator will not be here when the conference report is voted on.

My first question is: It is a fact, is it not, that the so-called productivity amendment providing for local and regional productivity commissions having been in both the Senate and the House bills is in the conference report?

Mr. SPARKMAN. We accepted that just as the Senator from New York introduced it.

Mr. JAVITS. I thank my colleague. I was interested in its form. That was the point I was making.

The other question is——

Mr. SPARKMAN. I am reminded by my staff that I should tell the Senator, as I said it was accepted exactly as the Senator introduced it, that that is not entirely true because the Senator's amendment had an open end in it so far as expenditures were concerned, and we accepted the figure that the House had in—we do not know how much meaning there is to it—not to exceed $10 million.

Mr. TOWER. Mr. President, the Senator from New York originally had that figure in his, and we are back where we started.

Mr. SPARKMAN. Yes, it is the way the Senator introduced it.

Mr. JAVITS. I am especially pleased to find that the conference committee has included my productivity amendment in the final bill. As my colleagues are undoubtedly aware, that amendment passed the Senate last week by unanimous 85-to-0 vote; last Friday, an almost identical amendment introduced by Representative ANDERSON of Illinois passed the House by a voice vote.

Mr. President, my amendment provides a focus for our efforts to improve the Nation's productivity, which is surely one of our highest priority items during phase II and beyond. Increased national productivity will have direct effect on prices, with all this implies both for the health of our national economy and for our balance of trade. Increased productivity is virtually the only way in which we can devote resources to accomplish pressing tasks such as cleaning up pollution, without diverting resources from existing production. Increased productivity is the result of improved worker and managerial morale and pride of craftsmanship, both of which have deteriorated in recent years. As one noted economist recently put it, increased productivity is the only way in which we can get something for nothing.

As the legislative history of this amendment has shown, our productivity performance compares very unfavorably with that of our major trading partners. This has been a major factor in our seriously deteriorating balance of payments position which led directly to the monetary crisis now facing the world. Since the relationship between productivity and our standard of living is a direct one, it is clear that our superior standard of living cannot last long if the present state of affairs is allowed to continue. Productivity thus is the key to a better quality of life in the U.S. and as such all segments of our society have a stake in improving our Nation's productivity. Productivity should inspire patriotism and desire to excel in a time of relative peace—but of danger—just as our desire to triumph motivates us to higher productivity effort during war.

The amendment cannot change things overnight. But by providing this focus for our productivity efforts, and by starting up the system of regional and plant productivity councils, which the amendment contemplates, we are now started in the right direction.

There was also a provision in the House bill which aroused a lot of discussion respecting rents in New York City and also one other city, Boston, the only two cities with substantial amounts of rent-controlled units. I understand a change was made in the House amendment in conference, and I would greatly appreciate it if either the Senator would confirm what I understand to be the meaning of that change, or if the Senator could simply state to us unilaterally what is meant by the change, whatever the Senator would prefer.

Mr. SPARKMAN. I believe I can state it rather briefly and simply. We wrote in that the provision of the amendment now in the House was that no State or political subdivision of a State shall be exempted from the application of the title with respect to rents by virtue of the fact that it regulates by law or regulates the policy. We wrote in one word and that is "solely."

Mr. JAVITS. Where would that change occur?

Mr. SPARKMAN. Right after the "rents"— * * * with respect to rents, solely by virtue of the fact that * * *."

Mr. JAVITS. For the benefit of the legislative history, could the Senator tell us what that does?

Mr. TOWER. It means the Price Commission has discretion in administration—it either regulates the rents or it does not regulate them.

Mr. JAVITS. Then that leaves the situation basically as it was under the November 22 ruling by the Price Commission regarding local and State regulation of rents.

Mr. TOWER. That is correct.

Mr. JAVITS. But, nonetheless, it gives the necessary flexibility. I am interested in protecting the tenants of New York, and also in the fact that at least there should be consideration given to the claims that the rent structure has a direct relationship to depreciation of real estate and the possibility of abandonment of building, strikes by employees, and so forth. As I understand it, what the conferees were seeking to retain was the authority of the Price Commission, at one and the same time permitting that authority to be exercised by allowing someone else to do it.

Mr. TOWER. That is correct.

Mr. JAVITS. I thank the Senator very much.

Mr. SPARKMAN. The Senator is right.

Mr. President, at this point, I ask unanimous consent to have printed in the RECORD a statement that I should have given to the Senator from Texas (Mr. TOWER) a few minutes ago with regard to Federal pay. I believe this explains it more fully.

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

FEDERAL PAY

Q. In order to clarify the effect of the Fong-McGee Amendment to the Economic Stabilization Act, let me ask you if the 5½ percent increase is on an annual basis.

A. Yes. The objective of this amendment is to treat government employees the same as employees in the private sector. The Pay Board has promulgated 5½ percent annual guidelines. Therefore, for calendar year 1972, Federal employees will receive a 5½ percent increase under this Amendment.

Q. Will these guidelines be applied to all Federal employees?

A. Yes. Although the Amendment does not specifically apply to Wage Board employees, the Administration is expected to accord equal treatment to statutory pay employees and Wage Board employees. Therefore, Wage Board employees will be affected by the same 5½ percent guidelines. It would be totally inequitable to treat one group of government employees differently from other Federal employees. This matter is referred to in the last paragraph of the Senate Committee on Post Office and Civil Service Report on November 8, 1971.

Mr. PROXMIRE. Mr. President, I want to commend both the Senator from Alabama and the Senator from Texas for the way they handled this conference. It was, as the Senator from Alabama just

stated, a constructive conference. These two Senators did an excellent job on the two bills. I must say, unfortunately, that as I voted against the bill when it passed the Senate, I am going to be compelled to vote against the conference report, and for the same reasons I gave at that time.

Mr. JAVITS. Mr. President, I should like to associate myself with what the Senator from Wisconsin has just said, about the great job that these two Senators did, and under tremendous pressure. I talked with the Senator from Alabama about it. I think it is most extraordinary and a great service to the country.

Mr. SPARKMAN. I am very grateful to both the Senator from Wisconsin and the Senator from New York for their complimentary remarks.

Let me pay my compliments to my very able co-worker, the distinguished Senator from Texas (Mr. TOWER). In fact, to the entire committee and especially the conferees and, as well, to the very staff that we have to assist us.

I feel very good over this legislation that we are turning out.

Mr. President, I move adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alabama.

The motion was agreed to.

Mr. TOWER. Mr. President, I move that the vote by which the conference report was agreed to be reconsidered.

Mr. SPARKMAN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, the passage of the conference report providing the tools to permit the administration to bring the inflation under control is a singular achievement for the senior Senator from Alabama (Mr. SPARKMAN). The Senate has witnessed again the brilliance of the senior Senator from Alabama (Mr. SPARKMAN). He continues to show that there is no substitute for experience, that there is no replacement for a spirit of national interest. He has no superior in this Chamber in effectiveness, skill, and dedication.

S. 2962—DEFERRAL OF REFERENCE

Mr. JAVITS. Mr. President, I have a bill at the desk which I introduced last week and asked that it be deferred as to reference for 1 day.

That bill is S. 2962, a bill to amend the Manpower Development and Training Act of 1962 to provide financial assistance for a special manpower training and employment program for criminal offenders and for persons charged with crimes, and for other purposes.

Mr. President, I now ask that the bill remain at the desk until appropriately referred on application to the Chair.

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

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, and I assume that this will be the final quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

PROGRAM

Mr. BYRD of West Virginia. Mr. President, as to the program for tomorrow, there is not much that can be said except that the Senate will convene at 12 o'clock noon. There will be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

The Senate is awaiting action on certain conference reports, among which are the DOD conference report, on which the House acts first; the District of Columbia appropriations, on which the House acts first; a continuing resolution—I would suppose on foreign aid—and in accordance with the custom, the House would act first.

Moreover, the Senate probably will act tomorrow on the conference report on election reform, S. 382, and on the conference report on Alaska claims, H.R. 10367.

So, it is a matter of continued waiting as we have been doing today.

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 noon tomorrow.

The motion was agreed to; and (at 7 o'clock and 11 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, December 14, 1971, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate December 13, 1971:

CIVIL AERONAUTICS BOARD

Whitney Gilliland, of Iowa, to be a member of the Civil Aeronautics Board for the term of 6 years expiring December 31, 1977. (Reappointment.)

CONFIRMATIONS

Executive nominations confirmed by the Senate December 13, 1971:

D.C. PUBLIC SERVICE COMMISSION

H. Mason Neely, of the District of Columbia, to be a member of the Public Service Commission of the District of Columbia for a term of 3 years expiring June 30, 1974.

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

George W. Draper II, of Maryland, to be an associate judge, Superior Court of the District of Columbia, for the term of 15 years, as prescribed by Public Law 91-358, approved July 29, 1970.

Joseph M. F. Ryan, Jr., of Maryland, to be an associate judge, Superior Court of the District of Columbia, for the term of 15 years, as prescribed by Public Law 91-358, approved July 29, 1970.

EXTENSIONS OF REMARKS

FORTY-FIFTH ANNIVERSARY OF PITTSBURGH VARIETY CLUB

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 10, 1971

Mr. GAYDOS. Mr. Speaker, late last month I had the pleasure and privilege of attending the 45th anniversary of one of the world's major charitable organizations, the Variety Club of Pittsburgh, Pa. The occasion had special significance for me since a close friend of mine, Mr. George Tice, was to be honored for completing a 2-year term as the leader of the organization. Mr. Tice is a resident of Munhall Borough, which is part of my 20th Congressional District of Pennsylvania.

For the benefit of my colleagues who, perhaps, are not familiar with the Variety Club and its work, I would like to present a brief résumé of its history; a history which had a unique start, one that changed the course of the group's original purpose. Over the years Variety has grown from a single club, founded in Pittsburgh, to a globe-circling organization which has disbursed $200 million to help children in hospitals, orphanages, training schools and clinics in at least 20 nations.

The Pittsburgh club was formed October 10, 1927, by 11 men and named Variety because the charter members represented every phase of show business. At the time, it was just another group of men in the same field banded together in a common cause to help others less fortunate in show business and to lend assistance to various civic and charitable causes.

But, a year later, on Christmas Eve, 1928, an event occurred which skyrocketed the young club into international prominence. The Variety Club members were treating their children to a Christmas party at the Sheridan Square Theater, when the manager, John O. Hooley, also a member of the club, discovered an abandoned infant, a baby girl, in the theater's nursery. A note from the mother identified the child as Catherine and said she had been born on Thanksgiving day, only a month before. The mother appealed to Variety to look after her baby, explaining she had eight other children, her husband was out of work and they could no longer afford to keep the infant.

After a fruitless search to find the