increases in timber harvest that occurred over the years were justified, by better utilization, improved technology, and increased growth.

Land-use planning is not a precise science, but the Forest Service system of multiple use planning is as advanced as any system, applicable to large land areas, in use today. As a result, the National Forests are producing more goods and services for the use and enjoyment of the American people, and in greater variety, than ever before.

The Times editorial contains a basic flaw also. Completely unfounded is the implication that President Theodore Roosevelt and Gifford Pinchot—the fathers of American forest conservation—would have endorsed efforts to diminish the intensity of multiple use forest management. Farthest from their minds was, as Pinchot himself described it, "forest preservation." He faulted the forestry associations of the time for giving very little attention to the forest as "a permanent producer of timber."

Later, he adds in his book, "Breaking New Ground:" "It had not dawned upon them that timber can be cut without forest destruction or that the forest can be made to produce crop after crop for the service of man."

Despite the dismissal by the Times of recent efforts of the Forest Service to bring its programs and policies into line with current public demands, they are aggressive efforts, subject only to budget limitations. The public is being brought in on every sensitive front to assist in reaching management decisions. Research is devoting massive efforts to improve means of harvesting and regeneration. Long-term efforts to get balanced funding for all uses of the forest are beginning to achieve results. Because forestry is a discipline dealing in decades and centuries, the evidence on the ground of these actions is still not dramatically seen, but it is coming rapidly.

Forests, like air and water, are a national heritage that must be used, improved, and conserved in balance. All three are subject to damage by excessive use resulting from unlimited population growth. The Forest Service is dedicated to managing the Nation's forests wisely, enhancing their amenity values so that future generations can continue to benefit from their use and enjoyment.

I would be pleased to discuss all matters relative to these subjects with you and your writers at any time.

Sincerely,

EDWARD P. CLIFF,
Chief.

PRESIDENT ANNOUNCES LANDMARK PENSION PROGRAM

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1971

Mr. ARENDS. Mr. Speaker, almost every American has an older loved one who, through no fault of his or her own, has become a burden on his or her family. That is why I am so pleased by the landmark pension program President Nixon has just announced. By assuring every citizen of the opportunity to create for himself a serviceable pension program, it will relieve the burden so many families now face when their parents and grandparents become unable to continue working.

Helping those who help themselves has gone out of style in many parts of America. I am glad that it has not gone out of style in the Nixon administration. Because this latest program follows in that fine tradition, I am pleased to give it my fullest support.

SENATE—*Wednesday, December 15, 1971*

The Senate met at 12 o'clock 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:

Almighty God, King of Kings and Lord of Lords who hast made the weak to confound the strong and the small to redeem the great, may the spirit of Bethlehem's babe pervade the whole earth. May His spirit, enthroned in men's hearts, break down all barriers which separate man from man. As His spirit radiates throughout the world may justice and good will prevail. Now rule in our hearts and claim our love. And may our gift to Thee be clean minds and pure hearts, steadfast in faith, wholly dedicated to Thee.

In the name of the Prince of Peace. Amen.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed, without amendment, the joint resolution (S.J. Res. 184) extending the dates for transmission of the Economic Report and the report of the Joint Economic Committee.

The message also announced that the House had agreed to the report of the committee of further conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2891) to extend and amend the Economic Stabilization Act of 1970.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11731) making appropriations for the Department of Defense for the fiscal year ending June 30, 1972, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills:

S. 1938. An act to amend certain provisions of subtitle II of title 28, District of Columbia Code, relating to interest and usury.

S. 2429. An act to amend the District of Columbia Unemployment Compensation Act in order to conform to Federal Law, and for other purposes; and

H.R. 8312. An act to continue for 2 additional years the duty-free status of certain gifts by members of the Armed Forces serving in combat zones.

The enrolled bills were subsequently signed by the President pro tempore.

THE JOURNAL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, December 14, 1971, be dispensed with.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that following the statement of the distinguished Senator from Ohio (Mr. TAFT), there be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

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

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Ohio (Mr. TAFT) is now recognized for 15 minutes.

DEFENSE DEPARTMENT'S RADIATION STUDY ON CANCER

Mr. TAFT. Mr. President, the investigation by the Health Subcommittee staff of the University of Cincinnati's radiation treatment program for certain terminal cancer patients has raised many immediate and disturbing questions.

I am reluctant to discuss these issues in the absence of the distinguished chairman of that subcommittee (Mr. KENNEDY); however, I believe that a public statement is warranted before the Congress recesses.

In mid-October, staff members visited the University of Cincinnati Medical Center on behalf of the Health Subcommittee and shortly thereafter the distinguished chairman of our subcommittee labeled this program "an incredible infringement of individual liberty." I ask unanimous consent to have printed in the RECORD an article from the New York Times of October 12, entitled "Medical

Center in Cincinnati Defends Full-Body Radiation in Cancer Care," and an article from the Washington Post of the same date, entitled "Pentagon Radiation Study Defended."

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

PENTAGON'S RADIATION STUDY DEFENDED

CINCINNATI, October 11.—A Pentagon-funded research program that has exposed seriously ill cancer patients to "whole-body" radiation was defended here today by doctors helping to administer the program.

Dr. Eugene L. Saenger, head of radiology at the University of Cincinnati Medical Center, said that 81 patients given whole-body radiation under a contract with the Pentagon's Nuclear Defense Agency were told the Defense Department would benefit from their treatments. Dr. Saenger also said the patients were told how much help they might expect from the treatments.

"In each case the patient is advised the information obtained through his treatment may be used by the military," Dr. Saenger said. "Each patient is fully informed about the treatment and usually interviewed before treatment with a member of his family present."

Dr. Saenger said that "insofar as we have been able to tell, none of the patients died as a result of the treatment. These patients had a life expectancy of less than two years when they entered the program."

Dr. Saenger made the comments in answer to a story in last Friday's Washington Post which said that 111 cancer patients had undergone whole-body radiation treatment at the University of Cincinnati over the last 11 years. The Washington Post said that the treatments had been paid for by the Pentagon "to understand better the influence of radiation on the combat effectiveness of troops."

The story in The Washington Post said that the Nuclear Defense Agency had paid the University of Cincinnati $850,000 since 1960 to keep the study going. The Washington Post was told by Dr. Saenger that the Pentagon was "just about" the sole support for the project over the last 11 years.

Dr. Edward A. Gall, University of Cincinnati vice president and director of the medical center, denied that the Pentagon provided the only funds for the project. Dr. Gall said that the project had been under way for five years before the Pentagon learned of it.

The $850,000 paid to the University by the Pentagon, Dr. Gall said, amounted to only 40 percent of the total cost of treatment and hospital care for the patients. Dr. Gall would not explain where the other 60 percent came from or what it paid for.

Dr. Gall said that 111 patients were included in the study, but that only 81 received radiation treatments for their cancers. He said 27 patients were dropped "for medical reasons" before they were irradiated.

Dr. Saenger said that six of the 81 patients are still alive.

The Washington Post's story said that all but three of the cancer patients treated in the project were charity patients with six years of schooling and had IQ's that averaged a below normal 86 (average is 100).

"Of course those in the study will reflect the types of patient we have in the General Hospital," Dr. Saenger said. "The sole method of selection is the fact of advanced cancer."

MEDICAL CENTER IN CINCINNATI DEFENDS WHOLE-BODY RADIATION IN CANCER CARE

CINCINNATI, October 11.—Officials of the University of Cincinnati's Medical Center said today that a center program of applying whole-body of partial-body atomic radiation to terminal cancer patients—a technique that is relatively rare—has had some positive results.

They also said that they would continue with the program and supply research information to the Pentagon, which has had a contact with the center on the program.

The Medical Center has been involved in controversy following an article last Friday in The Washington Post describing the program and containing criticism of the radiation process voiced by several medical authorities.

The article also says that the contract between the university and the Pentagon makes the prime purpose of the study to "understand better the influence of radiation on the combat effectiveness of troops."

SECRECY IS DENIED

The three officials at the meeting today were Dr. Clifford G. Grulee Jr., dean of the College of Medicine; Dr. Edward A. Gall, director of the Medical Center, and Dr. Eugene L. Saenger, professor of radiology and leader of the project since 1955.

Defense Department spokesmen have defended the Pentagon's funding of the project. They said that the research was part of the Pentagon's "continuing support of medical research" but noted that the department did not decide what kind of treatment should be used.

Senator Edward M. Kennedy has called the project "an incredible infringement of individual liberty" and has threatened to investigate the program through his Senate Health Subcommittee.

However, in a 70-minute news conference this morning, three officials of the Medical Center defended the program's techniques and its goals and said that the Pentagon was merely sharing "spin-off" information from an existing project.

They verified that the Pentagon had paid $850,000 over the last 11 years for information on the program, which began in 1955.

Of the 81 patients treated so far, six are still alive, Dr. Gall said. Without that treatment, he said, he was certain they would not be alive today.

Three of the living are children, who have survived from one and a half to three years after total-body radiation. One of the children reportedly won a basketball competition recently in Indiana.

"Our goal is to improve the life tenure of these terminal cancer patients," Dr. Gall said. "I imagine the Pentagon has its own specialists who analyze our findings."

Dr. Gall, who is also a vice president of the municipal university, said that the project was not classified or secret. He said that the findings had been published in "reputable" medical journals several times.

He also said in an interview today that the program had been approved several times as recently as last spring, by a human research committee at the Medical Center. Such a committee must approve all research before the projects receive any financial aid.

Public knowledge was limited, however, until The Post reported:

"To understand how irradiated troops might function on the battlefield, the university . . . has chosen to irradiate cancer patients who could no longer be helped by surgery. The patients were given the same kind of 'total body' or 'partial body' radiation combat troops might expect to receive in an exchange of tactical nuclear weapons."

The method used in Cincinnati consists of aiming cobalt 60 radiation at all or part of the body.

Whole-body radiation is used in the treatment of leukemia, and radiation of all the lymph nodes is used in the treatment of Hodgkin's disease.

LIKE ATOMIC ACCIDENT

With these exceptions, said Dr. Seymour Hopfam, a radiologist at the Sloan-Kettering Memorial Cancer Center in New York, "nobody to my knowledge is using this [whole-body radiation] as a therapeutic measure."

"It approaches what happens in an atomic accident," he said.

Other doctors said that body radiation was used mainly against Hodgkin's Disease and leukemia, which spread throughout the body. It was used more frequently in the nineteen-fifties, but its use has reportedly declined because of the effects that make the patients temporarily uncomfortable, and the increase in the use of drugs to treat the disease.

But Dr. Gall—noting that he is a pathologist, not radiologist—said:

"There are many ways of treating a problem. This is our method. As to the over-all thing, we ask if this is beneficial. We have treated 20 cases of colon cancer with basically the same survival term as 60 colon cancers treated another way at another center. So we didn't do more but we didn't do any harm, either."

Another matter of contention was the discomfort suffered by the patients who agreed to be treated. Dr. Saenger said that patients treated with the "total-body" radiations had experienced nausea and vomiting. But he said that this was typical of any type of radiation treatment—even the localized treatment normally given most cancer patients.

The Post article also said that all but three of the patients were charity patients from the Cincinnati General Hospital, with an average length of schooling of six years and an intelligence quotient of 86 (100 is considered average).

University officials said that low I.Q. patients had not been sought out as guinea pigs but that the I.Q. level merely reflected the I.Q. of patients at a public hospital. They also said that patients were given a full explanation of the process before signing for the treatment.

Mr. TAFT. Mr. President, I contacted officials at the university and have attempted to gain a better understanding of this program.

In the 1950's when the present study was initiated, it was universally appreciated that there was no successful treatment for advanced and widespread cancer, especially when unpredictably distributed in the body. It seemed rational to utilize whole- or partial-body cobalt 60 radiation for this purpose. Prior animal and human studies suggested that this type of radiation treatment might offer a means of control. The entire procedure was reviewed and approved by knowledgeable members of the medical faculty unassociated with the study.

Certain side reactions were anticipated but every effort was made to avoid or correct these. It was expected that the patient's bloodforming organs might be affected, but it became possible to minimize this adverse effect by withdrawing a quantity of the patient's bone marrow before treatment and reintroducing it after treatment had been administered.

Patients, all with advanced tumors, were offered the method of treatment; the existence of cancer of this extent was the sole basis for inclusion. In discussion with the patient, the experimental nature of the therapy was fully explained on at least two occasions, after which the patient was given a statement, which he signed, indicating an understanding of the course to be followed. In most instances one or more members of the family were also advised, and this was

always the case when the patient was a minor. Only those individuals whose general condition was so advanced that no treatment was possible or who declined the treatment were not entered into the study.

After reading about this study in the newspaper I immediately contacted the Department of Defense and received a letter dated October 14 from Mr. Rady A. Johnson, assistant to the Secretary for Legislative Affairs. I ask unanimous consent that his letter to me, together with a fact sheet which he enclosed, be printed in the RECORD.

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

OFFICE OF THE SECRETARY OF DEFENSE,
Washington, October 14, 1971.

Hon. ROBERT TAFT, JR.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TAFT: This letter responds to questions concerning the Defense Nuclear Agency's contract with the University of Cincinnati, relayed from Miss Doris Huddleston of your staff to the Office of Chief Legislative Liaison on 12 October 1971. The attached fact sheet was prepared in response to the many inquiries received on this same subject. The following paragraphs address directly the questions posed by your query.

1. Q: How is the money appropriated for the University of Cincinnati research?

A: This program was funded under Research, Development, Test and Evaluation, Defense Agencies, for the Defense Nuclear Agency under its Nuclear Weapons Effects Development Program Element 6-27-04H.

2. Q: Were hearings conducted?

A: Yes. Defense Nuclear Agency testimony is presented to the Armed Services and Appropriations Committees of the Senate and the House of Representatives. The Record of the Senate Hearings before the Committee on Appropriations, 91st Congress, Second Session states:

"The major objective is to define and evaluate human response and vulnerability to the effects of nuclear weapons and to prevent, mitigate, or delay that response through improved understanding of the mechanism of injury and advances to prophylaxis, diagnosis, prognosis, and treatment of three basic types of injuries produced and the many variant degrees and combinations that would occur in the free and nonfree field environment."

Sincerely,

RADY A. JOHNSON,
Assistant to the Secretary,
for Legislative Affairs.

FACT SHEET

This fact sheet answers a number of questions received from members of Congress and the news media concerning Department of Defense contractual arrangements with the University of Cincinnati in connection with whole body radiation research.

Department of Defense funds have been used for many years to gain supplementary research information from ongoing therapeutic programs of medical centers conducted by qualified physicians who are investigating areas of potential significance to national defense needs. The radiation therapy program at the University of Cincinnati is an example. The Department of Defense appreciates the support and the funds provided over the years for these projects by the Congress.

A radiation therapy project for the treatment of cancer under the cognizance of the University of Cincinnati, commencing at least as early as 1955, existed for some five years prior to the Department of Defense involvement. Department of Defense participation, starting in 1960, resulted from an unsolicited proposal from Dr. Saenger, a staff member of the University of Cincinnati Hospital.

Cost of the University program in therapy and patient care is borne entirely by the General Hospital. No DOD funds have been applied to these costs. The DOD funds are used to pay for supplemental laboratory analyses of patients who have received total body radiation therapy. Thus, no patients have received irradiation as a result of DOD funding.

The University of Cincinnati obtains voluntary consent statements from potential patients. A copy of the consent form is attached. Dr. Saenger reports that two separate interviews are used to discuss this therapy with the prospective patients and that in addition, whenever available, relatives are included in the discussions.

The current contract is for $70,000 and the total for the last three years is $244,601. The total funds obligated throughout the period 1960 to the present is $651,482.79. This includes years 1960 and 1961 in which funds were made available through the Office of the Surgeon General, Department of the Army as well as the funds in all subsequent years provided by direct Defense Nuclear Agency (formerly Defense Atomic Support Agency) contracts.

The rationale underlying support for this DOD project has been to obtain data to correlate the biochemistry, physiological and more detailed equivalent data obtained from animal tests. The motivations for obtaining these data are:

a. to assist in the prediction of the response of military personnel under conditions of possible operational environments.

b. to provide data which potentially may make possible the development of treatments of military personnel or civilians exposed to such environments or prophylactic treatment before encountering such radiation fields. Such fundamental research data are believed to be potentially useful in treating civilian casualties from any massive nuclear exposure.

The decision to fund this project at the University of Cincinnati was made because of the existence of the ongoing University of Cincinnati radiation therapy program.

The design of the DOD funded portion of the project followed the original proposal by Dr. Saenger as modified by both medical personnel of the DOD and their civilian medical peers. It consists of detailed biochemical analysis of hemotological and urine samples and psychological evaluation of the patient undergoing treatment.

We refer you to Dr. Edward Gall of the University of Cincinnati Medical School for further information about their radiation therapy program.

Mr. TAFT. Mr. President, I have continued to examine the charges that have been made relative to this program. I inquired of the distinguished chairman of the subcommittee (Mr. KENNEDY) as to the nature and status of the subcommittee's activities. On December 11, 1971, I received a letter from him which I ask unanimous consent to have printed in the RECORD.

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

U.S. SENATE,
Washington, D.C., December 11, 1971.

Hon. ROBERT TAFT, JR.,
U.S. Senate,
Washington, D.C.

DEAR BOB: This is in response to your inquiry regarding the Health Subcommittee investigation of the University of Cincinnati research project involving whole body radiation of human subjects.

This investigation is part of a general series of studies we are conducting into the problems of Health, Science, and Human Rights. These studies are related to the concerns which recently led to Senate passage of S.J. Res. 75, to establish a National Advisory Commission on Health Science and Society.

The particular investigation of the Cincinnati human radiation project was precipitated by a Washington Post news article on October 8, 1971, which asserted that the Defense Department was sponsoring research on radiation effects on human beings, without adequately informing the individuals involved of the military purpose of their irradiation.

Following this report, the hospital officials involved held a news conference in which they denied various of the allegations and implications in the Washington Post story, and provided justification for other of the points which they admitted as facts. Since October 8, we have also received extensive information relevant to the project from a variety of other sources. This information contains some significant discrepancies with the official account of the project. Accordingly, I dispatched two staff members to Cincinnati on December 6 to meet with the hospital officials in order to get at the facts of the case.

Despite their extensive discussions with the hospital officials, there still remain significant conflicts of fact about the project. Our analysis has also raised substantial questions of national policy and procedure with regard to the conduct of experimentation involving human subjects. I, therefore, consider it important to complete the investigation so that we can firmly establish the facts of the case and hopefully shed light on the significant policy issues involved.

I realize that the extensive press interest in this situation has been a matter of concern at the University of Cincinnati. But as long as the project remains under a cloud of suspicion, that problem will persist. I am hopeful that the Health Subcommittee inquiry into the case will not only aid in the development of relevant legislation, but will also contribute to the long-run benefit of the University.

I will, of course, keep you informed of further developments in the investigation, and will be happy to have my staff meet with members of your staff to discuss the project in more detail.

Sincerely,

EDWARD M. KENNEDY,
Chairman, Subcommittee on Health.

Mr. TAFT. Mr. President, on December 11, I replied to the distinguished subcommittee chairman, requesting that hearings by the Health Subcommittee be scheduled. I did so because I do not believe that charges as serious as these should be simply made and forgotten; neither do I believe that such charges should be covered over. When a leading university medical center is accused of running what is inferred to amount to little more than a death camp for cancer patients, I believe that the public has a legitimate interest in a full and complete inquiry. I ask unanimous consent that my letter to the distinguished chairman of the Health Subcommittee (Mr. KENNEDY) dated December 11, be printed in the RECORD.

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

U.S. SENATE,
Washington, D.C., December 11, 1971.
Hon. EDWARD M. KENNEDY,
Chairman, Subcommittee on Health, U.S. Senate, Washington, D.C.

DEAR TED: Thank you for your letter of December 11th regarding the total body low radiation research project at the University of Cincinnati.

Ever since the original story broke in the Washington Post on October 8th, I have been extremely disturbed about the matter and have been in discussions with the responsible medical officials at the University. I hope to have a comprehensive report from them in the very near future.

If there is one thing in which I am in complete agreement with you, it is that the matter must be pursued fully by the Health Subcommittee and a report on it must be issued. As a matter of fact, after my discussions with the University of Cincinnati, I was awaiting only their comprehensive report before demanding that this be done. This is not only necessary, as you indicate, to carry out the responsibilities of the Health Subcommittee and the National Science Foundation Committee, but it is also vital in order to answer responsibly and repair any unjustified damage that may have been done to the reputation of highly skilled medical doctors and research personnel, as well as to the institution, which is a top flight one.

I will, therefore, be most happy to have my staff meet with yours. Unless the entire matter can be resolved satisfactorily through the issuance of a statement of approval of the program, I think it is essential that Health Subcommittee hearings on the subject be scheduled.

As to further matters discussed in your letter, I can only make the following comments. You state that the investigation was precipitated by a Washington Post news article on October 8th. My understanding, which may or may not be correct, is that the Washington Post news article was precipitated by information from staff members.

My protest to you yesterday occurred because I understand that staff members in Cincinnati last week (again, I do not know whether they are your staff or the Subcommittee's) demanded of the University medical personnel the right to interview patients who had received or are receiving total body low radiation treatment. Plainly, this not only raises serious questions with regard to the doctor-patient relationship, but it also raises serious questions as to the possible adverse medical effect upon such patients who are terminal cancer patients. It would seem to me extremely unwise and possibly cruel to proceed with any such policy until a great deal more is known, and certainly any assessment of the program should be made by qualified independent experts rather than by Congressional staff.

I shall continue to get further information on the matter from the University of Cincinnati, and I will appreciate having my staff fully briefed by your staff on the matter.

Sincerely,

ROBERT TAFT, JR.,
U.S. Senator.

Mr. TAFT. Mr. President, on December 13, the distinguished Senator from Massachusetts (Mr. KENNEDY) in his capacity as chairman of the Subcommittee on Health, wrote a letter to Dr. Bennis, president of the University of Cincinnati, requesting that subcommittee staff members be allowed to make direct contact with the patients involved. I ask unanimous consent that this letter be printed in the RECORD.

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

U.S. SENATE,
Washington, D.C., December 13, 1971.
Dr. WARREN BENNIS,
President, University of Cincinnati, Cincinnati, Ohio.

DEAR DR. BENNIS: This letter concerns the investigation which the Senate Health Subcommittee has been conducting into Dr. Saenger's research project on whole body radiation of human subjects.

In their meeting with Dr. Gall and Dr. Saenger on December sixth, the Committee staff requested the opportunity to meet with the surviving subjects of the experiment, under conditions which would not be inimical to the health or rights of the individuals concerned. The followup letter of December seventh specifically requested that the meetings commence during the week of December thirteenth.

The request was discussed further with Dr. Gall in phone conversations on December ninth and tenth. Dr. Gall stated that he had discussed the matter with various of his colleagues, and that he had serious reservations about the propriety of providing the Committee with access to the individuals involved.

We have discussed the matter with a number of authorities on medical ethics and the administration of medical research, and have concluded that it is perfectly appropriate that we have direct communication with the individuals involved. It is our view that meetings with the individual subjects are essential to effective completion of the Committee inquiry, and that such meetings can be conducted in a manner which will not injure the health or rights of the individuals concerned, none of whom is currently hospitalized. I believe strongly that the eleven adults and the parents of the three children involved should have the opportunity to make up their own minds as to the extent of their cooperation with the Committee inquiry.

Since we would like to initiate the meetings as soon as possible, hopefully before December 23rd, I would greatly appreciate it if you could direct your personal attention to this matter and reply to my request at your earliest convenience.

Sincerely,

EDWARD M. KENNEDY,
Chairman, Subcommittee on Health.

Mr. TAFT. Mr. President, the way in which I believe this matter should be handled is by a review of the experts. It should be handled in an open hearing. There should be authority from the subcommittee, together with any demands being made. I find, unfortunately, that this is not the case, although there is a peer review procedure of a national group of radiologists underway.

Mr. President, I believe that this matter raises many serious questions. Some of these questions can be resolved by full and complete hearings on the part of the Subcommittee on Health and I hope that these hearings will be scheduled promptly.

Other questions, I believe, relate to the procedure which has been employed by the staff of the Subcommittee on Health. For example, this investigation was launched in Cincinnati without my knowledge, without any resolution adopted by the Health Subcommittee and without the knowledge of the minority staff. The minority counsel to this subcommittee has informed my office that he was entirely unaware of this investigation on the part of majority staff members until after these findings and charges were made public in the newspaper. I question the propriety of having investigations such as this launched without giving the minority an opportunity to participate. More importantly, I question the propriety of issuing public statements on the basis of a field trip by majority staffers when no hearings have been held and there has been no opportunity for the officials of the university to present their case.

I think that it is entirely improper for these staff members to go out and attempt to contact patients, and for public charges to be made, when the safeguards of hearing procedures have not been followed. I would hope that we can conclude this chapter of the investigation and immediately undertake full and complete hearings so that all parties can be heard, the public interest fully protected, and the pressures being put by the majority staff members, with no participation by the minority and no information given to the minority, can be stopped forthwith.

Mr. President, I yield back the remainder of my time.

PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 30 minutes, with each Senator's statements limited to 3 minutes.

Is there morning business?

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 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.

FOREIGN MILITARY AND ECONOMIC ASSISTANCE TO INDIA AND PAKISTAN

Mr. BYRD of Virginia. Mr. President, I have prepared certain figures with regard to the U.S. aid to India and Pakistan.

In regard to the economic assistance; namely, loans and grants under the AID program, the amount of economic assistance furnished to India over the years is $9.123 billion including $4.54 billion under Public Law 480.

Mr. President, the economic assistance through AID for Pakistan has been $4.01 billion, which includes Public Law 480 assistance totaling $1.52 billion.

This does not include, Mr. President, military assistance grants or military sales. It does not include those items, because those figures are classified. Just why such figures as those should be classified, the Senator from Virginia does not know. However, I have dispatched a telegram to the Secretary of Defense asking for such information.

The telegram to Secretary Laird reads:

HON. MELVIN LAIRD,
Secretary of Defense,
Department of Defense,
Washington, D.C.:

Please furnish to me as soon as possible the amount of total military assistance (both grant and military sale) which the United States has furnished to India and to Pakistan. It is further requested that these totals be in an unclassified form so that they may be utilized in debates concerning this vital issue before the United States Senate.

HARRY F. BYRD, Jr.,
U. S. Senate.

Mr. President, I repeat that these two countries of India and Pakistan over a period of time have received assistance from the United States in the amount of more than $13 billion in economic assistance and Public Law 480 funds. And this amount does not include military sales or grants. It does not include the amounts received by India or Pakistan through the international financial institutions.

India has received $2.5 billion through these institutions. Pakistan has received $1.2 billion through these institutions.

Mr. President, in connection with all of the military and economic assistance and other assistance that the foreign aid program of the United States has extended, I have prepared tabulations showing the very severe financial situation in which the United States finds itself.

Our Government had a $30 billion deficit last year, and it will have at least a $35 billion deficit this year.

Mr. President, I ask unanimous consent that a tabulation which I have prepared dealing with the Government spending and deficit be printed at this point in the RECORD.

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

FISCAL TABLES—OCTOBER 1971

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

[Selected periods, in billions of dollars]

	Gold holdings	Total assets	Liquid liabilities
End of World War II	20.1	20.1	6.9
1957	22.8	24.8	15.8
1970	10.7	14.5	43.3
August 1971	10.1	12.1	[1] 46.0

[1] Estimated figure.
Source: U.S. Treasury Department.

TABLE 2.—DEFICITS IN FEDERAL FUNDS AND INTEREST ON THE NATIONAL DEBT, 1963-72 INCLUSIVE

[Billions of dollars]

	Receipts	Outlays	Deficit (−)	Debt interest
1963	83.6	90.1	−6.5	10.0
1964	87.2	95.8	−8.6	10.7
1965	90.9	94.8	−3.9	11.4
1966	101.4	106.5	−5.1	12.1
1967	111.8	126.8	−15.0	13.5
1968	114.7	143.1	−28.4	14.6
1969	143.3	148.8	−5.5	16.6
1970	143.2	156.3	−13.1	19.3
1971	133.6	163.8	−30.2	20.8
1972[1]	143.0	178.0	−35.0	21.3
10-year total	1,152.7	1,304.0	151.3	150.2

[1] Estimated figures.
Source: Office of Management and Budget, except 1972 estimates.

TABLE 3.—FEDERAL FINANCES, FISCAL YEAR 1971

[Billions of dollars]

	Revenues	Outlays	Deficit (−) or surplus (+)
Federal funds	133.6	163.8	−30.2
Trust funds	54.7	47.8	+6.9
Unified budget	188.3	211.6	−23.3

Source: U.S. Treasury Department.

QUORUM CALL

Mr. BYRD of 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.

AMENDMENT OF THE FISHERMEN'S PROTECTIVE ACT OF 1967

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 557, H.R. 3304.

The PRESIDENT pro tempore. Is there objection?

Mr. GRIFFIN. Mr. President, reserving the right to object, I do not know what this is about. I am sorry. For the time being I object.

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

Mr. BYRD of West Virginia. I object.

The PRESIDENT pro tempore. Objection is heard.

The second legislative clerk resumed the call of the roll.

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

The PRESIDENT pro tempore. Is there objection? The Chair hears no objection, and it is so ordered.

AMENDMENT OF THE FISHERMEN'S PROTECTIVE ACT OF 1967

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 557, H.R. 3304.

The PRESIDENT pro tempore. The bill will be stated by title.

The bill was read by title as follows:

Calendar No. 557, H.R. 3304, a bill to amend the Fishermen's Protective Act of 1967 to enhance the effectiveness of international fishery conservation programs.

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. STEVENS. Mr. President, this bill (H.R. 3304) is necessary for the wise conservation and management of many ocean types of marine life, including fish and marine mammals and their products. I strongly support this legislation and urge its passage by this body.

H.R. 3304 would amend the Fishermen's Protective Act of 1967 (68 Stat. 883, as amended: 82 Stat. 729) by adding a new section 8 at the end.

Section 8 (a) provides that whenever the Secretary of Commerce determines foreign nationals are conducting fishing operations in a manner or under circumstances which diminish the effectiveness of an international fishery conservation program, he must certify this fact to the President of the United States. The President is then authorized, but not required, to direct the Secretary of the Treasury to prohibit the importation into the United States of any or all fish products of the offending country for such time as he, in his discretion, believes warranted, and to the extent sanctioned by the General Agreement on Tariffs and Trade—GATT.

At this point, I believe it is important to note that such importation prohibition as permitted by the act is not limited to the particular fish product taken in violation of a particular fish conservation program. For example, although a given country, I use Denmark as an example, violates an international fisheries conservation program, such as the International Convention for the Northwest Atlantic Fisheries—ICNAF, the President may prohibit the importation of all fish products from the offending country, not only salmon. This is important, because it multiplies the effect of a violation manifold. As mentioned in the House report on this bill:

In the case of Atlantic Salmon, Danish exports to the United States totaled 54,365 pounds in 1970 worth $63,844.00. Import of all Danish fish products totaled 32,656,000 pounds valued at $10,543,298.00. The impact of loosing a 10 million dollar market as opposed to a 63 thousand dollar market is obvious.

Section 8(b) of the act requires the President within 60 days after the certification to notify Congress of any action he takes. He must also notify Congress should he fail to direct the Secretary of the Treasury to take action and also must explain his reasons therefor.

Section 8(c) makes it unlawful for any person subject to the jurisdiction of the United States to knowingly bring or import into the United States any fish products so prohibited.

Section 8(d) subjects violators to a $10,000 fine for the first offense and a $25,000 fine for each subsequent offense. In addition, all fish products thus illegally imported are subject to forfeiture or the money value thereof must be paid to the U.S. Government and in general customs laws relating to the seizure, judicial forfeiture, and condemnation of cargo violations are applicable.

Section 8(e) vests enforcement responsibility in the Secretary of the Treasury

and authorizes U.S. judges of the district courts and Commissioners to issue warrants and other services of process necessary for the enforcement of the act and regulations issued thereunder. It also provides the persons authorized to enforce the provisions of the act may execute warrants and other processes, make arrests, conduct searches of vessels, and seize illegal fish products.

Section 8(f) defines the terms used in the act.

Mr. President, this bill has had extensive hearings both in the House and recently in the Senate Commerce Committee on November 22 and 24. Those hearings on November 22 were chaired by the Senator from Virginia (Mr. SPONG) and attended by the Senator from Oregon (Mr. HATFIELD) and me. The Senator from Oregon (Mr. HATFIELD) and I were present at the November 24 hearings. Last Saturday the Commerce Committee passed this bill out to the floor. To these other Senators, and to the other members of the Senate Commerce Committee, and particularly, to our distinguished chairman (Mr. MAGNUSON), who took a personal interest in the legislation, I would especially like to extend my personal thanks for their swift action on this legislation. Without them there would be no bill before us today.

Many able witnesses appeared before our committee and were generally quite favorable to the bill. It also appeared that witnesses before the House committee were similarly favorable and, when they did have any objection, the House bill was accordingly amended.

Mr. President, many arguments have been advanced for this legislation. If indiscriminately fished on the high seas, the great anadromous fish which form a substantial portion of the economic backbone of our fishing industry, particularly along the east coast, in New England, and in the Pacific Northwest, including, of course, Alaska, may become extinct. For this reason, international fisheries conventions have sought to limit and control these high seas fishing activities. Several signatory nations to ICNAF, most principally Denmark, have failed to agree to all the provisions protecting Atlantic salmon. Although they have agreed in the future to limit catch levels to approximately the 1969 level, this is nothing but a smoke screen which permits Denmark to continue fishing at an already dangerously high level. This life cycle of the Atlantic salmon is approximately 6 to 7 years. Therefore, the full impact of such exploitation will not be felt until 1975. At that time, it will be too late to save the fish and our fishing industries.

Such conventions, if they have no teeth, also work to disadvantage of those nations which agree to abide by them. These nations are put at an economic disadvantage and can only sit by and helplessly watch while other nations which have not signed continue to reap vast harvests completely unchecked.

It is apparent how vast the economic effect of such indiscriminate fishing practices is when the number of people employed not only as fishermen, but also in subsidiary industries throughout the coastal areas of this country and others is considered. And, as one witness before our committee pointed out,

> All this is being caused by a Danish high seas salmon fleet of about ten trollers manned by less than 100 fishermen! And the landed value of the salmon is worth only about several million dollars.

To many expert sports fishermen, the salmon is the finest sports fish in the world. Unfortunately it is as good on the dinner table as it is on the end of the line. And therein lies the tragedy.

This bill is not limited to one species of fish or marine mammals. It applies equally to fishery conservation programs in all areas of the world to which this country is a signatory party. It will, therefore, also put needed teeth into our Pacific fishing conventions, which are so vital to the fishing industry in my part of the country.

I therefore urge the passage of this legislation.

The PRESIDENT pro tempore. The bill is open to amendment. If there be no amendment to be proposed, the question is on third reading.

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

Mr. STEVENS. Mr. President, I ask unanimous consent that the consideration of S. 2191 be indefinitely postponed.

The PRESIDENT pro tempore. Without objection, the bill will be indefinitely postponed.

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

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORT ON RECEIPTS AND DISBURSEMENTS TO APPROPRIATIONS FROM DISPOSAL OF MILITARY SUPPLIES

A letter from the Assistant Secretary of Defense, transmitting, pursuant to law, a report on receipts and disbursements to appropriations from disposal of military supplies, equipment and material and lumber or timber products, as of September 30, 1971 (with an accompanying report); to the Committee on Appropriations.

REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Contract Award Procedures and Practices of the Office of Economic Opportunity Need Improving", dated December 15, 1971 (with an accompanying report); to the Committee on Government Operations.

PROPOSED MEDICAL DEVICE SAFETY ACT

A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to assure the safety and effectiveness of medical devices (with accompanying papers); to the Committee on Labor and Public Welfare.

REPORT ON SPECIAL BRIDGE REPLACEMENT PROGRAM

A letter from the Secretary of Transportation, transmitting, pursuant to law, a report on special bridge replacement program, dated November 1971 (with an accompanying report); to the Committee on Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GRIFFIN (for Mr. MAGNUSON), from the Committee on Commerce, without amendment:

H.R. 7117. An act to amend the Fishermen's Protective Act of 1967 to expedite the reimbursement of U.S. vessel owners for charges paid by them for the release of vessels and crews illegally seized by foreign countries, to strengthen the provisions therein relating to the collection of claims against such foreign countries for amounts so reimbursed and for certain other amounts, and for other purposes (Rept. No. 92-584).

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. STEVENSON (for himself, Mr. BAYH, Mr. CASE, Mr. EAGLETON, Mr. HARRIS, Mr. HART, Mr. HUGHES, Mr. HUMPHREY, Mr. KENNEDY, Mr. MAGNUSON, Mr. MCGOVERN, Mr. METCALF, Mr. MONDALE, Mr. PACKWOOD, Mr. PELL, Mr. RIBICOFF, Mr. SCOTT, Mr. TUNNEY, and Mr. WILLIAMS):

S. 3025. A bill to prohibit records of deeds from giving implicit recognition to racially restrictive covenants, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. McCLELLAN (by request):

S. 3026. A bill to establish a fund for activating authorized agencies, and for other purposes. Referred to the Committee on Government Operations.

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

S. 3027. A bill to designate certain lands in San Luis Obispo County, California, as wilderness. Referred to the Committee on Interior and Insular Affairs.

STATEMENTS ON BILLS AND JOINT RESOLUTIONS

By Mr. STEVENSON (for himself, Mr. BAYH, Mr. CASE, Mr. EAGLETON, Mr. HARRIS, Mr. HART, Mr. HUGHES, Mr. HUMPHREY, Mr. KENNEDY, Mr. MAGNUSON, Mr. MCGOVERN, Mr. METCALF, Mr. MONDALE, Mr. PACKWOOD, Mr. PELL, Mr. RIBICOFF, Mr. SCOTT, Mr. TUNNEY, and Mr. WILLIAMS):

S. 3025. A bill to prohibit recorders of deeds from giving implicit recognition to racially restrictive covenants, and for other purposes. Referred to the Committee on the Judiciary.

Mr. STEVENSON. Mr. President, on behalf of myself and Senators BAYH, CASE, EAGLETON, HARRIS, HART, HUGHES, HUMPHREY, KENNEDY, MAGNUSON, Mc-

GOVERN, METCALF, MONDALE, PACKWOOD, PELL, RIBICOFF, SCOTT, TUNNEY, and WILLIAMS, I introduce legislation which will strip racially restrictive covenants of the aura of legitimacy they continue to possess because they are uncritically accepted for recordation by public officials.

Racially restrictive covenants are relics of an era when whites felt no need to disguise their intent to deny housing opportunities to blacks and other minorities. One such covenant, which was involved in a recent lawsuit, is typical:

No part of the land hereby conveyed shall ever be used, or occupied by, sold demised, transferred, conveyed unto, or in trust for, leased, or rented, or given, to Negroes, or any person or persons of Negro blood or extraction, or to any person of the Semitic race, blood, or origin, which racial description shall be deemed to include Americans, Jews, Hebrews, Persians, and Syrians, except that; this paragraph shall not be held to exclude partial occupancy of the premises by domestic servants. . . .

Fully 23 years ago, the Supreme Court in the landmark case of Shelley against Kraemer unanimously ruled that racially restrictive covenants in real property deeds are void and unenforceable. Notwithstanding this clear ruling, only four States have passed legislation which might arguably restrict the recordation of deeds containing restrictive covenants. I ask unanimous consent that a memorandum on this subject, prepared by the Library of Congress, be inserted at this point in the RECORD.

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

THE LIBRARY OF CONGRESS,
CONGRESSIONAL RESEARCH SERVICE,
Washington, D.C., December 6, 1971.

To: Hon. Adlai E. Stevenson III
From: American Law Division
Subject: State Laws against Racially Restrictive Covenants

This is in response to your request for a survey of state laws which may bar recordation of a written instrument relating to real estate which contains a racially restrictive covenant.

Four states have passed laws which nullify the effect of, or restrict the use of racially restrictive covenants. Massachusetts has a law (Mass. Gen. Laws Ann., Chap. 184 §23B (Supp. 1971)) which declares such covenants void. New Jersey's statute (N.J. S. A. 46:3-23 (Supp. 1971)) provides that racially restrictive covenants are void and that they cannot be "listed as a valid provision affecting such property in public notices concerning such property." Nevada Rev. Stats., 111.237 (1967) gives a grantee the power to remove such covenants on his property from the land records by filing an affidavit with the office of the county recorder declaring such covenants to be void. Finally, Minnesota Stats. Ann. 507.18 (Supp. 1971) provides that no written instrument thereafter made, affecting real estate, shall contain any racially restrictive covenant.

Mr. STEVENSON. Mr. President, this issue has apparently been overlooked by Federal as well as State law. Last month the U.S. Court of Appeals for the District of Columbia Circuit held in the case of Mayers against Ridley that neither the Constitution nor Federal law was breached by the "ministerial" act of recording a deed containing restrictive covenants. The court did, however, condemn restrictive covenants in the strongest terms, and it urged Congress to enact new legislation dealing with the problem.

The bill we offer today places two new restrictions on recorders of deeds. First, recorders may not henceforth record or copy an instrument containing a restrictive covenant unless the instrument is accompanied by a notice stating that the covenant is void and unenforceable. Second, recorders of deeds must cause a notice stating that restrictive covenants are void and unenforceable to be displayed on every liber volume or other journal in their custody which contains deeds or other real property instruments.

Recorders of deeds should have no difficulty complying with these reasonable requirements. As the dissenting judge in Mayers against Ridley pointed out, little more than a rubber stamp will be needed.

Mr. President, it is impossible to determine how many American home buyers are humiliated or discouraged by racially restrictive covenants, but even one is one too many.

Introduction of this legislation does not constitute approval of the Mayers against Ridley ruling that section 804(c) of the Civil Rights Act of 1968 does not reach the recordation of instruments containing restrictive covenants. Rather, the bill is designed to eliminate the existing uncertainty by providing a clear and specific remedy for a clear and specific problem.

Mr. President, I ask unanimous consent that the text of the bill and the opinion of the court of appeals be printed at this point in the RECORD.

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

S. 3025

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

SEC. 1. The Civil Rights Act of 1968 (P.L. 90-284) is amended by adding the following immediately after Section 804:

"SEC. 804A. Recordation of Instruments Containing Restrictive Covenants

"(a) As used in this Section—

(i) The term 'Recorder of Deeds' means any public official in any State whose duties include the recordation of instruments relating to the conveyance or ownership of real property;

(ii) The term 'restrictive covenant' means any covenant, clause, provision, promise or other written representation purporting to restrict the right of any person to possess real property on account of that person's religious faith, race, creed, color, or national origin.

"(b) No Recorder of Deeds shall comply with any request to record or copy any instrument relating to the conveyance or ownership of real property containing a restrictive covenant unless a notice stating that the restrictive covenant is void and unenforceable is imprinted on or affixed to the instrument.

"(c) Every Recorder of Deeds shall cause a notice stating that restrictive covenants are void and unenforceable to be displayed on every liber volume or other journal in his custody in which instruments relating to the conveyance or ownership of real property are kept."

SEC. 2. The provisions of this Act shall take effect 90 days after the date of enactment.

SEC. 3. This Act may be cited as "The Restrictive Covenant Repudiation Act".

[U.S. Court of Appeals, for the District of Columbia Circuit, No. 71-1418]

APPEAL FROM THE U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

(Daniel K. Mayers, et al., appellants v. Peter S. Ridley, et al.)

(Decided November 15, 1971.)

Mr. Michael J. Waggoner, with whom *Messrs. Jack B. Owens* and *Ralph J. Temple* were on the brief, for appellants.

Mr. Ted D. Kuemmerling, Assistant Corporation Counsel for the District of Columbia, with whom *Messrs. C. Francis Murphy,* Corporation Counsel, and *Richard W. Barton,* Assistant Corporation Counsel, were on the brief, for appellees.

Before WILBUR K. MILLER, *Senior Circuit Judge,* and WRIGHT and TAMM, *Circuit Judges.*

Opinion filed by TAMM, *Circuit Judge.*

Dissenting opinion filed by WRIGHT, *Circuit Judge.*

TAMM, *Circuit Judge:* Appellants, homeowners in the District of Columbia whose deeds contain racially restrictive covenants, brought a class action suit in the District Court against the Recorder of Deeds and the Commissioner of the District of Columbia [1] on their own behalf and on behalf of all District of Columbia homeowners similarly situated. They alleged that the Recorder's actions in accepting for filing, and maintaining public records of restrictive covenants was in violation of the Fifth Amendment and Title VIII of the Fair Housing Act of 1968, 42 U.S.C. §§ 3601 *et seq.*

They sought the following relief: (1) a declaration that their rights were infringed by the practice of the Recorder of Deeds in accepting for recording and filing public records containing racially restrictive covenants; (2) an injunction barring the Recorder from accepting for recording and filing any deed or instrument containing a racially restrictive covenant and from providing copies of such deeds or instruments without clearly identifying them as containing void and unenforceable racially restrictive covenants; and (3) an injunction requiring the Recorder to affix to every liber volume in his custody a notice that any racially restrictive covenants contained in the deeds or instruments therein were void and unenforceable.

In denying the requested relief, the District Court granted appellees' motion to dismiss, whereupon this appeal was noted. We affirm. First, we shall examine the nature of the office of the Recorder of Deeds and then proceed to a discussion of the statutory and constitutional issues.

I

Congress has provided that the Recorder of Deeds shall ". . . record all deeds, contracts, and other instruments in writing affecting the title or ownership of real estate or personal property which have been duly acknowledged and certified;" D.C. Code § 45-701 (1967). He is further required to "perform all requisite services connected with the duties prescribed" in regard to the filing of instruments and to "have charge and custody of all records, papers, and property appertaining to his office." D.C. Code § 45-701 (3), (4) (1967).

Interpreting the statute shortly after enactment this court stated:

"Undoubtedly, the recorder of deeds is in the category of ministerial officers, and has no jurisdiction to pass upon the validity of instruments of writing presented to him for record. It requires no elaboration of law or of the authorities to sustain this contention." *Dancy v. Clark,* 24 App. D.C. 487, 499 (1905).

We pointed out that although the Recorder does have ministerial discretion to determine whether a document is of the type appro-

Footnotes at end of article.

priate for filing, "[h]e is by the law required to receive and file . . . such instruments as have been duly executed, and which purport on their face to be of the nature of the instruments entitled to be filed. . . ." *Id.* In short, the nature of the office bars the relief which appellants seek.

The Recorder of Deeds is a ministerial officer. The authority of a ministerial officer is to be strictly construed as including only such powers as are expressly conferred or necessarily implied. *Youngblood v. United States*, 141 F. 2d 912 (6th Cir. 1944). A decision as to whether to file a deed containing a restrictive covenant involves discretion. Indeed, the Recorder is not even permitted to correct obvious typographical errors despite the consent of all the parties thereto.

Furthermore, the Recorder is not empowered by the statute to determine the legality, validity or enforceability of a document to be filed. Determining whether a covenant in a deed is a racially restrictive covenant demands a legal judgment. The clerical staff of the Recorder certainly does not have the knowledge, capacity or acumen to perform the tasks asked of them by appellants.

In many respects the Recorder's function is similar to that of the clerk of a court. The clerk of a court, like the Recorder is required to accept documents filed. It is not incumbent upon him to judicially determine the legal significance of the tendered documents. *In re Halladjian*, 174 F. 834 (C.C.Mass., 1909); *United States v. Bell*, 127 F. 1002 (C.C.E.D.Pa. 1904); *State ex rel Kaufman v. Sutton*, 231 So.2d 874 (Fla.App. 1970); *Malinou v. McElroy*, 99 R.I. 277, 207 A.2d 44 (1965). In *State ex rel. Wanamaker v. Miller*, 164 Ohio St. 176, 177, 128 N.E.2d 110 (1955), the court commented upon the function of its clerk in the following manner:

"It is the duty of the clerk of this court, in the absence of instructions from the court to the contrary, to accept for filing any paper presented to him, provided such paper is not scurrilous or obscene, is properly prepared and is accompanied by the requisite filing fee. The power to make any decision as to the propriety of any paper submitted or as to the right of a person to file such paper is vested in the court not the clerk."

The Recorder is a neutral conservator of records. The entire purpose and value of his office is that he preserves the precise documents presented to him. To give the Recorder the power to do what appellants ask would not only be in violation of the statute creating his office, but would functionally distort the office into a hydra-headed monster.

Even though the acts of the Recorder are ministerial in nature, they may not violate with impunity the statutes of this land, nor may they contravene the constitution. We must therefore continue our inquiry. First, we turn to the relevant statute.

II

Title VIII of the Fair Housing Act of 1968, 42 U.S.C. § 3604(c) (1970), makes it unlawful "[t]o make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, *with respect to the sale or rental of a dwelling* that indicates any preference, limitation, or discrimination based on race, color, religion, or national origin, or an intention to make any such preference, limitation, or discrimination." (Emphasis supplied.)

On its face the statute clearly does not apply to the Recorder of Deeds. The Recorder does not offer property for sale or rent, nor is he in any way connected with the commercial real estate market. He merely functions as a neutral repository. The "notice" or "statement" the statute speaks of is that made by the offeror or his agent in the market place.

The legislative history bears out this interpretation. After a careful search of the hearings, debates and testimony, we find only that the depth and dearth of legislative history stands in sharp contrast to the shallowness of appellants' position. The thrust of the statute is clearly directed towards advertising in the market place. As a principal witness at the hearings stated: "I think it outlaws advertising that is racial in nature." [2] Furthermore, while testifying on a substantially similar bill former Attorney General Katzenbach catalogued the parties and acts which the statute was intended to cover. The Recorder is nowhere mentioned. He stated:

"The title applies to all housing and prohibits discrimination on account of race, color, religion, or national origin by property owners, tract developers, real estate brokers, lending institutions, and all others engaged in the sale, rental, or financing of housing." [3]

III

Although the Fair Housing Act of 1968 does not prohibit the Recorder's actions, those actions must be enjoined if they are violative of the due process clause of the Fifth Amendment. As the states are prohibited from racial discrimination by the Fourteenth Amendment, so the District of Columbia and its agents, including the Recorder of Deeds, are prohibited from discrimination on the grounds of race by the due process clause of the Fifth Amendment. *Bolling v. Sharpe*, 347 U.S. 497 (1954).

The Supreme Court has declared racially restrictive covenants void and unenforceable. *Shelley v. Kraemer*, 334 U.S. 1 (1948). The question presented here is whether the Recorder of Deeds, by recording and filing deeds containing racially restrictive covenants, deprives appellants of constitutional due process.

A prerequisite to recovery under the Fifth Amendment is a showing of (1) harm done appellants (2) by the Recorder. We find these essential elements lacking.

The Recorder of Deeds, impartial in thought as well as action, is not giving the approbation of the state to the substantive contents of the deeds filed. The Recorder, the cold steel safety deposit box of the real estate industry, merely preserves documents. Although he acts on behalf of the government, he acts as a studiously *neutral* repository.

The concept of neutrality plays an important role in constitutional law. Where the government is under no affirmative obligation to act and is merely neutral, there can be no due process violation.[4] In a related area of the law courts have found insufficient state involvement in private discrimination to constitute a constitutional violation where the state merely played a neutral part.[5] We find these cases most instructive.

The most developed area of law for our purposes is the administration of estates and trusts.[6] If the state probates a discriminatory will through the use of its legal machinery,—*i.e.*, Recorder of Wills and Probate Court—the courts have held that the government is merely acting in a nonsignificant neutral capacity which does not constitute state action under the Fourteenth or Fifth Amendments. *See U.S. National Bank v. Snodgrass*, 202 Ore. 530, 275 P.2d 860 (*en banc* 1954); *Gordon v. Gordon*, 332 Mass. 197, 124 N.E.2d 228, *cert. denied*, 349 U.S. 947 (1955). *See also Wilcox v. Horan*, 178 F.2d 162, 165 (10th Cir. 1949).

Speaking for the Court in *Evans v. Newton*, 382 U.S. 296, 300 (1966), Justice Douglas stated:

"If a testator wanted to leave a school or center for the use of one race only and in no way implicated the State in the supervision, control, or management of that facility, we assume *arguendo* that no constitutional difficulty would be encountered."

If, however, in the administration of an estate or trust the government takes an active non-neutral role by supervising, managing or controlling, there is state action within the confines of the Fourteenth Amendment. *See Pennsylvania v. Board of Directors of City Trusts*, 353 U.S. 230 (1957), *Pennsylvania v. Brown*, 392 F.2d 120 (3rd Cir. 1968), *cert. denied*, 391 U.S. 921 (1968).

In *Evans v. Abney*, 396 U.S. 435 (1970) the Supreme Court found no state action in the Georgia state court's application of the doctrine of *cy pres* to a racially discriminatory trust. The Court reasoned that the Georgia court was merely enforcing trust laws which were "long standing and *neutral* with regard to race." *Id.* at 444. (Emphasis supplied.) The court reached this conclusion despite the fact that a state is involved in a racially discriminatory trust in the following ways: (1) the state attorney general enforces the trust on behalf of the public; (2) the courts supervise the administration of the probate estate and trust; (3) the trust enjoys tax exempt status; and (4) the doctrine of *cy pres* as well as other state statutes often apply to the trust.

In the instant case appellants urge that the mere neutral act of recording deeds constitutes state action in violation of the Fifth Amendment. In light of the above precedents, we cannot agree. In the final analysis, the evil of which appellants complain lies not in the office of the Recorder, but in the soul of man.

Appellants have also failed to demonstrate any harm resulting from the recordation of racially restrictive covenants. These covenants are clearly unenforceable and may be easily repudiated.[7] In addition, these covenants do not constitute a cloud on title or affect the marketability of the property. As the learned District Judge stated:

"It is stretching too far to say that the presence of the offensive language in a deed in the custody of the Recorder is going to frighten a would-be buyer. We must face the practicality that buyers do not begin their negotiations by examining the records maintained by the Recorder of Deeds. That function is performed by brokers, attorneys and title insurance companies making the record searches. Brokers, lawyers and title insurance companies are fully aware that racially restrictive covenants are not enforceable. Slip Op. at 2–3."

Appellants, nevertheless, rely upon *Bryant* v. *State Board of Assessment of State of North Carolina*, 293 F.Supp. 1379 (E.D.N.C. 1968) and *Hamm* v. *Virginia State Board of Elections*, 230 F.Supp. 156 (E.D.Va. 1964), *aff'd per curiam sub nom. Tancil* v. *Woolls*, 379 U.S. 19 (1964(for the proposition that where records are maintained with unconstitutional racial identifications the maintenance is unconstitutional per se requiring no demonstration of harm. Appellants have misread these cases. In these cases state officials listed Negro and White citizens separately on voting, property assessment and divorce records. In voiding these laws, the *Bryant* court found that citizens were harmed because the opportunity for discrimination in jury selection was present. No such potential exists here. Furthermore, there is no list maintained here which classifies individuals by race, for restrictive covenants appear on deeds owned by persons of all races. Moreover, in each of those instances the lists were compiled and maintained by affirmative action of the state. A situation we again do not have here.

IV

We reach our decision somewhat reluctantly. Not reluctant in the law we expound, for we know it to be right; but, reluctant in the conclusion some may draw, and the interpretation others may glean, from our deci-

Footnotes at end of article.

sion. We firmly believe the *legal* result in this case to be correct. We are convinced that the ministerial nature of the office of Recorder of Deeds bars the remedy sought. We also can find no statutory or constitutional violation in the actions of the Recorder of Deeds. This, however, is not to say there is no remedy for an unfortunate situation. It merely means the remedy sought is beyond the ken of the judiciary.

Congress has a panoply of power as well as a plethora of resources at its disposal to create the legal machinery to deal with this problem. We note that the courts have given an expansive reading to Congressional power in the eradication of discrimination from the fibre of our society. *See Jones v. Alfred H. Mayer Co.*, 392 U.S. 409 (1968); *United States v. Guest*, 383 U.S. 745 (1966). We urge the Congress to gather together representatives from among the bankers, brokers, title insurance companies and land developers for a serious attempt at a solution. Restrictive covenants, born of a racist mileu, exorcised by the white-sheeted ghosts of a not too distant past, do not find favor with this court. We exhort the Congress to extricate the nation from this quagmire of inequality by excising these atavistic anachronisms from the legends of our culture.

V.

The vigor of our dissenting brother requires us, reluctantly, to point out, respectfully, his unfortunate failure to distinguish between the facts in this record and the fluency of his self-created rhetoric upon which he bases his erroneous conclusion. By frequently incanting "restrictive racial covenants", "constitutional" and "individual rights", as if the mere utterance of these words had some secret power to dictate an only conclusion, the dissent is obviously and completely hubristic of the factual situation to which the record confines us. There is no evidence of "governmental participation in . . . an illegal endeavor—. . ., maintenance of a segregated housing market" or of Government becoming a "co-conspirator in an illegal scheme."

The Recorder, as we point out, is neither "publishing nor circulating" racial covenants. The Recorder has not made a "policy decision to consider illegal, racist covenants as documents affecting the title or ownership of real estate," nor is he giving "deliberate and manifest encouragement of private discrimination." The Recorder does not put "Government's seal of approval" on the documents he files any more than the clerk of this court puts judicial approval on the documents he accepts for filing. Obviously the filing of documents with the Recorder does not in any manner, means or way establish their legitimacy. These strained contortions of the meaning and nature of the record in this case, illustrate again the unfortunate practice of some members of this court of attempting to wrench far-reaching social changes without regard to the facts, the law or precedents in a particular case, and in absolute disregard of the principle of separation of powers.

The practice of choosing the philosophically eclectic rather than the established legal precedents is unfortunately a pursuit of abstract liberalism for its own sake rather than an adjudication of the law governing an individual case. The dangerous illusion that the courts, upon the pretext of ruling upon a particular case may articulate with great sympathy and understanding upon all of the social evils of the nation, is implausibly fashionable in some areas of judicial rulings, with a resulting horrible economy of law.

Somehow, these judicial proclamations, be they in medicine, economics, ecology, political science, religion, domestic relations or crime, are presumably made more acceptable by using such euphemisms as "civil rights", "constitutional rights", "discrimination" and "public interest", regardless of the fact that the record before the court is devoid of factual data supporting the resulting judicial legislation. That we thereby evade the legal truth in a particular situation is self-justified, apparently in the view that we have homogenized the life-blood of society. Without praying for, or dreaming of a consensus on every issue, we regret the suggested disposition of this, or any case for that matter, on a philosophical rather than a legal basis.

Affirmed.

WRIGHT, *Circuit Judge, dissenting:* Almost 25 years ago, *Shelley* v. *Kraemer*, 334 U.S. 1 (1948), declared judicial enforcement of restrictive racial covenants in land deeds unconstitutional. Five years after *Shelley* Mr. Justice Minton, speaking for a majority of the Justices in *Barrows* v. *Jackson*, 346 U.S. 249 (1953), thought he was dealing with "the unworthy covenant in its last stand" and "clos[ing] the gap to the use of this covenant, so universally condemned by the courts." *Id.* at 259. Yet today the majority upholds a practice of the District Columbia Recorder of Deeds which places the official imprimatur of the state on the same racist covenants which were facing their "last stand" 18 years ago.[8] In the words of Mr. Justice Douglas, we are observing still again the "spectacle of slavery unwilling to die." *Jones* v. *Alfred H. Mayer Co.*, 392 U.S. 409, 445 (1968) (concurring opinion).

Appellants in this action are a group of District of Columbia residents representing the class of homeowners whose property is burdened by illegal racist covenants. They instituted this suit in order to enjoin the Recorder from accepting such covenants for filing in the future. Moreover, they seek certain corrective measures which would withdraw state approval from restrictive covenants already on file. When the District Court dismissed their complaint, they renewed their arguments in this court.

For decades, the Recorder's office has accepted these covenants for filing and maintained them as public records. Appellants contend that this official legitimization of racist agreements so deeply involves the state in private discrimination as to violate the due process clause of the Fifth Amendment. *See Bolling v. Sharpe*, 347 U.S. 947 (1954). *Cf. Hurd* v. *Hodge*, 334 U.S. 24 (1948). Moreover, appellants argue, even if the Recorder's actions are constitutional, they are clearly impermissible under the Fair Housing Act of 1968.[9] Section 3604(c) of that Act makes it unlawful, with certain exceptions, "[t]o make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, or national origin, or any intention to make any such preference, limitation, or discrimination."

In response, appellees decline to meet appellants' constitutional argument. Instead, they contend that exclusion of restrictive covenants is not required by the Fair Housing Act, that such an exclusionary rule would be burdensome to administer and beyond the Recorder's statutory authority, and that in any case appellants suffer no harm because of the void covenants. For the reasons stated below, I find each of these arguments unconvincing. Although they can be attacked separately on their respective merits, it is worth observing at the outset that in the aggregate they amount to no more than the sort of lame excuses for denial of racial justice which the Supreme Court rejected long ago. *See, e.g., Griffin* v. *County School Board of Prince Edward County*, 377 U.S. 218, 234 (1964); *Cooper* v. *Aaron*, 358 U.S. 1 (1958); *Barrows* v. *Jackson, supra*, 346 U.S. at 257–259.

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The evils emanating from governmental acceptance of housing discrimination permeate our entire society. Generations of governmental participation in racial zoning have yielded a bitter harvest of racially segregated schools, unequal employment opportunity, deplorable overcrowding in our center cities, and virtually intractable racial polarization. See Hearings Before the Subcommittee on Housing and Urban Affairs of the Senate Committee on Banking and Currency on S. 1358 etc., 90th Cong., 1st Sess., at 46–47 (1967); Report of the National Advisory Commission on Civil Disorders 204, 244–245 (N.Y. Times paperback ed. 1968). It is too late in the day to argue that it is burdensome to correct these historic wrongs, or that government officials lack the statutory authority to do so. These are the sorts of arguments which "have no place in the jurisprudence of a nation striving to rejoin the human race," *Jones* v. *Alfred H. Mayer Co., supra*, 392 U.S. at 449, n.6 (Mr. Justice Douglas, concurring), and which we accepted at the peril of incurring a racial holocaust.

I. Appellants' statutory argument

In its opinion accompanying dismissal of Appellants' complaint, the District Court found that the "plain import of the words used" in Section 3604(c) of the Fair Housing Act prohibited no more than conventional advertising indicating a racial preference. "[T]he language cannot reasonably be tortured to embrace anything more." With due respect to Judge Corcoran, it seems clear to me that no "torturing" is required to extract more than this rigid result from the statutory language. On its face the Act prohibits any *"notice, statement,* or advertisement" indicating a racial preference. (Emphasis added.) Unless the words "notice" and "statement" are to be treated as surplusage, they must mean that the Act prohibits at least some communications which cannot be classified as advertisements.

Although the legislative history of this section is sparse, it indicates beyond doubt that, as the words themselves suggest, Congress intended to go beyond advertising to reach other sorts of "notices" and "statements" as well. *See, e.g.,* HEARINGS BEFORE THE SUBCOMMITTEE ON CONSTITUTIONAL RIGHTS OF THE SENATE COMMITTEE ON THE JUDICIARY ON S. 1026 ETC., 90th Cong., 1st Sess., at 125–127 (1967); HEARINGS BEFORE THE SUBCOMMITTEE ON CONSTITUTIONAL RIGHTS OF THE SENATE COMMITTEE ON THE JUDICIARY ON S. 3296 ETC., 89th Cong., 2d Sess., at 1105 (1966).

True, there is nothing in the legislative history tending to either support or refute the interference arising from the language that the Act prohibits statements of racial preference emanating from the Recorder's office. In all likelihood, few congressmen even addressed their thinking to this particular problem. But no court has ever held that Congress must specifically indicate how a statute should be applied in every case before the judiciary can go about the business of applying it. The whole purpose of having statutes is to establish a series of general normative rules which the judiciary can then apply on an empirical, case-by-case basis.

Congress has clearly stated that the purpose of this rule is "to provide, within constitutional limitations, for fair housing throughout the United States." 42 U.S.C. § 3601. Reading Section 3604(c) to forbid the Recorder from frustrating this purpose by placing the authority of government behind illegal housing discrimination is perfectly consistent with ordinary canons of statutory construction. It is well established that civil rights statutes should be read expansively in order to fulfill their purpose. *See Griffin* v. *Breckenridge*, 403 U.S. 88, 97 (1971); *Daniel* v. *Paul*, 395 U.S. 298 (1969). There is no reason why our reading of Section 3604(c) should not comport with this rule.[10] Since the Recorder is presently in the business of

making, printing and publishing notices and statements indicating a racial preference with respect to the sale of housing, his actions should be enjoined.

The contrary reading of the statute adopted by the District Court leads to anomalous results indeed. Such a reading authorizes governmental participation in what is now universally conceded to be an illegal endeavor—*viz.*, maintenance of a segregated housing market. It need hardly be pointed out that the strongest sort of public policy considerations argue against a construction of the statute which would permit government to become a co-conspirator in this illegal scheme. *See Elkins* v. *United States*, 364 U.S. 206 (1960). *Cf. Tank Truck Rentals, Inc.* v. *Commissioner of Internal Revenue*, 356 U.S. 30 (1958).

Moreover, the District Court's reading of the statute would carve out a narrow exception to the statutory provision for the benefit of government officials. If private individuals attempted to publish and circulate racial covenants, their activity would clearly violate Section 3604 (c). *See, e.g., United States* v. *Lake Lucerne Land Co.*, N.D. Ohio, Civil Action No. C69-885, January 19, 1970 (consent order). Yet the District Court would have us believe that here, because it is a government official who violates the statutory command, his activity is somehow insulated from judicial control. This position turns the old "state action" controversy on its head. Ever since the Civil Rights Cases were decided almost a century ago, it has been thought necessary to show some degree of state involvement before private discriminatory decisions could be judicially controlled.[11] *See Civil Rights Cases*, 109 U.S. 3 (1883). Yet now the District Court seems to say that judicial control is impossible for the very reason that the state is involved. Whatever one thinks of state action as a viable limiting principle on the constitutional command of equality, it should be at least be clear that the most outrageous deprivations of equal rights are those perpetrated by the state itself. Surely Congress must have been aware of this principle—sanctified by 100 years of "state action" litigation—when it voted to enact Section 3604(c). I am unwilling to believe that the legislators who voted for that Act intended to exempt the most serious offenses from its coverage.

II. Appellants' constitutional argument

In my view, the Fair Housing Act of its own force prohibits appellees' conduct. Thus it would normally be unnecessary for me to discuss appellants' constitutional contentions. However, since the majority has rejected both the statutory and the constitutional arguments advanced by appellants, I think it appropriate for me to add a few words about the constitutional problems raised by appellees' activities. In the constitutional context, the question is whether the official registration of these racial covenants constitutes state action denying black citizens equal protection of the law. To me, the answer—certainly ever since *Shelley* v. *Kraemer, supra*—is clearly yes.

Any discussion of state action and equal protection must begin with a delineation of the core concepts which have defined controversies like this since Reconstruction. On the one hand, *Civil Rights Cases* makes clear that "[i]ndividual invasion of individual rights is not the subject matter of the [Fourteenth] amendment." 109 U.S. at 11. At the other extreme, cases like *Virginia* v. *Rives*, 100 U.S. (10 Otto) 313, 318 (1880), teach that "a State may act through different agencies,—either by its legislative, its executive, or its judicial authorities; and the prohibitions of the [Fourteenth] amendment extend to all action of the State denying equal protection of the laws, whether it be action by one of these agencies or by another."

Of course, it is no easy matter to determine where "action of the State" leaves off and "[i]ndividual invasion of individual rights" begins. As governmental responsibility for racism was more clearly perceived, the old "state action" formulation ceased to provide a bright-line test for the limits of constitutional equality. *See, e.g., Hunter* v. *Erickson*, 393 U.S. 385 (1969); *Reitman* v. *Mulkey*, 387 U.S. 369 (1967); *Evans* v. *Newton*, 382 U.S. 296 (1966), *affirmed after remand, sub nom. Evans* v. *Abney*, 396 U.S. 435 (1970). Indeed, the Supreme Court itself has now conceded that "to fashion and apply a precise formula for recognition of state responsibility under the Equal Protection Clause is an 'impossible task' which 'This Court has never attempted.'" *Burton* v. *Wilmington Parking Authority*, 365 U.S. 715, 722 (1961).

This difficulty in formulating precise, principled rules for the limits of state action[12] has led numerous commentators to suggest that the concept be jettisoned altogether, to be replaced by some test which balances individual interest in equality against competing interests in privacy. *See, e.g.*, Black, *The Supreme Court, 1966 Term, Foreword: "State Action," Equal Protection, and California's Proposition 14*, 81 Harv. L. Rev. 69 (1967); Henkin, Shelley v. Kraemer: *Notes for a Revised Opinion*, 110 U. Pa. L. Rev. 473 (1962); Williams, *The Twilight of State Action*, 41 Tex. L. Rev. 347 (1963). "State action," these commentators argue, fails to dictate decisions in close cases.

Fortunately, it is unnecessary to mediate this scholarly dispute, since this is not a close case. Whatever that vagaries of "state action" at the margin, the core concepts remain clear. When the state acts directly and unambiguously in a discriminatory manner, it violates the basic command of the Fourteenth Amendment. *Cf. Commonwealth of Pennsylvania* v. *Brown*, 3 Cir., 392 F.2d 120, 125, *cert. denied*, 391 U.S. 921 (1968). We are not dealing here with a case where tangential state involvement is used to implicate otherwise private activity with "state action." *See, e.g., Burton* v. *Wilmington Parking Authority, supra; Simkins* v. *Moses H. Cone Memorial Hospital*, 4 Cir., 323 F.2d 959 (1963); *Green* v. *Kennedy*, D. D.C., 309 F.Supp. 1127, *appeal dismissed, sub nom. Cannon* v. *Green*, 398 U.S. 956 (1970). Nor is it even a situation in which a facially neutral government statute or policy has the effect in certain situations of denying racial justice. *See Hunter* v. *Erickson, supra; Reitman* v. *Mulkey, supra.* The Recorder of Deeds is a state official; and the activities of the Recorder's office are a state responsibility. The Recorder has made a policy decision to consider illegal, racist covenants as documents "affecting the title or ownership of real estate."[13] If the concept of "state action" has any meaning at all, then that decision is a state decision for which the state is fully responsible.

The fact that private individuals initiated the discriminatory conduct neither explains the Recorder's actions nor expiates his responsibility. The Recorder's deliberate and manifest encouragement of private discrimination is offensive to equal protection quite apart from the activity of private citizens who seize upon his actions to justify their illegal conduct. The state is not permitted to "[furnish] a vehicle by which racial prejudice may be so aroused as to operate against one group because of race and for another." *Anderson* v. *Martin*, 375 U.S. 399, 402 (1964).

By accepting restrictive covenants for official filing, the Recorder puts government's seal of approval on racist documents deeply offensive to black citizens and thereby "affect[s] their hearts and minds in a way unlikely ever to be undone." *Brown* v. *Board of Education*, 347 U.S. 483, 494 (1954). Moreover, this court should be willing to take judicial notice of the fact that the official recording of these documents is likely to give them a legitimacy and effectiveness in the eyes of laymen which they do not have in law. It is certainly not beyond the realm of possibility that a black person might be reluctant to buy a home in a white neighborhood where government itself implicitly recognizes racially restrictive covenants as "affecting the title or ownership of real estate." Indeed, the lily white character of that part of the District where recorded racist covenants abound stands as mute testimony to their continued effectiveness.

Finally, even if the subtle but real damage described above is considered too remote or speculative to receive judicial recognition, it still cannot be said that appellants have failed to make out a constitutional claim. "The vice lies not in the resulting injury but in the placing of the power of the State behind a racial classification that induces racial prejudice * * *." *Anderson* v. *Martin, supra*, 375 U.S. at 402. Such classifications bear a "heavy burden of justification," *Loving* v. *Virginia*, 388 U.S. 1, 9 (1967), and it has never been thought necessary to prove that actual harm derives from them before they can be invalidated. *See Bryant* v. *State Board of Assessment of N.C.*, E.D. N.C., 293 F. Supp. 1379 (1968); *Hamm* v. *Virginia State Board of Elections*, E.D. Va., 230 F. Supp. 156 (1964). Instead, the burden of proof is on government to demonstrate some compelling reason which justifies the classification. *See McLaughlin* v. *Florida*, 379 U.S. 184, 196 (1964); *Lee* v. *Nyquist*, W.D. N.Y., 318 F. Supp. 710, 719 (1970).

Here, the only possible reason for accepting the covenants for filing is to give them some legal effect. Such a purpose is violative of both the Fair Housing Act[14] and the Fourteenth Amendment.[15] If the courts cannot enforce racial covenants in the exercise of their general common law powers, *Shelley* v. *Kraemer, supra*, then surely the Recorder cannot effectuate them by administrative fiat.[16]

The best that can be said for the Recorder is that his approval of these racial classifications serves no purpose—that his actions are no more than a thoughtless, noninvidious consequence of bureaucratic inertia. But bureaucratic inertia is hardly a compelling justification for the preservation of this relic from an age which should have been long dead. The racism which continues to haunt this country is perpetuated by those who do not care as well as by those who hate. It provides scant comfort to blacks trapped in the slums of our inner cities to know that their jailers are thoughtless rather than heartless.[17]

III. Appellees' Contentions

If I understand appellees' position correctly, they wisely do not contest the validity of the constitutional arguments made above. But whereas one would think that this concession would make an end of the case, appellees go on to raise a number of supposed practical and technical difficulties which, they contend, preclude the relief requested. Given the overwhelming constitutional and statutory imperatives which dictate a contrary result, it is hardly surprising that these arguments barely rise to the level of makeweight.

A. Appellees first argue that, whatever the constitutional injury suffered by blacks because of the Recorder's actions, the white appellants in this case are not harmed. Since the racial covenants are a legal nullity, it is contended, the Recorder's publication of them in no way affects appellants' titles and thus deprives them of no rights.

But while such an argument might have some validity in a different context, it ignores the Supreme Court's willingness to relax rigid standing requirements when dealing with restrictive covenants. In *Barrows* v. *Jackson, supra*, for example, the Supreme Court explicitly held that it would

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permit white homeowners whose land was burdened by racial covenants to assert the constitutional rights of prospective black buyers. "Under the peculiar circumstances of this case, we believe the reasons which underlie our rule denying standing to raise another's rights, which is only a rule of practice, are outweighed by the need to protect the fundamental rights which would be denied by permitting the damages action to be maintained." 346 U.S. at 257. *See also Sullivan* v. *Little Hunting Park, Inc.*, 396 U.S. 229, 237 (1969).

Moreover, it is inaccurate to say that white homeowners suffer *no* injury caused by the recording of these covenants. A certain percentage of blacks no doubt refuse to buy property with such recorded covenants either because they are under a misapprehension as to the legal effect of the covenants or because they do not want to go where they appear to be unwanted, whatever their legal rights. To the extent these blacks decline to bid for title to appellants' property, the marketability of that property suffers. *Cf. Buchanan* v. *Warley*, 245 U.S. 60 (1917). Nor is it relevant that this diminution of marketability is caused by extralegal factors. It has never been thought that a cloud upon one's title had to constitute a valid legal claim before a court sitting in equity could remove it.

Indeed, the whole purpose of a traditional action to quiet title was to clarify the status of putatively *invalid* claims. *See e.g., Barnes* v. *Boyd*, S.D. W. Va., 8 F. Supp. 584, 597, *affirmed*, 5 Cir. 73 F.2d 910 (1934), *cert. denied*, 294 U.S. 723 (1935). Surely if our courts possess the institutional competence to wrestle with contingent remainders and the Rule Against Perpetuities in such an action, they can also vindicate basic constitutional rights.

B. Next, appellees contend that they are statutorily barred from instituting the relief requested. The Recorder, they argue, is a ministerial officer who is bound to accept all deeds tendered to him without exercising any independent discretion.

With all respect, it seems to me this uncharacteristic declaration of bureaucratic modesty is entirely misplaced. Indeed, as I read the relevant statutes, the Recorder has no choice but to reject deeds which indicate a racial preference. The statute authorizes the Recorder to accept only those deeds "affecting the title or ownership of real estate." 45 D.C. Code § 701 (1967). But at least since 1948 when *Hurd* v. *Hodge, supra*, made the rule of *Shelley* v. *Kraemer, supra*, applicable to the District of Columbia, racial covenants have been judicially unenforceable and, hence, have had no effect on the "title or ownership of real estate." It follows that the Recorder exceeds his statutory authority when he accepts these legal nullities for filing.

It is true that the ancient case of *Dancy* v. *Clark*, 24 App. D.C. 487 (1905), states that "the recorder of deeds is in the category of ministerial officers, and has no jurisdiction to pass upon the validity of instruments of writing presented to him for record." *Id.* at 499. But that case was decided years before it was imagined that state involvement with restrictive covenants was a wrong of constitutional magnitude. It stretches credulity to the breaking point to suppose that the *Dancy* court was able to foresee the 65 years of constitutional history which have transpired since its decision. Nor is there anything in *Dancy* to support the proposition that the Recorder is bound to accept a document even when, by doing so, he commits an injury of constitutional proportions. Indeed, the *Dancy* court itself recognized that in extreme cases, where a document was facially invalid, the recorder would be justified in refusing it.[18] Of course, restrictive covenants have been facially invalid since *Shelley* v. *Kraemer, supra*, was decided in 1948.

Moreover, there is a more basic response to appellees' contention which I would have have thought so elemental as to hardly require elucidation. Even if we suppose that the Recorder is acting under statutory compulsion when he records racial covenants, this fact alone does not insulate his conduct from constitutional review. *Compare Strauder* v. *West Virginia*, 100 U.S. (10 Otto) 303 (1880), *with Ex parte Virginia*, 100 U.S. (10 Otto) 339 (1880).

The local statute which sets out the powers of the Recorder of Deeds can hardly be supposed to preempt the Fair Housing Act of 1968 and the Fifth Amendment of the United States Constitution. If a part of the District of Columbia Code really forces the Recorder to violate appellants' constitutional rights, then that portion of the Code is *pro tanto* unconstitutional. It has been clear at least since *Marbury* v. *Madison*, 5 U.S. (1 Cranch) 137 (1803), that Congress lacks the power to direct executive officers to perform unconstitutional acts. Surely this salutary rule is not to be modified at this late date for the exclusive benefit of the District's Recorder of Deeds.

C. Finally, appellees contend that it would be inconvenient and burdensome for them to implement the relief requested and that full implementation might require employment of some additional personnel. We can all join in sincerely regretting the fact that recognition of appellants' constitutional rights may impose some additional burdens on the Recorder's office. But surely appellees do not mean to contend that they can go on violating the constitutional rights of black citizens because such violations suit the Recorder's administrative convenience. Seventeen years of bitter and continuing struggle over school desegregation have made clear that vindication of constitutional rights is not always easy. But we do not have a constitutional system of government because that is the easiest or most efficient means of running a country. The guarantees of the Fifth and Fourteenth Amendments were written into the Constitution for the very purpose of preventing some future government official from ignoring the demands of equality for the sake of short term "convenience." *Cf. Cooper* v. *Aaron, supra*, 358 U.S. at 16–17; *Buchanan* v. *Warley, supra*, 245 U.S. at 81.

Moreover, it should be noted that the parade of horribles to which appellees point is largely imaginary. Appellants have scrupulously and conscientiously tailored their requested relief so as to minimize interference with the Recorder's normal routine. Appellants are not asking the Recorder to go through the thousands of deeds presently on file in a search for restrictive covenants. Nor are they requesting that the tenor of any recorded deed be changed. Instead, they ask only that *in the future* the Recorder not accept deeds with restrictive covenants in them. With respect to deeds already on file, appellants wish the Recorder to attack a notice indicating that restrictive covenants are void to the liber volumes in which such covenants might be found and to copies made of recorded deeds containing such covenants. So far as I can see, the latter elements of this relief could be effectuated by the purchase of a large rubber stamp—surely not too great a price to pay for vindication of constitutional rights.

It is true that, with respect to future deeds, someone in the Recorder's office would have to read the documents to determine whether they contain any illegal covenants. But these deeds must be read in any event to ensure that they are written in English, clearly identify the parties, and contain no obscenities.[19] The vast majority of deeds filed today contain no racial agreements[20] and hence could be routinely approved for filing. Most deeds which do contain such covenants incorporate agreements drafted in an earlier era before it was fashionable or necessary for racism to be coy. These provisions are brutally and disgustingly frank[21] and could easily be filtered out by middle level personnel without extensive legal training.

Thus only a very few deeds with ambiguous or borderline provisions would have to be referred to a lawyer for a legal determination. In any case where really serious doubt arose, declaratory judgment procedures are available to secure a binding judicial determination of the document's tenor. It is therefore difficult to escape the suspicion that the so-called burdens to which appellees point are in reality no more than feeble excuses invented as a *post hoc* justification for bureaucratic intransigence.

IV. CONCLUSION

Finally, the majority here suggests that appellants should address their complaints of racial discrimination to the political branch of government and that attempting to "wrench far-reaching social change" from the judiciary disregards the principle of separation of powers. But while we must, of course, maintain proper respect for the jurisdiction of coordinate branches of government, under our law the judiciary too has the obligation of enforcing constitutional rights. As shown in Part II of this dissent, the due process clause of the Fifth Amendment prohibits the official recording of restrictive covenants.

It therefore becomes the duty of the judicial branch to enforce appellants' constitutional rights by enjoining this practice. The fact that Congress also possesses the unquestioned power to enforce constitutional rights by appropriate legislation has never been thought to relieve the judiciary of its responsibility in this area. Indeed it was the Framers' fear of majoritarian pressure on the political branch that has resulted in the judiciary becoming the primary guardian of the Bill of Rights. "The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials and to establish them as legal principles to be applied by the courts. One's right to life, liberty, and property, to free speech, a free press, freedom of worship and assembly, and other fundamental rights may not be submitted to vote; they depend on the outcome of no elections." *West Virginia State Board of Education* v. *Barnette*, 319 U.S. 624, 638 (1942).

Moreover, it seems to me that the argument for awaiting congressional action overlooks the fact that Congress has acted in this field. It acted in 1866 when it passed sweeping civil rights legislation guaranteeing to all United States citizens the "same right * * * as is enjoyed by white citizens * * * to inherit, purchase, lease, sell, hold, and convey real and personal property." 42 U.S.C. § 1982 (1964). It acted again in 1868 when it adopted the Fourteenth Amendment, thereby establishing universal citizenship and equal rights under law. And it acted most recently in 1968 when comprehensive fair housing legislation was written into law for the purpose of "provid[ing], within constitutional limitations, for fair housing throughout the United States." 42 U.S.C. § 3601.

Now, the time has come for the courts to act. We have already waited entirely too long to wipe out the last vestiges of the official discrimination which has tainted the housing market from time out of mind. I would therefore reverse the judgment of the District Court.

I respectfully dissent.

FOOTNOTES

[1] The Commissioner is empowered to appoint, supervise, and control the Recorder. D.C. Code §§ 45-701(a), (c) (1967).

[2] Hearings on S. 1026, S. 1318, S. 1362, S.

1462, H.R. 2516, H.R. 10805 Before the Subcomm. on Constitutional Rights of the Senate Comm. on the Judiciary, 90th Cong., 1st Sess., at 233 (1967).

[3] Hearings on S. 3296 Before the Subcomm. on Constitutional Rights of the Senate Comm. on the Judiciary, 89th Cong., 2nd Sess., pt. 1, at 84 (1966).

[4] Government inaction as well as action may result in a constitutional violation. Burton v. Wilmington Parking Authority, 365 U.S. 715 (1961). However, the government must have a duty to act and the failure to so act must result in state supported or encouraged discrimination. The instant case is clearly inapposite.

[5] State action appears to exist here. This is not a case where a plaintiff brings suit against a *private* individual and alleges state involvement in private discrimination. Here plaintiff is suing the *state* and asserting that the state is involved in discrimination. The case is certainly unusual in this sense. If, however, we were to ignore this factor and analyze the case in terms of whether there is state action which encourages private discrimination, we would find none, for the state action complained of is merely a neutral one.

It must be recalled that not all governmental action is state action within the purview of the Fifth Amendment. The action must "significantly" involve the state in private racial discrimination. Burton v. Wilmington Parking Authority, 365 U.S. 715 (1961). This is a logical conclusion. Any other result would open unfathomable breaches, for surely it cannot be gainsaid today that the government is not to some extent involved in every facet of our lives.

In Reitman v. Mulkey, 382 U.S. 369 (1966), the Court suggested three factors to consider in determining whether state action is present. The first—immediate objective of the act—and the third—historical context and conditions existing prior to the act—are clearly inapposite. The sole purpose of the statute creating the office of the Recorder, and the actions of the Recorder, is to facilitate and insure the safe transfer of realty. The Recorder is a neutral repository. He is not an advocate. The second factor—ultimate effect of the act—likewise indicates no state action to discriminate. Contrary to appellants' allegations no substantial harm is caused by the actions of the Recorder. See discussion in text.

Clearly then, the relevant factors set forth in *Reitman* indicate no state action. Furthermore, the neutral aspect of the governmental action which we have discussed in the text precludes a finding of state action within the terms of the Fourteenth Amendment. *See* Evans v. Abney, 396 U.S. 435, 444 (1970); footnote 6, *infra*.

[6] Neutral state involvement in many other forms of discrimination have been placed outside the scope of the constitutional guarantees. *See* Waltz v. Tax Commission of the City of New York, 397 U.S. 664 (1970) (religious tax exemption); Black v. Cutter Laboratories, 351 U.S. 292 (1956) (state court enforcement of contract clause); Williams v. Howard Johnson's Restaurant, 263 F.2d 845 (4th Cir. 1959) (licensing by the state).

[7] The homeowner need only file a corrective deed with the Recorder and pay a nominal fee.

[8] One gets an impression of just how noxious these covenants are by perusing some of the examples provided in appellants' complaint. One covenant provides that "no part of said land shall be sold to any negro or person of African descent or with negro or African blood in their veins." Appellants' complaint at 3. Another promises that "[n]o part of the land hereby conveyed shall ever be used, or occupied by, sold, demised, transferred, conveyed unto, or in trust for, leased, or rented, or given, to negroes, or any person or persons of negro blood or extraction, or to any person of the Semitic race, blood or origin, which racial description shall be deemed to include Armenians, Jews, Hebrews, Persians and Syrians, except that; this paragraph shall not be held to exclude partial occupancy of the premises by domestic servants." *Ibid*. These are not ancient documents unearthed from a now forgotten racist past. They are contained in modern deeds involving land transactions occurring today in this city.

[9] 42 U.S.C. §§ 3601-3619 (Supp. V 1965-1969).

[10] Thus it is not surprising that the few courts which have thus far dealt with § 3604 (c) have construed it broadly light of its purpose. *See United States* v. *Hunter*, D. Md., 324 F. Supp. 529 (1971). *Cf. United States* v. *Bob Lawrence Realty, Inc.*, N.D. Ga., 313 F. Supp. 870 (1970); *United States* v. *Mintzes*, D. Md., 304 F.Supp. 1305 (1969).

[11] Of course, this generalization does not apply to legislative or judicial action to remove badges and incidents of slavery under the Thirteenth Amendment. *See Jones* v. *Alfred H. Mayer Co.*, 392 U.S. 409 (1968).

[12] *Compare, e.g., Reitman* v. *Mulkey*, 387 U.S. 369 (1967) and *Hunter* v. *Erickson*, 393 U.S. 385 (1969), *with Evans* v. *Abney*, 396 U.S. 435 (1970), and *Palmer* v. *Thompson*, 403 U.S. 217 (1971).

[13] The governing statute charges the Recorder with the duty of recording "all deeds, contracts, and other instruments in writing affecting the title or ownership of real estate or personal property which have been duly acknowledged and certified." 45 D.C. Code § 701 (1967).

[14] *See* 42 U.S.C. § 3604(a):

[15] *See Shelley* v. *Kraemer*, 334 U.S. 1 (1948).

[16] Cases cited by the majority such as *U.S. National Bank* v. *Snodgrass*, 202 Ore. 530, 275 P.2d 860 (1954) (*en banc*), and *Gordon* v. *Gordon*, 332 Mass. 197, 124 N.E.2d 228, *cert. denied*, 349 U.S. 947 (1955), are thus totally irrelevant to the issue here. These cases, decided almost two decades ago, uphold the power of the state to probate wills with discriminatory provisions over equal protection attack. Even if they can still be said to represent good law, they are limited to the situation in which the state is aiding private conduct which is not itself illegal. Since no statute prevents a testator from devising his property in a discriminatory fashion, it could conceivably be argued that a state probate court has no legal basis for refusing to participate in this legal, private discrimination. Private discrimination in the sale of housing, however, has been illegal since *Jones* v. *Alfred H. Mayer Co., supra* Note 4. Thus the only justification for the Recorder's acceptance of racial covenants is to effectuate conduct which is wholly illegal. It goes without saying that this is in fact no justification at all.

[17] "Whatever the law was once, it is a testament to our maturing concept of equality that, with the help of Supreme Court decisions in the last decade, we now firmly recognize that the arbitrary quality of thoughtlessness can be as disastrous and unfair to private rights and the public interest as the perversity of a willful scheme." *Hobson* v. *Hansen*, D. D.C., 269 F. Supp. 401, 497 (1967), *affirmed, sub nom. Smuck* v. *Hobson*, 132 U.S.App.D.C. 372, 408 F.2d 175 (1969) (*en banc*).

[18] *Dancy* v. *Clark*, 24 App.D.C. 487, 499 (1905). Moreover, "even if a paper on its face appears to have been regularly executed so as to entitle it to record, and the recorder had exceeded his authority in refusing to receive and record it, yet the court will not, by writ of mandamus, coerce his action, if it appears upon consideration of the contents of the paper that it is invalid under the law, for, in that event, to coerce his action and to command the receipt and record of the paper would be a nugatory thing in law." *Id.* at 500.

[19] Apparently the Recorder presently screens all deeds submitted to him to ensure that they meet these requirements. Appellants' assertion to this effect, in their brief at 19, is not challenged by appellees.

[20] At the request of the Justice Department, the major title companies have agreed not to report the existence of racial covenants appearing in the records of title on property for which they issue title insurance. *See* Exhibit A attached to "Plaintiffs' Memorandum of Points and Authorities on Opposition to Defendants' Motion to Dismiss the Complaint." At oral argument we were informed that these companies are responsible for about 95% of the deeds presented to the Recorder for filing.

[21] *See* Note 1, *supra*.

By Mr. McCLELLAN (by request):

S. 3026. A bill to establish a fund for activating authorized agencies, and for other purposes. Referred to the Committee on Government Operations.

Mr. McCLELLAN. Mr. President, I introduce, by request, a bill to establish a fund for activating authorized agencies, and for other purposes.

This legislation was requested by the General Services Administration and I ask unanimous consent to have inserted a letter from the Assistant Administrator of the General Services Administration to the President of the Senate, explaining the need for this legislation.

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

GENERAL SERVICES ADMINISTRATION,
Washington, D.C., Nov. 24, 1971.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is transmitted herewith, for referral to the appropriate committee, a daft of legislation "To establish a fund for activating authorized agencies, and for other purposes."

The General Services Administration provides, on a reimbursable basis, administrative support services to a constantly increasing number of newly established commissions, committees, task forces, boards, and small agencies, the funding of which is not otherwise provided for.

The experience of GSA with these entities reveals a recurring problem—a lack of access to an initial fund source to enable them, during the interim period immediately following their authorization and the time their appropriations become available, to begin carrying out their assigned missions. The hiatus problem with which these bodies are now obliged to cope, arises from the delay inherent in the budget and appropriation processes. However caused, time is lost to the point of jeopardizing in some instances the meeting of prescribed time limitations. We cite as a recent example of crippling delay the establishment of the Aviation Advisory Commission (P.L. 91-258, approved May 21, 1970) required to present its report and recommendations by not later than January 1, 1972. Appropriations were not enacted for the funding of this Commission until May 25, 1971.

We believe it desirable to remedy by legislation the funding dilemma which confronts these types of organizations in their early stages. The draft bill submitted herewith would achieve the needed result by authorizing the establishment of a fund for activating authorized agencies. The fund would be administered by GSA which currently performs administrative support services for more than 40 small commissions and committees. Advances from the fund would be

subject to approval by the Director of the Office of Management and Budget.

We urge prompt introduction and enactment of the draft bill.

The Office of Management and Budget has advised that there is no objection to the submission of this proposed legislation to the Congress, and its enactment would be in accord with the program of the President.

Sincerely,

HAROLD S. TRIMMER, Jr.,
Assistant Administrator.

S. 3026

A bill to establish a fund for activating authorized agencies, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby established on the books of the Treasury a fund, which shall be administered by the General Services Administration. The fund may be capitalized at not to exceed $3,000,000 and shall be available, without fiscal year limitation, for advance funding to activate boards, commissions, committees, small agencies and other Federal organizations established by act of Congress or by Executive Order of the President, the funding of which is not otherwise provided for, and until such time as appropriations therefor have been made by the Congress. Such advances shall be subject to approval by the Director, Office of Management and Budget.

SEC. 2. Any advances from the fund established by this Act shall be fully reimbursed (without interest) from any appropriations made available for purposes for which the funds were advanced. The fund will also be credited with all reimbursements, and refunds or recoveries relating to personal property and services procured through the fund.

SEC. 3. There is hereby authorized to be appropriated, without fiscal year limitation, as initial capital to the fund created by this Act, an amount not to exceed $3,000,000.

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

S. 3027. A bill to designate certain lands in San Luis Obispo County, California, as wilderness. Referred to the Committee on Interior and Insular Affairs.

Mr. CRANSTON. Mr. President, I introduce for appropriate reference a bill to designate certain lands in San Luis Obispo County, Calif., as the Lopez Canyon National Wilderness Area. I am delighted that my distinguished colleague from California (Mr. TUNNEY) has joined me as cosponsor of this bill.

The area of 21,500 acres is rugged and wild highland with numerous outcroppings of rock. Elevations vary from High Mountain's summit of 3,180 feet to Huff's Hole Creek at 750 feet. The area is dominated by Lopez Creek and its tributaries—all perennial streams. It also is the home of California black bear, beaver, golden eagle, and bald eagles.

The Acting Regional Forester of the U.S. Department of Agriculture has stated that Lopez Canyon "is by far the most attractive area between two existing wildernesses, the San Rafael and Ventana.

Lopez Canyon features outstanding groves, and individual large trees, of canyon oak, tan oak, maple, sycamore, bigcone pine, and manzanita, and the only stand of knobcone pine between Monterey and the San Bernardino Mountains. At least 12 species of fern also have been noted there.

The late Dr. Robert Hoover, professor of botany at California State Polytechnic College and an acknowledged authority on plants in San Luis Obispo County, described the area as follows:

Only stand of knobcone pine between Monterey and San Bernardino Mountains.

One of the most extensive stands of Bigcone pine in existence, including some picturesque individual trees in rocky, windy places.

Very extensive stands of two species of manzanita, one of which is apparently entirely restricted to the area.

Particularly fine groves, and large individual trees, of canyon oak, tan oak, maple and sycamore.

Unusually extensive development of white siliceous shale, including in places some unusual rock scenery, and picturesque "barrens" with scattered pines and manzanitas.

In canyon bottom, limestone spring deposits in which imprints of leaves are being fossilized.

At least 12 species of ferns, more than half of the entire number in San Luis Obispo County.

In the upper end of the canyon, and probably in some of the tributaries, magnificent natural gardens including Woodwardia ferns, Aralia, maidenhair ferns, leopard-lillies, and wild orchids. Accessibility of the area to great numbers of people could only lead to destruction of this priceless and irreplaceable heritage. Those who appreciate this unique beauty enough to think it worth a long, hard walk are the people who should be privileged to see it. Most travelers on a road would be indifferent to it and careless of its preservation.

There are a certain number of manmade imperfections within the boundaries I am proposing. These include a 70-kilovolt power transmission line, several miles of four-wheel drive road, and some firebreaks and helicopter landings—these latter used in fire suppression. I do not believe that any of these items should preclude the designation of the wilderness. With the exception of the transmission line, none of these uses detract measurably from the primitive environment.

The western border of this unique and beautiful wilderness is only 12 miles from a growing urban center, the city of San Luis Obispo.

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

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

S. 3027

A bill to designate certain lands in San Luis Obispo County, California, as wilderness

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subject to the provisions of subsection (b), the following lands located in San Luis Obispo County, California, and consisting of approximately 21,500 acres, are hereby designated as wilderness:

Legal description of proposed Lopez Wilderness Area

	Approx. acreage
T. 29 S., R. 13E., MDB&M:	
Sec. 31. SE¼ of SE¼, W½ of SE¼	120
Sec. 32. SW¼ of SW¼	40
T. 30 S., R. 13E., MDB&M:	
Sec. 5. Lots 4 thru 12 (being NW¼ of NW¼ & S½) S½ of NW¼	440
Sec. 6. E½ of E½	160
Sec. 7. NE¼ of NE¼	40
Sec. 8. All except Lots 13, 14	560
Sec. 9. Lots 3, 5 thru 12 (being the SW ¼ of the NW¼ and the S½)	360
Sec. 10. S½ of the SE¼	80
Sec. 13. SW¼ of the NW¼; W½ of the SW¼; SE¼ of the SW¼; SW¼ of the SE¼	200
Sec. 14. SE¼ of the NE¼; E½ of the SE¼; SW¼ of the SE¼; W½ of the W½; SE¼ of the SW¼	360
Sec. 15. All	640
Sec. 16. All, except N½ of the NW¼	560
Sec. 17. All except portion lying westerly of East Cuesta Ridge Road and portions within 50 feet of center line of spur road to and installation on Mt. Lowe	300
Sec. 21. Portion lying easterly of Existing East Cuesta Ridge Road	540
Sec. 22. All	640
Sec. 23. All	640
Sec. 24. All	640
Sec. 25. All	640
Sec. 26. All	640
Sec 27. All except SW¼ of SW¼	600
Sec. 28 Portions of Lots 1, 2, 7, 8, and 9 lying easterly of East Cuesta Ridge Road	180
Sec. 35. N½	320
T. 30 S., R. 14 E., MDB&M:	
Sec. 19. All, except NE¼	480
Sec. 28. All lying southerly of Hi Mountain Road	20
Sec. 29. W½	320
Sec. 30. All	640
Sec. 31. All, except San Luis Obispo County Assessor Parcel Nos. 70–461–1; 70–461–2; and 48–011–1 (irregular)	740
Sec. 32. All lying southerly of Hi Mountain Road (irregular)	800
Sec. 33. All lying southerly of Hi. Mountain Road (irregular)	600
Sec. 34. All, excepting portion lying northeasterly of Hi Mountain Road	450
Sec. 35. All that portion lying southererly of Hi Mountain Road	160
Sec. 36. All that portion lying southerly of Hi Mountain Road	50
T. 31 S., R. 14 E., MDB&M:	
Sec. 1. All excepting portion 50 feet from centerline of spur road to and installation on Hi Mountain	450
Sec. 2. All (irregular)	580
Sec. 3. All (irregular)	580
Sec. 4. All (irregular)	540
Sec. 5. Lots 1 thru 8	240
Sec. 9. N½ of the NE¼; SE¼ of the NE¼	160
Sec. 10. All excepting portion lying Southerly of Country Road (irregular)	580
Sec. 11. All	640
Sec. 12 All	640
Sec. 13. All (irregular)	500
Sec. 14. NW¼; E½; NW¼ of SW¼	520
Sec. 15. E½ of the NE¼	80
Township lot No. 48. (All lying easterly of Lopez Canyon Road)	160
Township lot No. 49. (All lying easterly of Lopez Canyon Road)	160
T. 31 S., R. 15 E., MDB&M:	
Sec. 5. Lots 3 and 4	80
Sec. 6. All (which includes an irregularly surveyed township lot numbered 42)	560
Bureau of Land Management Land	
Sec. 7. All (irregular)	425
Sec. 8. S½ of the NW¼; SW¼ of the NE¼; N½ of the SW¼; SW¼ of the SW¼; NW¼ of the SE¼	280

Sec. 17. All except NE¼ of the NE¼; and except S½ of the SW¼ - 620
Sec. 18. All, except S½ of the SE¼ and SE¼ of SW¼ ---------------- 520

(b) Any non-Federal lands included within the area described under subsection (a) of this section shall not be considered as wilderness until such lands have been acquired by the Secretary of Agriculture pursuant to subsection (c) of this section.

(c) The Secretary of Agriculture is authorized to acquire by donation, purchase with donated or appropriated funds, exchange or condemnation any or all non-Federal lands located within the exterior boundaries of the area described under subsection (a). Such lands, on and after their acquisition, shall be administered as wilderness lands in accordance with section 2 of this Act.

(d) Lands designated as wilderness by this Act, including lands acquired pursuant to subsection (c), shall be known as the "Lopez Canyon National Wilderness Area".

SEC. 2. The wilderness area established by this Act shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

SEC. 3. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map of the wilderness area established by this Act with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such description shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in such legal description and map may be made.

SEC. 4. There are authorized to be appropriated such sums as may necessary to carry out the provisions of this Act.

INTRODUCTION OF S. 3023

Mr. JAVITS. Mr. President, through an inadvertence the text of S. 3023 was omitted from the RECORD when I introduced the bill on December 14, 1971.

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. 3023

A bill to amend the Public Health Service Act so as to permit greater involvement of American medical organizations and personnel in the furnishing of health services and assistance to the developing nations of the world, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Public Health Service Act is amended by adding at the end thereof the following new title:

"TITLE XI—INTERNATIONAL HEALTH CARE

"SHORT TITLE

"SEC. 1101. This title may be cited as the "International Health Agency Act of 1971."

"FINDINGS; DECLARATION OF POLICY

"SEC. 1102. The Congress hereby finds and declares that the improvement of health services and assistance on an international basis in in the finest heritage of the United States and clearly indicates our humane interest in the peoples of the developing world. It is in the interest of the United States, in cooperation with other governments and international organizations, to provide assistance to those developing nations working to help themselves provide needed health services which will be available to all their people. It is, therefore, necessary and desirable for the United States to aid health professionals and activities in the developing areas in the battles against disease, malnutrition, and natural disasters. We must clearly identify our national commitment to this effort.

"ESTABLISHMENT OF PROGRAM

"SEC. 1103. (a) The President, acting through an agency created by him, to be known as the "International Health Agency" (hereafter in this Act referred to as the "Agency"), is authorized to carry out programs in furtherance of the purposes of this Act on such terms and conditions as he may determine.

"(b) The President shall appoint, by and with the advice and consent of the Senate, a Director of the Agency and a Deputy Director of the Agency.

"(c) The Director of the Agency may promulgate such rules and regulations as he may deem necessary or appropriate to carry out the functions vested in the Agency by the President under this Act, and may delegate to any of his subordinates authority to perform any of such functions.

"(d) The President shall prescribe appropriate procedures to assure coordination of Agency activities with other activities of the United States Government in each country, under the leadership of the chief of the United States diplomatic mission. It is within the intent of this Act to assist and support the activities of private voluntary agencies in the field of health services consistent with the purposes of the Act and nothing in this Act shall be construed to limit United States assistance and support of such activities.

"(e) Under the direction of the President, the Secretary of State shall be responsible for the continuous supervision and general direction of the programs authorized by this Act, to the end that such programs are effectively integrated both at home and abroad and the foreign policy of the United States is best served thereby.

"SEC. 1104. (a) The President may utilize such authority contained in the Foreign Service Act of 1946, relating to Foreign Service Reserve officers, Foreign Service staff officers and employees, alien clerks and employees, and other United States Government officers and employees apart from Foreign Service officers as he deems necessary to carry out functions under this Act.

"(b) In each country or area in which individuals employed under this Act serve abroad, the President may appoint a representative of the Agency to have direction of other employees of the Agency abroad and to oversee the activities carried on under this Act in such country or area.

"(c) The President shall make provision for such training as he deems appropriate for each individual employed under this Act. In the case of individuals serving abroad, such training shall include intensive language study, cultural studies, and concentration on the variations in medical techniques and philosophy from those practiced in the United States.

"(d) Experts and consultants or organizations thereof may, as authorized by section 3109 of title 5, United States Code, be employed by the President for the performance of functions under this Act, and individuals so employed may be compensated at rates not in excess of the per diem equivalent of the highest rate payable under section 5332 of title 5, United States Code, and while away from their homes or regular places of business, they may be paid actual travel expenses and per diem in lieu of subsistence and other expenses at the applicable rate prescribed in the Standardized Government Travel Regulations, while so employed.

"SEC. 1105. (a) The President shall assign personnel of the Agency at the invitation of host countries in need of mobile medical and paramedical, technical, and subtechnical personnel. The personnel of the Agency so assigned shall assist in health-related environmental projects, epidemic control, specific disease campaigns, and mass immunization programs. Host country personnel shall be trained to carry out priority health tasks among the people of the host country.

"(b) The personnel of the Agency so assigned shall not be concerned solely with infective and epidemic scourges, but shall also direct their attention to other health problems, including alcoholism and drug addiction, which is a problem calling for increased identification and treatment.

"(c) The President shall, acting through the Agency, coordinate disaster relief in such a manner that the United States, as a nation, can respond in a more rapid and comprehensive fashion than has been possible heretofore. The President shall, acting through the Agency and in cooperation with the International Red Cross, encourage other nations and international organizations to join with the United States in committing medical and material resources as expeditiously as possible and in anticipation of related problems likely to occur under known conditions.

"AUTHORIZATION OF APPROPRIATION

"SEC. 1106. There is authorized to be appropriated to the President to carry out the provisions of this Act not to exceed $25,000,000 for each of the fiscal years ending June 30, 1972; June 30, 1973; June 30, 1974; June 30, 1975; June 30, 1976; and June 30, 1977."

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 325

Mr. BEALL. Mr. President, on January 27, 1971, I introduced S. 325, a bill which would establish a survivor annuity program for widows of military personnel.

Thirty Members of the Senate are cosponsors of this measure, and I am pleased that the Senator from Missouri (Mr. EAGLETON), the Senator from California (Mr. TUNNEY), and the Senator from Hawaii (Mr. INOUYE) have joined in cosponsorship.

I ask unanimous consent that at the next printing of the bill, their names be added as cosponsors.

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

S. 2981

At the request of Mr. AIKEN, the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of S. 2981, a bill to provide for environmental improvement in rural America.

S. 1521

SAXBE SPONSORS LIFTING TV BAN

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the senior Senator from Ohio (Mr. SAXBE) be added as a cosponser of my bill to ban the television blackout of home sports contests when tickets are no longer available to the general public.

I welcome Senator SAXBE's cosponsorship and honor his efforts to get the National Football League and the ownership of the Cleveland Browns to voluntarily lift the television ban of an American Football Conference playoff game in Cleveland later this month.

Mr. President, I ask that Senator SAXBE's name be added as a cosponsor of S. 1521, a bill to amend the act providing an exemption from the antitrust laws with respect to agreements between persons engaging in certain professional sports for the purpose of certain television contracts in order to terminate such exemption when a home game is sold out.

The issue, Mr. President, is coming to a head. The playoffs have brought to a white-heat the intense interest in professional football. Over the entire country, with but few exceptions, fans have difficulty buying tickets for regular season games. Still they cannot, for the most part, get TV coverage of home games even though televising equipment is in the stands. Besides, 20 of the 26 stadiums are public owned, as are the airwaves. Bill S. 1521 would not harm the owners financially. Fans would not lag in buying tickets, for only a relatively few are available for each game because of the great sales of season tickets. Real fans want to see their teams in person. Weather does not bother them, as witness the Cowboys-Packers Super Bowl game in Green Bay a few years back, when the temperature was 13 below zero at game time.

Mr. President, the fans want nothing more than to be able to see their team on TV when they are unable to buy tickets, regardless of their financial standing.

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

S. 2812

At the request of Mr. NELSON, the Senator from New Mexico (Mr. MONTOYA) was added as a cosponsor of S. 2812, to provide for establishment of a national drug testing and evaluation center, and for other purposes.

S. 2994

At the request of Mr. MCCLELLAN, the Senator from Florida (Mr. GURNEY), was added as a cosponsor of S. 2994, to provide for the compensation of innocent victims of violent crime in need; to make grants to States for the payment of such compensation; to authorize an insurance program and death and disability benefits for public safety officers; to provide civil remedies for victims of racketeering activity; and for other purposes.

S. 2828

At the request of Mr. NELSON, the Senator from Maine (Mr. MUSKIE) was added as a cosponsor of S. 2828, to amend sections 9 and 11 of the Clayton Act, as amended, to provide for the continuance of the family farm and to prevent monopoly, and for other purposes.

SENATE JOINT RESOLUTION 171

At the request of Mr. MATHIAS, the Senator from Indiana (Mr. BAYH), the Senator from Kansas (Mr. DOLE), and the Senator from Colorado (Mr. ALLOTT) were added as cosponsors of Senate Joint Resolution 171, to designate March 1972 as "Exceptional Children's Month."

SENATE JOINT RESOLUTION 181

Mr. BEALL. Mr. President, on December 6 I introduced Senate Joint Resolution 181 to establish a Joint House-Senate Committee on Aging.

In addition to its other responsibilities, this committee would be given the specific assignment of following up on the White House Conference on Aging. I am pleased to announce that the following Senators have agreed to cosponsor this measure and I ask unanimous consent that their names be added at the next printing of the bill: LLOYD BENTSEN, ROBERT DOLE, MARK HATFIELD, EDWARD KENNEDY, JOHN TOWER, and MILTON YOUNG.

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

CONTINUING APPROPRIATIONS FOR FOREIGN AID—AMENDMENT

AMENDMENT NO. 793

(Ordered to be printed and to lie on the table.)

Mr. TAFT submitted an amendment, intended to be proposed by him, to the joint resolution, House Joint Resolution 1005, making further continuing appropriations for fiscal year 1972.

NOTICE OF FIELD HEARINGS—SUBCOMMITTEE ON ADMINISTRATIVE PRACTICE AND PROCEDURE

Mr. HART. Mr. President, on behalf of the Senator from Massachusetts (Mr. KENNEDY), I announce that the Senate Subcommittee on Administrative Practice and Procedure will conduct field hearings in New Mexico, Arizona, California, and Nevada as part of its continuing inquiry into Federal administrative protection of Indian rights and resources. These hearings will take place during the first week in January 1972.

In 3 days of hearings this fall in Washington, D.C., the subcommittee heard extensive testimony from witnesses representing Indian tribes and organizations and from representatives of the Department of the Interior and the Department of Justice. The field hearings will allow the subcommittee to obtain additional direct information and will afford an opportunity of participation in the hearings to tribal and local officials who are most aware of the context in which the Federal administrative difficulties arise. Precise times and locations of the hearings will be announced during the congressional recess.

ADDITIONAL STATEMENTS

THE ROLE OF CONGRESS IN FOREIGN POLICY

Mr. TAFT. Mr. President, the New York Times this week editorialized on the role of Congress in foreign policy and the prospect for a truly bipartisan approach. I share strongly in the views expressed and ask unanimous consent that editorial be printed in the RECORD.

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

[From the New York Times, Dec. 14, 1971]

TOWARD BIPARTISANSHIP ABROAD

Under the Constitution, only the Congress can declare war and pay American troops. But the President, as Commander in Chief, can commit the armed forces to combat on his own. In an era of undeclared wars, this ambiguity has led inevitably to executive encroachment on Congressional prerogatives.

Efforts by the Congress to resist the trend now encounter the argument that Congressional debate is a luxury that cannot always be enjoyed in the nuclear age, when split-second reactions may be vital to avoid the nation's destruction. But it is not the nuclear contingency that is in fact at issue. It is the relatively limited military engagement—such as the Dominican intervention or the Indochina conflict—that has most eroded Congressional control over the war-making powers. And it is essentially the no-more-Vietnams syndrome that is spurring current efforts in the Senate to increase the Congressional role in future military decisions.

The legislative formula recently approved by the Senate Foreign Relations Committee to restrict the war-making powers of the Presidency is not and cannot be water-tight. It is recognized that the Congress cannot and probably should not attempt to prevent the Commander in Chief from engaging the nation in hostilities in certain emergency situations. The intention is to prevent military action from continuing more than thirty days without Congressional approval.

The thirty-day clause is the heart of the proposed legislation, rather than the attempt to define the circumstances under which the President would be authorized to use the nation's military power. The bill would indeed authorize armed force to repel or to forestall an attack on the United States or on American forces stationed abroad. While the President's constitutional powers could not be limited to such contingencies by legislation the Congress can insist on its participation in decisions to extend or enlarge a conflict beyond the measures taken in the initial emergency period.

This approach undoubtedly involves some disadvantages. The need to sway the Congress could conceivably impel a future Administration to escalate low-key military moves and to attempt to arouse popular emotion. The Congress itself is not impervious to an exigent President and can be misled, as the Tonkin Gulf resolution demonstrated in 1964.

But such risks are smaller than those revealed by unrestricted exercise of the Presidential war-making powers. What would chiefly be restricted would be the President's power to take the nation into a large-scale war without its consent, explicitly expressed by its elected representatives.

Instead of resisting the proposed legislation, the Nixon Administration would be well advised to embrace it and to go beyond it to create a new atmosphere of cooperation with the Congress in foreign policy generally. With a necessarily divisive Presidential campaign approaching, it is imperative to restore some semblance of the old tradition that politics stops at the water's edge.

As a first move to restore a bipartisan foreign policy, Mr. Nixon could well invite the Senate majority and minority leaders to accompany him to Peking and Moscow—and to the summit meetings with allied leaders that will precede these historic voyages. Although it is too late for the talks under way with President Pompidou of France in the Azores, Senators Mansfield and Scott would be valuable additions to the American delegation for the projected meetings with the leaders of Britain, West Germany and Japan. Now that he has wisely if belatedly moved to take the allies into his confidence, Mr. Nixon can afford to make the same gesture toward the Congress.

CREDIT FOR THE GOVERNMENT EMPLOYEES PRIVACY BILL

Mr. ERVIN. Mr. President, last week the Senate passed S. 1438, the govern-

ment employees privacy bill. The bill seeks to guarantee by law that the Federal Government, as the employer of millions of Americans, has claim only to the personal services of its employees, and not to their entire lives and beings. It sets forth some simple and very basic prohibitions against the intrusion by the government into the private thoughts, the personal relationships, and the outside activities of those Americans who work for their government.

Very few will argue against the principles behind this legislation. Unfortunately, the executive branch has seen fit to quibble about details in the legislation, and thus for 5 years it has effectively delayed it from becoming law.

Now that the Senate has passed the bill three times, the last two without objection, it is my profound hope that at long last the House will also act. When they do, the citizens who work for the executive branch, and by extension all Americans, will gain an important added measure of protection for their privacy and individual rights.

Although the bill has come to be known as the "Ervin Bill of Rights," much of the credit must go to members of the staff of the Subcommittee on Constitutional Rights, past and present, who have worked hard and long on it. William Creech was subcommittee chief counsel during the early period when the subcommittee was gathering evidence and conducting preliminary hearings to show the need for the legislation.

His successor as chief counsel, George Autry, participated in the drafting of the first bill, S. 3703, introduced in 1966, and helped to guide it to a 90–4 vote when it passed the Senate in 1967. Lawrence M. Baskir, the present chief counsel, and Paul Woodard, his predecessor, also deserve a large measure of credit for the bill and its acceptance by the Senate. In addition, I wish to thank Lewis Evans, Angelina Gomez, Mrs. Lydia Grieg, Helen Lyles, Carol Sanders, Ruth Hill, and Elaine Butler, each of whom assisted over the years in the subcommittee's privacy and Government employee work.

Most of all, credit must go to Marcia MacNaughton, who, as the subcommittee's professional staff member in charge of our work on privacy, has done the most to shepherd this legislation through Congress. Miss MacNaughton has labored many long days and nights and even weekends in the cause of individual privacy and the right of Government employees. By right, this bill should be known as the "MacNaughton employee rights bill." The millions of Americans whose rights this legislation seeks to protect owe the success of the bill to her. When it finally becomes law, as I hope it soon will, it will be due in immeasurable degree to her dedication and efforts.

NIXON POPULATION STATEMENT

Mr. PACKWOOD. Mr. President, on November 17, 1971, the National Academy of Television Arts and Sciences, in conjunction with the Population Communication Center of New York, conducted an all day population conference for industry leaders, producers, writers, and performers in Los Angeles. The title of the conference was "Population As A National Issue: The Critical Role of Television."

Those scheduled to speak before this important conference included Gen. William H. Draper, Jr., Dr. Dennis Meadows of MIT, Mr. Walter Hickel, Dr. Joseph Beasley, chairman of Planned Parenthood, Mrs. Ellen Peck, author of the book, The Baby Trap, Mr. Douglas Stewart, director of community relations for Planned Parenthood, and Mr. Hugh Downs, formerly of the Today Show. Although I had also planned to address the conference, Senate business kept me here and I was unable to attend.

As one can see from looking over the list of speakers, some excellent statements were presented on the critically important subject of population growth and its relationship to the meaning and quality of life for future generations.

In addition, President Nixon took this opportunity to once again express his views on population growth, and the impact of population growth on this Nation's future. His statement was read by Gen. William H. Draper, Jr., the distinguished chairman of Population Crisis Committee. It reflects, I believe, the President's continuing interest in and concern over population growth, which he originally expressed in his population message in July 1969. Because of the significance of the President's recent statement, I commend it to Senators for their reading, and I ask unanimous consent that it be printed in the RECORD.

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

MESSAGE FROM PRESIDENT RICHARD M. NIXON

LADIES AND GENTLEMEN: It is a pleasure to extend my greetings to you today and to offer congratulations to the National Academy of Television Arts and Sciences for bringing the vital issue of population to the attention of the television community.

This issue has been a continuing concern of mine and of this administration. In 1969 I sent a message to the Congress on population which detailed the domestic and world population situation together with recommendations for action. In that message I said, "I believe that many of our present social problems may be related to the fact that we have had only fifty years in which to accommodate the second hundred million Americans. In fact, since 1945 alone, some ninety million babies have been born in this country. We have thus had to accomplish in a very few decades an adjustment to population growth which was once spread over centuries and it now appears that we will have to provide for a third hundred million Americans in a period of just thirty years."

I noted that our growing population faces us with questions of urban growth, housing, natural resources, quality of environment, education, and employment for which we must find answers. I declared my belief that no American woman should be denied access to family planning assistance because of her economic condition and I established as a national goal the provision of adequate family services within the next five years to all those who want them but cannot afford them. This program is now in being.

At my request the Congress last year authorized the National Commission on Population Growth and the American Future. This Commission has already made an important interim report and next year will complete its studies and deliver its recommendations to me and to the Congress.

In addition, the Congress last year passed and I signed into law the Family Planning and Population Research Act. This law is now being carried out. Research for better methods of fertility control has high priority as well as extension of family planning services.

Another matter of great interest and deep concern to this administration and to me personally which I noted in my 1969 population message are the burdens imposed by rates of population growth much greater than our own—which occur in the less developed areas of the world.

The Congress has provided strong bipartisan support in moving to meet these problems overseas. In 1966 this country was giving four million dollars annually for the support of programs outside this country. In the last fiscal year the Congress made available one hundred million dollars for this purpose. We are now engaged in bilateral assistance through the United States Agency for International Development to over thirty countries which have asked for our assistance. In addition, we are also working through and supporting international agencies. The period since my message has seen the establishment of the United Nations Fund for Population Activities, whose constructive program we have actively supported. We have also supported the private voluntary movement in the population field, that is, International Planned Parenthood Federation, which is doing excellent work through its member organizations in 79 different countries.

I believe we can take reasonable satisfaction in the progress the government is making to meet the challenge which population growth poses to all people. But as I noted in my 1969 message to Congress, the questions posed by the population issue cannot be answered by "government alone, nor can government alone turn the answers into programs and policies." Those are questions which must be faced by all serious Americans.

Television is man's most pervasive medium of communication. The skills and imagination of the writer, the perception and vision of the director, the ideals and the ability of the producer, the sensitive interpretation of the actor, and the dedication and conscience of the executive—all these must contribute to enable this great medium to provide responsible leadership in helping Americans of all walks of life consider and find answers to these questions.

So I send congratulations to you and to the leaders of the Academy for placing yourselves and your industry in the forefront of those who are taking this issue seriously. It is important that you do so, for few subjects will so deeply affect the lives of this and future generations as the challenge of population growth. It is important also that we recognize the need to meet this challenge with an extreme sense of urgency. The momentum already built into the world's population growth means that delay in acting now will greatly increase the burden of the problem which must be borne later.

But if our people, with your educational help, and if all the peoples of the world will join in doing what is needed without delay, then mankind may indeed successfully surmount this serious challenge.

Otherwise, I truly fear the consequences for all humanity. And so I conclude this message to you by quoting a great American leader and former President, Dwight D. Eisenhower, who said, "If we now ignore the plight of those unborn generations which, because of our unreadiness to take corrective action in controlling population growth, will be denied any expectations beyond abject poverty and suffering, history will rightly condemn us."

WEATHER MODIFICATION

Mr. PELL. Mr. President, over the past several years, scientists, international lawyers, and others have expressed a serious concern about the growing possibilities for manipulating weather and other environmental components for military purposes. For over 25 years the Department of Defense has been conducting research and development programs relating to the various forms of weather modification. One of the more fruitful fields of research has been the investigation of precipitation augmentation, or rainmaking. Experiments have demonstrated that when the proper meteorological conditions prevail, it is a relatively simple matter to increase the amount of rainfall by 30 to 50 percent. The military effects of such increases could be devastating if applied to areas of heavy rainfall, such as the monsoon areas of Southeast Asia.

The field capabilities of the Department of Defense have been utilized successfully on several occasions.

In 1969, at the request of the Government of the Philippines, the Department of Defense conducted a 6-month rainmaking project in the Philippine archipelago. The project was so successful that the Philippine Government has subsequently taken steps to acquire an independent capability to annually augment their rainfall. A similar 1-month project was recently undertaken in Texas at the request of the Governor of that State. The operation appears to have been moderately successful in alleviating Texas' severe water shortage.

These projects, although directed toward a humanitarian end, indicate the proficiency with which the military is able to modify the weather. If the Air Force can bring rain to a parched, drought area in the American Southwest, then it can, in turn, create flood conditions in the monsoon areas of Southeast Asia. It is because of this potential that I urge the administration to take immediate action.

Rainmaking as a weapon of war could lead to the use of vastly more dangerous environmental techniques whose consequences may be unknown and may cause irreparable damage to our global environment. When we begin to interfere with the global circulation to achieve a military objective, we take the chance of adversely affecting the well-recognized characteristics of the atmosphere and subsequently threaten the survival of all mankind. Before going down this path, the United States must carefully examine the implications for national policy and for science.

From a pragmatic point of view, the military use of meteorological techniques could undermine those present peaceful scientific programs which are designed to benefit mankind, such as the Stockholm Conference on the Human Environment, the Global Atmospheric Research Program, and the International Hydrological Decade. Such activities could very well lead to another international weapons race which, in the end, would reduce national security.

At this point in time the United States should consider all possible preventative courses of action. As opposed to its official silence, or actions condoning a gradual drift into environmental warfare, the administration should explore both the advantages of a renunciation of such operations and the possible benefits stemming from an initiative for a multilateral "no first use" agreement. Experience in arms control has demonstrated that a distinct barrier is best accomplished by a blanket prohibition of activities likely to lead to the development of a new weapons category. In the absence of such a ban, the way is left open to the planning development and eventual prosecution of some form of deliberate environmental warfare. It is imperative that restraint be exercised early in the developmental stages before irretrievable precedents are set.

The United States has been preeminent in developing the field of weather modification in applying it for civilian benefit and in publicizing work in progress. The continued lead exercised by the United States in international scientific collaboration, especially in areas involving hydrologic cooperation and long-range weather forecasting, would be seriously jeopardized by unexplained or secret programs. In fact, if the United States followed such a course, we might be more vulnerable to foreign accusations of having contributed to natural environmental or climatic disasters. It is not unlikely that the United States would be suspected of using open scientific programs as covers for military research, experimentation, and operations.

In addition, and this is most important, we should have learned by now that exclusive possession, dominance, and even superiority in military technology is not a permanent state. What we can develop, other nations such as Russia or China also may have developed or be developing. That has been the experience in atomic weaponry, missilery, and space technology.

Indeed, we can have no assurance that other nations have resisted the temptation to develop expertise in this field, lacking any general agreement that geophysical and atmospheric modification will not become weapons in the arsenal of war.

It is not necessary, for the development of environmental warfare, that any nation eagerly seek to develop this terrible new dimension in warmaking. Rather, it will be sufficient cause if one or more nations feel compelled by distrust and suspicion to move in that direction.

It is necesary, therefore, that the United States take the initiative in the development of some form of international agreement governing weather-modification activities.

Similar appeals have been voiced in the past. The late John von Neuman, the noted scientist and member of the Atomic Energy Commission, stated in 1965 that—

> Present awful possibilities of warfare may give way to others even more awful. After global climate control becomes possible, perhaps all our present involvements will seem simple. We should not deceive ourselves; once such possibilities become actual, they will be exploited. It will, therefore, be necessary to develop suitable new political forms and procedures.

In June 1965 then Assistant Secretary of State Harlan Cleveland stated quite aptly that:

> We won't want other nations modifying our weather, and so we will certainly have to accept some restraints on our freedom to modify theirs.

Similarly, Secretary of State William P. Rogers stated on January 26, 1971 that—

> We are anxious to apply weather modification technology, as it becomes operational, to the problems of developing countries. We are also alert to the need to consider international arrangements to deal with the implications of this new phenomenon.

Therefore, I sincerely urge the President, in keeping with the traditional U.S. position, to make an announcement dedicating all geophysical and environmental research to peaceful purposes. I also urge the United States, as Cochairman of the United Nations Disarmament Committee, to take the initiative in framing and introducing to the conference a broad treaty imposing a prohibition on all forms of geophysical and environmental warfare. By these actions, the United States would enhance world order and stability, and encourage a greater sense of openness in the application of new technologies to environmental problems of global concern.

In order to further this objective, I hope to submit a resolution early in the next session setting forth a draft treaty on this subject. I hope that the resolution will generate discussion and action in this area.

NICHOLAS V. PETROU, DISTINGUISHED MARYLANDER

Mr. BEALL. Mr. President, I invite the attention of Senators to the outstanding accomplishments of a distinguished business and civic leader.

Nicholas V. Petrou is such a man.

Mr. Petrou is a living example that the American dream of opportunity is still alive. Born and growing up in a ghetto, Mr. Petrou made his own way to the presidency of Westinghouse Defense and Electronics Systems Center, the second largest employer in the State of Maryland.

In addition, Mr. Petrou finds time from his busy schedule to participate in many community affairs.

Mr. President, I ask unanimous consent to have printed in the RECORD a profile on Mr. Petrou written by Don Otenasek, the financial editor of the News American. I believe that my colleagues will find the story of Mr. Petrou's success inspiring.

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

PETROU: FROM GHETTO TO TOP WESTINGHOUSE POST

(By Don Otenasek)

America has Spiro T. Agnew and Westinghouse has Nicholas V. Petrou. Both are of Greek heritage and proud of it.

Mr. Petrou is president of the huge Westinghouse Defense and Electronic Systems Center at Friendship Airport. In this capacity he heads up the state's second largest firm employing 10,500.

This profile is a classic example of Greek boy makes good.

Born to a poor ghetto family in Springfield, Mass. in 1917, Mr. Petrou's early life was full of challenges. His father was a short-order cook and young Nickolas at the age of 10 set out to help the family financial situation by shining shoes.

Always wanting to be a research engineer, Mr. Petrou had to work his way through Northwestern University and Harvard receiving engineering degrees from both. He managed to support himself by working as an orderly in a Springfield mental hospital, by being a foreman in a lamp factory supervising all women, and as a maintenance man at a Westinghouse radio division—his first association with his present company.

It is perhaps through this wide diversity of jobs and the appreciation of work that was available to him that Mr. Petrou developed compassion for fellow employes and a deep understanding of their problems.

As president of the Westinghouse facility here and as a corporate vice president, Mr. Petrou expounds a strong employe philosophy. He developed and implemented what is known as Dialogue '71—a program unique not only to Westinghouse, but to industry in general.

He scotched the time-honored tradition of chain-of-command whereby an employe could not go above the department manager. "Under Dialogue '71 I want employes to make their ideas, thoughts and questions known . . . I'm attempting to breakdown the rigid lines of communications . . . I want the employe to speak to whoever he needs to better do his job," Mr. Petrou said.

The Westinghouse chief said it was his job to create the best possible employment climate which he said also means that employes can see and speak to him whenever necessary.

A relatively conservative dresser who prefers to work in shirt sleeves in his large, modernistic office, Mr. Petrou said he didn't care how his employes dress providing they conform to safety standards.

Heavily involved in community affairs such as the National Alliance of Businessmen, National Conference of Christians and Jews, Governor's Jobs for Veterans Commission, United Fund, Red Cross, Boy Scouts, just to name some, Mr. Petrou does not believe in forcing employes to participate in such activities. "I believe it is more important to set-up the proper climate that employes feel it is an honorable thing, rather than an obligation, to participate in civic and community affairs," he said.

A highly-articulate executive, Mr. Petrou's post-college employment has been only at Westinghouse. Upon completion of military service in 1946 (with rank of captain), he held positions of engineer, group engineer and section manager at the Special Product Development Engineering, Air Arm Division, Baltimore. Mr. Petrou was appointed engineering manager here in 1956 and in 1961 was named general manager of the Aerospace Division (formerly Air Arm Division).

In 1963 he was named vice president of the renamed Defense and Space Center and was appointed president of the facility and elected a corporate VP in 1966.

Although an engineer by training, he completed the advanced management program at the Harvard Business School and implemented his know-how in running Westinghouse here.

Mr. Petrou organized the Center into autonomous divisions with each divisional manager reporting directly to him.

He describes his own duties on the management level as assuring the right atmosphere so the divisional manager can perform his particular responsibilities properly and thus aiding the overall profit and sales objective of the Center.

"We sit down together and establish monthly objectives and goals for the balance of the year and review past month activities," he said.

Mr. Petrou is a strong believer in operating the company in an open and relaxed atmosphere and manages by objectives.

This busy executive spends about 3 days a week traveling throughout the U.S. and the world visiting Westinghouse customers. When questioned on his important contribution to Westinghouse, Mr. Petrou replied: "It is maintaining a profitable business in Baltimore and providing necessary technology in people which permits them to transfer to other phases in the corporation."

Mr. Petrou commented that he believes Westinghouse is now stabilized in terms of employment here. He said that in the past the basic efforts have been defense products. Now Westinghouse is diversifying from defense into related government areas.

Despite his tight schedules, Mr. Petrou still finds time to play tennis, squash and golf in addition to a little hunting. He also dabbles in oil painting . . . "I often do my thinking while painting."

Mr. Petrou lives with his wife in a modest home in Potts Springs, Timonium. He has one son in college and another in the Army.

And that very briefly, is the executive profile of Nicholas Vasilios Petrou—the son of Greek immigrants who made his way, on his own, from the ghetto to a top job at one of America's blue chip corporations.

NATIONAL PROFESSIONS FOUNDATION

Mr. HUMPHREY. Mr. President, I invite the attention of the Senate to an impressive article by Prof. Allen B. Rosenstein on the complex and interrelated problems of the human environment. Professor Rosenstein, in the engineering systems department at the University of California, presents an imaginative and far-reaching proposal to address these problems rationally and comprehensively through the establishment of a national professions foundation.

In an article on this subject appearing in the November 1970, issue of Engineering Education, Professor Rosenstein argued that "the collective power of the professions to influence man and control his environments has not been recognized," primarily because the professions themselves have not accepted their share of responsibility for the greatly expanding demands of a dynamic society that have created environmental problems requiring multidisciplinary solutions.

The necessity for a comprehensive approach in addressing the deterioration of physical and social conditions, in both rural and urban areas, has been increasingly recognized by universities as well as State and local governments. It is the approach I have strongly advocated for the establishment of decisive national growth policies to meet the critical and complex needs of the future. And we have recently awakened to the great potential for applying advances in the fields of science and engineering in the systematic analysis of the increasingly complex problems of the human social condition.

Professor Rosenstein cites the precedents of the creation of the National Science Foundation and the National Foundation on the Arts and Humanities, in which it was my privilege to be directly involved, as a mechanism for concentrating national effort and support in addressing needs of great social, economic, and political importance. And he discusses the appropriate distinctions between the concerns of these foundations and that of the national professions foundation, concentrating on the spectrum of man's environments.

Mr. President, I ask unanimous consent that the article by Professor Rosenstein, entitled "A National Professions Foundation," be printed in the RECORD.

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

A NATIONAL PROFESSIONS FOUNDATION

(By Allen B. Rosenstein)

The crises of these times may properly be called the crises of the professions—not the professions individually, but the professions collectively. The nation's environmental problems are characterized by their demand for multidisciplinary solutions. Little progress can be made toward substantially improving man's environments until it is recognized that these problems are of such magnitude and are so multidisciplinary that viable answers cannot be found within a single traditional discipline.

At the same time, the collective power of the professions to influence man and control his environments has not been recognized. Actually, the professions can now resolve almost any environmental problem which can be properly defined and to which society is willing to devote adequate resources.

The professions and their professional organizations, as well as education for the professions, have lagged far behind in accepting responsibility for burgeoning demands of a dynamic society. The ever-accelerating rate of social and technological change is generating pressures that can only be relieved by a quantum change in the organization of the professions. A mechanism is needed to anticipate continuously long-term demands upon man's environments and to marshall the professional resources to meet them. In this article, it is proposed that the need for concerted national environmental efforts on a multidisciplinary-multiprofessional basis can best be satisfied by the early creation of a *National Professions Foundation* (Rosenstein, 1968).

SOCIETY AND THE PROFESSIONS

Implicit in this section is a set of assumptions of the unique role and function of the professions as the environmental decisionmakers of society. Basically, the assumption is made that the environments of man are created by, or are subject to extensive modification by, the decisions of men performing in a socially recognized professional capacity.

Historians have observed that famine, inadequate water supply, disease, etc., were the major elements that characterized problems faced by past generations. And while the present crisis includes many of the same elements, it is unique in terms of massiveness, extensiveness, and rate of change. It is important, therefore, to ask what factor underlies the major problems of today's society and why it threatens to become a potential danger.

The basis of the present situation is not obvious, nor has it been experienced by other societies. It may be called the crisis of the professions. Single purpose answers no longer suffice. Indeed, in documented case after case, the supposedly optimum disciplinary solution has ultimately led to environmental disaster. In emerging countries around the

world, improved sanitation and disease reduction have drastically reduced overall living conditions by creating a population explosion. The freeway solution to traffic congestion has created a smog problem. Chemical control of insects threatens all animal life.

The magnitude and the multidisciplinary nature of environmental problems is unique. The crises of the professions can be illustrated by imagining the plight of a two-dimensional creature being harassed by a three-dimensional opponent. Regardless of intelligence, the creature can only propose solutions to the chance intersection of his opponent with his plane.

In a similar fashion, the professions will never become effective in solving the multidisciplinary problems of socety if each persists in operating in an independent, one-dimensional mode. A professional man with a traditional education has been prepared to recognize only those areas where his discipline intersects the problem; he has not been educated to perceive or even consider the ultimate effects of other dimensions and other disciplines upon his plane and the effects of his decisions upon the entire environment.

In theory, the professions take care of the social needs of citizens, for by definition they are society-oriented. This dependency is expressed in the general feeling that the medical profession is taking care of health, the legal profession protects civil liberties, and engineers are engaged in cooperative actions to banish smog, traffic congestion, etc. The fallacy lies in the assumption that the professional, who has the training to solve social problems—and he is the only one educated to solve them—will automatically and knowingly determine the full social consequences of his decisions and act unselfishly in the greatest public interest. This is simply not the case. The professional does not assume responsibility for society, nor has he been educated to anticipate the social consequences of his decisions. In reality, he is client-oriented, recognizing his responsibilities to his client, but he has not been prepared to consider larger implications. Collectively, the social visibility of national professional societies has not proven significantly better.

It can be argued that the professions have always been client-directed and that somehow the public welfare has been served. The public looks to its government to meet old demands and solve new problems. In turn, politicians and government representatives rely upon specialists and professionals for direction in making appropriate decisions to serve the public. In these cases, the government has become the client of the professional, who is now directed to apply his expertise in the public welfare. Generally, public out-cry arouses the politician to seek advice only when a particular activity seems out of hand.

In a few areas such as food and drugs, sanitation, and building, continuous abuse has forced the government to establish permanent monitoring agencies to protect the public. Agencies have stood the public in good stead and will continue to protect it. However, they are not structured to cope with the new massive crises of these times, nor can any reactive machinery move fast enough to deal with the forces at work in contemporary society. There is no longer time to rely upon the "trial and error" approach, whereby public response initiates a political corrective system. Costs can become prohibitive when this stage is reached. The resources required to clear smog from the cities, for example, may be greater than the public can afford.

The nature of the problems faced by the professions has changed drastically in the last three decades. The elements of society are now so interdependent, the social systems so large and costly, and the possibility of catastrophic failure so real, that the demands upon the professions for reliable performance have become orders of magnitude greater than ever before. Performance and absolute reliability must be assured in advance; the costs of failure are becoming too great. Today we have the constant threat of man-created irreversible phenomena. Man can literally change the face of the earth and the composition of his environment before the public and its protective agencies are aware of pending danger.

The multidisciplinary characteristics of environmental problems extend well beyond the mere physical environment. Consideration must be given to man's many environments—all of which are interrelated and require a multidisciplinary treatment. Solutions to the problems of the cities, for example, will require massive coordinated action by educators and engineers, social workers and business administrators, politicians and physicians.

The new complex of demands that will be, or should be, placed upon the professions requires entirely new solutions. Crucial changes in the responsibilities of the professions—and in the direction of education for the professions—are required to cope with the dynamics of contemporary society. The tide of human affairs leaves the professions no choice except to assume social as well as technical leadership. Those who possess the knowledge required to direct the course of society must accept the challenge.

The professions, individually and collectively, must accept public responsibility for the effects of their decisions upon the public environments. The problem is too large for one individual or even one professional society. What is needed is the permanent organization of a single national body. Adequately financed and with quasi-official standing, it must be designed to anticipate the pressing professional problems of the future and to direct attention to their timely solution. In the same sense that the National Science Foundation has worked to improve the quality of the science of the nation, this new body would also improve and maintain the quality of the nation's professional endeavors.

Recommendation: A National Professions Foundation should be established to provide direction for the discharge of the social responsibilities of the professions and to function in parallel with the National Science Foundation and the new National Foundation on the Arts and the Humanities.

PROFESSIONS FOR ENVIRONMENTAL DECISIONS

With the interests of such a National Professions Foundation centered upon improvement and maintenance of the public environments, the public professions to be served by the NPF would become those professions that provide the decisions that create and maintain essentially the entire environment. These would range from the architects, city planners, and engineers who make the decisions for much of the man-made physical environment, to medical and public health professionals who directly influence the health environment, and lawyers and politicians who affect the civil environment.

Principal characteristics of the public professions of the National Professions Foundation stem from the requirements for responsible decisionmaking and are: (1) a recognized responsibility for the decisions affecting the quality of some significant portion of the public environments; (2) education and experience that uniquely prepares the members for successful public environmental decisionmaking.

In view of the current reassessment of social priorities and increasing pressure for changes in the social structure, any listing of public professions must be subject to reevaluation and correction. The list below is subject to more efficient regroupings. It does not include newly created interdisciplinary interests, nor does it show the increasing interdependence of these professions.

The public professions:

1. Accounting.
2. Agriculture.
3. Architecture.
4. Business administration.
5. Dentistry.
6. Education.
7. Engineering.
8. Journalism and public information processing (including library).
9. Law.
10. Medicine.
11. Mental health.
12. Nursing.
13. Politics and public administration (including criminology).
14. Public health.
15. Social welfare.
16. Urban planning.

Only partially revealed by the above list are the needs for new professions and the strengthening and extension of existing professions that would be implemented by the National Professions Foundation. In the broad field of social institutions, the need for professionals who have been educated to create new social organizations, as well as to maintain and improve existing social structures is becoming increasingly apparent. A broader mandate for social welfare and the development of new professional schools for social planning will require national support and long-term financing. There is an increasing requirement for professional specialization not only in depth, but in breadth. To educate professionals who can break out of their single discipline mold in an increasingly compartmentalized university environment, machinery must be introduced to provide the funding and academic respectability for the public environment professions that the National Science Foundation has created for the sciences. An obvious vehicle is the National Professions Foundation.

FUNCTIONS OF NATIONAL PROFESSIONS FOUNDATION

Creation of the National Professions Foundation would mark a major step toward closing a significant gap in the social institutions. Continuous scrutiny of the full spectrum of man's environments, with particular emphasis upon the requirements of the future would be a major function of the Foundation. Because of its multidisciplinary composition, the National Professions Foundation would provide an excellent conduit for the professional environmental decisionmakers, the public, and its representatives. Thus, the National Professions Foundation would advise Congress and the public, while acting to improve the quality of the public professions by working with the professional societies and the universities. The functions of the National Professions Foundation may be summarized as follows:

1. Initiate studies of man's environments—physical, social, political, civil, business, educational, medical, etc.

2. Initiate studies to anticipate future crises that might threaten any facet of man's environments.

3. Support studies to assess the future needs of the total environment and the resources necessary to produce or maintain the desired results.

4. Advise Congress and the public upon courses of action to improve and maintain man's environments.

5. Institute studies of methods by which the professions may assume leadership, responsibility, and accountability for decisions that affect the public environments.

6. Develop and encourage the pursuit of a national policy for the promotion of basic

studies and education in the public professions.[1]

7. Support students of the professions at the graduate and postgraduate levels.

8. Support programs for students at the undergraduate level and training institutes for teachers of the public professions at all levels.

9. Aid teachers of the professions at all levels.

10. Help to improve and update the content of courses for the public professions.

11. Promotion of public understanding of the public professions through support of lectures, seminars, conferences, etc.

12. Make grants and loans for investigations of the total environment and for applied research in the public professions, with the concepts:

(a) That grants be made on a institutional basis to attack major environmental problems (following the example of agriculture).

(b) That a mechanism be established to suggest potentially useful areas of research to the NSF.

13. Undertake applied military research for national defense.

14. Award scholarships and graduate fellowships for study in the public professions.

15. Foster the interchange of information among and between the public professions in the United States and other countries.

16. Correlate programs of the public professions with both private and public environmental improvement and research projects.

17. Maintain a roster of professional personnel (cf. NSF), publish data, and act as a clearinghouse for information for the public professions.

OPERATIONS OF NATIONAL PROFESSIONS FOUNDATION

In searching for effective operational modes for the NPF, it is useful to review the patterns of existing organizations that have made major social contributions—both discipline-oriented and problem-oriented operations.

Significant advances in the national science effort during the past two decades can be attributed directly to the National Science Foundation. However, the discipline-centered methods most conducive to the pursuit of knowledge for knowledge's sake have not been equally productive in solving the nation's growing environmental problems (Steinhart and Cherniack, 1969; NSF, 1969). On the other hand, the continuing success of agriculture is a phenomenon that cannot be ignored. Here in a completely mission-directed environment, the activities of education, public information dissemination, production, and applied research have been coordinated with unparalleled success through the efforts of the schools of agriculture, the agricultural experiment stations, and the county agricultural agents.

The food-production industry has thrived with the cooperation of educators, farmers, and governmental advisors and assured federal support of the programs. The same problem orientation, cooperative activity, and federal support are necessary to achieve significant improvement in the multidisciplinary multiprofession problems of man's environments. To avoid the disciplinary failures of the past, it is expected that grants by the National Professions Foundation would stress provisions for multiprofessional-multidisciplinary attacks upon major environmental questions. Thus, in the case of university grants, funding would be problem-centered and institutional, to associate the program with the institution instead of with individuals or disciplines.

Creation of the National Professions Foundation would require an act of Congress to establish a new quasi-government agency. This raises questions of potential conflict. Would the National Professions Foundation endanger NSF by competing for limited public funds? Would the quality and quantity of U.S. scientific endeavors suffer as a consequence? What effect would the NSF have upon the ecology of the American university?

It is my premise that a problem-oriented, environmentally directed NPF would fill a vital role among the social organizations. Establishment of the NPF would be a long overdue step toward achieving a healthier balance in the forces acting upon the university and as such would provide part of the additional mechanism required to reestablish a rapport between the programs of the university and the long-term needs of the society that supports the university .

Emphasis on disciplinary activities during the past three decades has established a movement toward greater compartmentalization in the American university that, in turn, has made it more and more difficult for the university to respond to the multidisciplinary needs of society. Yet, study of the public professions and their educational requirements reveals three primary intellectual foci in the university that are fundamental to the well-being of contemporary society (Rosenstein, 1968). The first of these is the search for knowledge or truth. This activity encompassing the social, physical, and life sciences has been admirably served by the National Science Foundation. The second is the search for better environments and the education of the decisionmakers of society whose decisions will build the social environments. This activity provides the only valid reason for any professional school to justify its existence in the university and requires the type of support that can be provided by the National Professions Foundation. A third focus, and one which gives full meaning to the others, is the search to preserve and build upon man's cultural heritage, i.e., the cultural environment, and to lay the foundation for social value systems. The humanities and fine arts have long been an academic cinderella whose time has hopefully now arrived as a consequence of the recent establishment of the National Foundation on the Arts and Humanities.

If the concept is valid that an advanced society requires a National Science Foundation to serve the sciences and a National Arts and Humanities Foundation to serve the arts and humanities, consideration should be given to a National Professions Foundation to provide balance among the essential social activities.

Proposals for a new body inevitably raise questions about relations with older organizations. Relations between the NPF and NSF would draw upon the long history of exemplary performance by the NSF in attempting to provide maximum support to the engineering profession. In turn, it is my firm conviction that NPF funding would enhance rather than restrict support for the other foundations. More specifically, and contrary to conventional wisdom the needs of technology would stimulate basic research rather than follow it (Brooks, 1968).

In the same manner, the efforts of the National Professions Foundation to improve the environments and the environmental professions, could not succeed without extensive research contributions from the physical, social, and life sciences. Organized efforts of the professions to solve environmental problems must inevitably create a rising demand for basic research to support the environmental inventions that are required. Recognition of the pressing need to improve man's environments has become so evident to legislators that financial support would be assured in the coming decades. Thus, the NPF would be a vital part of a mechanism that would provide a long-term source of research support for all sciences on a large scale.

The search for better social environments will require not only knowledge from the sciences, but meaning from the arts and humanities. Unique answers to professional problems can only be found in terms of the value systems of the society in which the problem is embedded. Consequently, there must ultimately develop a triangular relationship of three unique foundations with independent but socially interrelated functions.

As a final benefit, the National Professions Foundation public education programs would strip away the cloak of anonymity of the environmental decisionmakers. The impact of the decisions or lack of decisions by the professions upon the environments would then become public knowledge. Confusion over the roles of scientist and professional would be resolved, so that the scientist would no longer be berated for decisions of the professions that may involve laws or phenomena of nature. For example, smog composition can be determined by chemical analyses, but the generation of this waste product is the direct consequence of the choice of transportation systems and is a professional rather than a scientific question. To expect the scientist to police the knowledge he generates is as foolish as it is to ask the thermodynamicist to stop investigating combustion rates because the internal combustion engine is producing an undesirable waste product. The scientist cannot be held responsible for the consequences of decisions that have long been made by members of the public professions. The visibility provided by the National Professions Foundation would establish the final meaning of the concept of a *public profession*, characterized by public acceptance of responsibility and accountability for the effect of the profession upon the public environments.

IMPLEMENTATION

Study of the origins of the National Science Foundation and the National Arts and Humanities Foundation reveals a common implementation pattern with the basic elements of public need, recognition and support, a position report, and Congressional action. The need for a foundation gradually developed until widely respected organizations undertook the responsibility for further definition of the problem. For both foundations, this took the form of reports presenting the case and calling for the creation of suitable foundations. Submission of the reports to Congress for hearing and formulation of appropriate legislation were the final step. The bill for a science foundation passed Congress within two years after the science reports were presented to President Truman; barely one year elapsed between the issuance of the report and President Johnson's signing of the Arts and Humanities Act.

With growing public recognition of the magnitude and complexity of the nation's environmental problems, the need for new social instruments does not require further justification. To obtain support from the national professional societies, formation of a Committee for the National Professions Foundation is now underway, with members drawn from each of the public professions. A final report and recommendations are being prepared for submission to Congress by the end of 1970.

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3. Steinhart, John S., and Cherniack, Stacie, *The Universities and Environmental Quality—Commitment to Problem Focused Education*, report to the President's Environmental Quality Council, Superintendent

[1] Functions 6 through 17 parallel the NSF charter.

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4. Rosenstein, Allen B., *A Study of a Profession and Professional Education,* University of California, Los Angeles, report no. EDP 7-68, December 1968.

NATIONAL OBSERVANCE OF CLEANER AIR WEEK

Mr. TAFT. Mr. President, in February of this year, I introduced Senate Joint Resolution 22 calling for the national observance of Cleaner Air Week. Mr. Charles N. Howison, executive secretary of the Air Pollution Control League of Greater Cincinnati, was the originator of what has become a very widely observed and most worthwhile week in October. A well-deserved tribute was paid to Mr. Howison in the Cincinnati Enquirer on October 23, 1971, for the leading role he has played and continues to play in the fight against air pollution.

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

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

[From the Cincinnati Enquirer, Oct. 23, 1971]

CLEANER AIR WEEK

No American is more obviously entitled to a proprietary interest in Cleaner Air Week, which gets under way across the nation this weekend, than Cincinnati's Charles N. Howison, executive secretary of the Air Pollution Control League of Greater Cincinnati. For Mr. Howison was crusading against air pollution years before the cause became a fashionable one.

It was in 1948 that the first Cleaner Air Week was proclaimed. We suspect, however, that it generated interest only among those with a specialized interest in fighting pollution. Today, on the other hand, the basic message of Cleaner Air Week is one of direct, personal concern to every American.

President Nixon, in issuing his formal proclamation of Cleaner Air Week, touched on these concerns.

"Fortunately," he said, "there is a great deal that each of us can do. The businessman in his everyday decisions can take into account the effects on the environment of his alternatives and act in an environmentally responsible way. The housewife can make choices in the marketplace that will help discourage pollution. Young people can undertake projects in their schools and through other organizations to help build a better environment for their communities. Parents can work with the schools to help develop sound environmental teaching throughout our educational system.

"Every community in the nation," Mr. Nixon went on, "can encourage and promote concerned and responsible citizen involvement in environmental issues, an involvement which should be broadly representative of the life styles and leadership of the community."

Even though it was this thorough-going community awareness that Mr. Howison sought to generate in promoting Cleaner Air Week a generation ago, he has not chosen to rest on his laurels. Indeed, he is working more aggressively than ever to give Greater Cincinnati an environment in which its people can work and live.

No American can observe Cleaner Air Week without saluting the pioneers whose labors the occasion brings to mind. Charles N. Howison unquestionably is among them.

PREDATOR CONTROL

Mr. HART. Mr. President, a major unresolved environmental issue in this country is the massive, federally-run campaign against predatory animals, particularly in the West.

According to a Defenders of Wildlife report, this crusade against the native species of that region in a recent year, 1969, wiped out 74,199 coyotes, 8,578 bobcats, 380 bears, 142 mountain lions, 4,098 badgers, 10,374 foxes, 4,651 opposums, 2,147, porcupines, 6,507 raccoons, 7,732 skunks, 586 beavers, and 562 other animals.

For the past two Congresses, the distinguished Senator from Wisconsin (Mr. NELSON) has introduced proposed legislation to cut back drastically the predator control program and halt its use of deadly poisons througout the West.

In recent testimony before a Senate appropriations subcommittee hearing on this issue, Senator NELSON also proposed pilot programs of direct compensation to ranchers for losses from predators, as a possible substitute to the current approach of widespread poisoning.

Senator NELSON urged the filing of a comprehensive environmental impact statement of the predator control program as required by the National Environmental Policy Act.

Mr. President, I ask unanimous consent that Senator NELSON's statement on this important issue be printed in the RECORD.

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

STATEMENT BY SENATOR GAYLORD NELSON ON PREDATOR CONTROL AT HEARING BY SENATE APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE, ENVIRONMENTAL AND CONSUMER PROTECTION, DECEMBER 14, 1971

Mr. Chairman, thank you for the opportunity to testify here today on predator control. Your hearings on this matter this week and earlier this year are an important public service in educating all Americans to this environmental issue and are a major contribution to the dialogue necessary to find some answers.

I would like to summarize quickly the points in this statement:

First, if the final environmental impact study required by the National Environmental Policy Act on the predator control program is not available by next year, Congress should delay appropriating any further predator control funds until such a report is submitted.

Second, it is already clear that fundamental changes are going to have to be made in the predator control program. Legislation I have introduced for the past two Congresses, S. 273, would put a halt to the use of the poisons out West and drastically reduce the present predator control program.

Three, an alternative to the current war on predators would be direct compensation or insurance to cover a rancher's losses from predators. In January, I intend to introduce an amendment to my predator control bill to provide for pilot programs for direct compensation.

For the pilot projects, parts of one or two Western states could be set aside as "non control" areas. In these test areas, instead of poisoning predators, ranchers would receive compensation for livestock losses.

Current predator control agents would verify the livestock losses, providing the facts needed for compensation.

And comparable areas would be provided where predator control efforts would continue as before. By comparing losses in the pilot project "non control" areas with those in the similar areas where the poisoning was still going on, we would determine whether current predator control is really effective and whether it is needed at all.

Four, other possible alternatives to present predator control include the so-called "Missouri Plan," an extension service program in Missouri and Kansas emphasizing selective predator control through trapping, an approach which could be followed under my bill, S. 273.

As noted in the 1964 Leopold report, some other possible approaches include the development of repellants, fences, and scare devices, hunting, and the use of less toxic poisons.

For more than half a century now, the American taxpayer has been shelling out steadily increasing funds for the so-called "predator control" program carried out by the Division of Wildlife Services in the Department of the Interior's Fish and Wildlife Service.

As was evident by the outcry nationwide over the recent criminal slaughter out West of more than 500 bald and golden eagles, symbols of our nation's heritage, these senseless campaigns of death have rapidly become an important environmental issue.

And the fact that the predator control program has been allowed to continue and expand for decades as a reckless orgy of killing is a sad monument to the indifference of Congress and until recently, an apathetic American public.

The evidence in favor of a dramatic change in predator control policy is clear and overwhelming—and has been for years.

In 1964, the report of the Leopold Committee commissioned by the Interior Secretary to review the program concluded: ". . . the program of animal control . . . has become an end in itself and no longer is a balanced component of an overall scheme of wildlife husbandry and management."

Despite some steps cited as implementing the Leopold report's recommendations, the fact is that more money is being spent this year on the predator control program than ever before. Since 1964, the Federal share has increased nearly $900,000. With state and other matching funds, the predator control program total this fiscal year has reached $8,275,000, including $3,615,000 in Federal dollars. A small army of some 600 agents carries out the war on predators.

On July 17, 1970, nearly a year and a half ago, I wrote to Russell Train, chairman of the President's Council on Environmental Quality, inquiring as to the status of the environmental impact statement obviously required for the predator control program by the National Environmental Policy Act passed in late 1969.

Mr. Train confirmed that such a statement be filed, and after further correspondence I was assured in an Interior Department letter dated November 13, 1970, more than a year ago, that such a report was being prepared.

Mr. Chairman, I ask that a copy of this correspondence be printed in the hearing record at the end of these remarks.

As yet, no final environmental impact statement has been filed.

Early last July, a special task force to review the predator control program was established by the Interior Department and the Council on Environmental Quality.

At that time, the final report of that committee was expected by November 1. Almost a month and a half after that deadline, the report has not been filed.

My office has obtained a copy of what is described as a "draft" environmental impact statement prepared in the Department of the Interior and dated November, 1970.

This document, supposedly reviewing the

environmental implications of this mammoth and far-reaching program, is only 10 pages long.

Of the predator control crusade, the draft statement says: "No permanent adverse environmental effects have occurred or are anticipated."

It adds: "There are no cumulative impacts nor will the uniqueness of present environments be significantly affected."

Yet seven years ago, the Leopold Report said, in direct contradiction: "It is the unanimous opinion of this Board that control as actually practiced today is considerably in excess of the amount that can be justified in terms of total public interests. As a consequence, many animals which have never offended private property owners or public resource values are being killed instantly."

I ask that the draft environmental impact statement be included in the hearing record at the end of these remarks.

Without comprehensive environmental reviews providing the necessary facts on the damages and the alternatives in the predator control program, Congress and the public are in no position to assess the predator control effort and make decisions regarding its future.

As a start, the final environmental impact statement required by the National Environmental Policy Act should be submitted with the Administration budget request to Congress in January for annual predator control funds.

And if the final statement is not available by the time Congress begins consideration of the predator control budget next year, I will urge that Congress delay the appropriation until the full and complete report is submitted.

As I pointed out earlier in this statement, it is already clear that fundamental changes are going to have to be made in the predator control program.

Legislation I have introduced for the past two Congresses, S. 273, would put a halt to the use of the poisons out West and drastically reduce the present predator control program. A similar bill is in the House.

Because there may be some need for predator control under circumstances that have been carefully evaluated and are carefully controlled, the bill authorizes a limited program using means other than poisons.

An alternative to the current war on wildlife in the West would be direct compensation or insurance to cover a rancher's losses from predators.

This approach could be tried out as a pilot project. Portions of one or two Western states could be set aside as "non control" areas. In these test areas, instead of attempting to eliminate predators, ranchers would receive compensation for their losses.

The agents who under the current program distribute the poison would in the pilot project, investigate and verify reports of livestock losses from predators, providing the facts needed for compensation.

Comparable areas would be provided where predator control efforts would continue as before. Careful investigations of livestock losses would be carried out in these areas, too.

By comparing losses in the pilot project "non control" areas with those in comparable areas where the poisoning was still going on, we would determine whether current predator control is really effective and whether it is needed at all.

As it is now, we do not have any real idea how much livestock damage predators are causing or how effective the predator control program is.

Mr. Chairman, I am preparing a legislative proposal for such a pilot program of compensation for livestock losses from predators and intend in introduce it in January as an amendment to my predator control bill, S. 273.

Another possible alternative to present predator control would be the so-called "Missouri Plan, an approach which could be followed under my bill. This plan has been in effect for over 20 years in both Kansas and Missouri.

Essentially, this system is aimed at controlling the specific animal causing the damage. This means that so-called "non-target" wildlife would not be obliterated to remove these few pest animals.

The "Missouri Plan" emphasizes trapping as its means of control, because in Missouri and Kansas, this has been accepted as the most effective way of catching the target animal and is felt to be more selective than the poison baits and poison "guns" used in the Western programs. The plan is implemented through extension service agents who train landowners.

Over the period the Missouri Plan has been in operation, trained farmers have reduced their predator damage losses an average of 80 percent.

The system works on the large ranches of Western Kansas as well as on the small farms of Eastern Kansas and Missouri. And cost analyses have shown that annual operation expenses were much less than the annual coyote bounty payments that preceded adoption of the plans.

Regarding other possible predator control alternatives, the Leopold Report in 1964 urged emphasis on finding more specific controls, and the development of repellants, fences, and scare-devices which would preclude the necessity for any killing at all.

Without arguing their merits at this point, other alternatives that have been mentioned include hunting, or the use of less toxic poisons.

Paradoxically, while the predator control budget goes up, and the total number of sheep being kept declines because of other problems in the industry, the total sheep deaths claimed to be caused by predators continues to rise.

One observer of the situation, familiar with the numerous ways available to inflate the count of livestock lost, said, "If we counted the votes like the sheep growers count sheep killed by the predators, the head of the wool growers would be elected President in no time."

Though figures of predators killed have been somewhat below earlier totals, Defenders of Wildlife reports that for a recent year, 1969, the tally still showed predator control had wiped out 74,199 coyotes, 8,478 bobcats, 380 bears, 142 mountain lions, 4,098 badgers, 10,374 foxes, 4,651 opposums, 2,147 porcupines, 6,507 raccoons, 7,732 skunks 586 beavers and 562 other animals.

In 1970, the Public Land Law Review Commission said in its comprehensive report on the nation's public land policies: "We are convinced that predator control programs should be eliminated or reduced on Federal public lands in furtherance of wildlife management objectives stated above. While these programs may have been of some benefit to livestock operators in reducing cattle and sheep depredations by coyote, puma, cougar, and bear, they have upset important natural mechanisms for the population control of other species."

Most of the people who are protesting will never see the eagles or the other wildlife involved. But that is not the point. This systematic destruction of the natural species of the American West has come to represent the ultimate danger posed to all living things: Says author Jack Olson, who has written so eloquently on the predator control abuse, "We animals of the earth are a single family, and the death of one only hurries the others toward the final patch of darkness."

And ironically, much of the destruction is being carried out on lands owned and being managed by the Federal government supposedly on behalf of the U.S. citizen.

Between overgrazing and indiscriminate use of predator control poisons, these lands aren't being rented—they are being destroyed, a public resource being sold and disposed of like a raw commodity. It is a tragic abuse of the public trust, and a shame on the Federal agencies that have served as enthusiastic accomplices and actual promoters in the destruction.

PROFESSIONAL GEOLOGISTS SUBMIT VIEWS ON ENERGY CRISIS

Mr. HANSEN. Mr. President, some of my colleagues may grow weary of my continued efforts to impress them with the gravity of the Nation's energy situation but I want to be sure that I have done everything possible to present the most reliable information available to them.

One of these sources is the American Association of Petroleum Geologists which has a membership of some 15,000. Officials of this professional organization came to Washington last June to present their views on the energy crisis to Federal officials in the executive branch and in the Congress.

Bill Curry of Casper, Wyo., who was then AAPG president said at the time that without exception, from White House energy advisers to legislative leaders and staff members, they were greeted with great interest in having the professional explorationists' story heard.

Concerned with what they termed the looming spectre of dropping from an energy "have" to a "have less" nation, the group conferred with key Government officials in the White House and the Department of the Interior as well as Senate and House Members and committee staff people who are conducting or planning energy studies.

We found extreme interest at being better informed on the skills and economic risks involved in the search for new reserves required by the U.S. to head off a dangerous shortage.

Bill Curry told me.

It seemed to be almost beyond the comprehension of the people we conferred with in Washington that the U.S. could soon experience a real energy crisis.

The statement AAPG submitted for the record of the recent symposium on energy policy and national goals reemphasizes their concern that an adequate domestic supply of fuels must provide the energy this Nation has to have for its very survival. Without this domestic source of energy, this great Nation could be brought to its knees because of an ever-growing dependence on foreign energy sources.

I ask unanimous consent that the statement submitted to the Senate Interior Committee on energy policy and national goals be printed in the RECORD.

Also, I ask unanimous consent that a speech by Bill Curry entitled "Oil Is Found (or Not Found) in the Minds of Men" be printed in the RECORD.

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

OIL IS FOUND (OR NOT FOUND) IN THE MINDS OF MEN

(By William H. Curry, president, the American Association of Petroleum Geologists)

With due apologies to one of our most revered leaders of petroleum exploration, Mr. Wallace Pratt, Oil is Found (or Not Found) in the Minds of Men—but not the same men. While geologists are being urged by colleagues and supervisors to be imaginative and to probe deeper waters or unconventional provinces, theoretical economists and self-styled watchdogs of the public good, threaten and impede the progress of exploration for oil and natural gas.

For some time, the oil and gas industry has been beating the drums for our domestic industry in order to emphasize the need for safe and secure supplies of oil or gas for our own needs as well as to insure production, in case of war or other great demand. We have all seen the folly of too much dependence on foreign oil, yet our eastern critics wave this off with comments on the availability of Canadian and Venezuelan supplies. However, we cannot commandeer Canadian production, and Venezuela, while imposing sharp new taxes, implies overwater transportation. Risks of one sort or another cannot altogether be avoided; so industry must take its calculated chances and the American public also will have to understand that future supplies of light, fuel, and power cannot be guaranteed without risk of cost increases, environmental changes, and pollution dangers, as well as dry holes. These challenges can be met with good management and good field practice, but we simply cannot guarantee a risk-free society. Even life itself has its uncertainties. These risks, together with other uncertainties of the future, must have prompted someone in Washington to ask, Just *what is* the future of the domestic industry and *where is* it?

At the request of the Secretary of Interior, the National Petroleum Council initiated a study of the Nation's oil potential, the results of which will be published by June 1971 by AAPG under the title, *Future Petroleum Provinces—Their Geology and Potential.* This investigation of all the continental areas of the United States, as well as Alaska and the contiguous shelf regions, indicates a vast potential of undiscovered, as well as unproduced, oil and gas. Estimates of possible future producible oil in the United States are between 107 billion and 199 billion barrels, depending on differing estimates of recovery rates, along with more than 911 trillion cubic feet of gas. How much of this potential can be realized will depend on extraneous factors promulgated in the minds of the politicians and regulators.

The American Association of Petroleum Geologists makes a compilation of exploratory drilling statistics each year to record the total of such wells, accumulated footage, and success ratios. For the year 1969, more discoveries were made as a result of more exploratory drilling. Nationally, exploratory drilling was up 9.3 percent, while the success ratio improved from 14.6 percent in 1968 to 17.5 percent in 1969. Overall, total drilling was off .3 percent.

With the advent of the stratigraphic trap, geologists and particularly the independents, have been advocating more drilling as a means of finding more oil and gas. Many of our exploratory leads are subtle developments in the subsurface, found only as a result of drilling, with its attendant logging and testing. When one views the oil provinces volumetrically, the known oil and gas accumulations are contained within hundreds of cubic miles of sediments. To probe the unknown portion of our basins and productive potentials, volumes in the order of thousands of cubic miles of sediment will be involved. The magnitude of exploratory effort is thus immediately apparent—it is enormous.

And it will be costly. Latest figures released by a joint study by API, IPAA, and the Mid-Continent Oil and Gas Association show total costs of drilling up 8.4 percent from 1968 to about $2.6 billion. Costs for oil wells average $19.28 compared to $18.63/ft. in 1968 and average costs for gas wells at $25.85 contrast with $24.05 in 1968. Average depths were also greater; 4,486 feet for oil wells; 6,024 feet for gas wells; and 5,307 feet for dry holes. Average cost for dry holes was $13.23 per foot and average cost for wells, of all categories was $88,554.

The thesis that more drilling results in more oil and gas is difficult to deny. As a case in point, in my home state of Wyoming, exploratory drilling was at a level of 300–350 wells per year with an annual production of 140 million barrels prior to 1968. After the Bell Creek discovery, exploratory drilling increased 60 percent to 500–550 wells per year, most of the increase being in the same Powder River Basin. Statewide production in 1969 was an all time high of 155 million barrels; 1970 set a new record of 160 million barrels. This increase in wildcatting led to major discoveries at Kitty, Recluse, Hilight, and a total of fifteen new Muddy sand fields for total reserves (primary and secondary) of between 250–300 million barrels as of April 1970. Between January 1967 and April 1970, there were 720 exploratory wells in this district and 860 development wells. A total of exploration and development costs estimated at $150 million were expended to establish 250–300 million barrels of recoverable oil. The Muddy sand play in Wyoming has been good business, and has found oil as a result of an active drilling campaign. Not all wildcatting is this lucrative, of course, and there will be leaner years ahead. But if we do not venture wildcatting, we never know.

Although we geologists believe a potential supply of oil and gas exists, and in our minds, we can find it, the distrust of our industry in the minds of many in Washington and the public at large deters us. Threats of nationalization, price control, and restrictive leasing practices—all in addition to tight money—curtail our drilling. Conservationists in some cases have become extremists. Ridiculous statements about melting polar ice caps to flood our cities as a result of arctic oil spills, and offshore ecological imbalances due to drilling, do nothing but alarm the public. Such suspicion renders honest dialogue impossible and darkens the industry's sincere efforts to correct errors. With the predicted shortages of gas reserves as a result of FPC pricing policies countered by such statements as its being an "energy myth," how can we get through to the public? Why should we not speak out forcefully and tell the public "We told you so"?

This forthrightness should go into our councils when we discuss tax legislation, Public Land Law Review matters, and continental shelf regulation. We geologists have a great stake in the future of these matters because this is our land and, as citizens, we have a responsibility to employ our talents for a better national programming of energy matters.

The Public Land Law Review Report carries restrictive threats to the explorationist and the industry. In the Public Land States of the West, the recommended change from simultaneous filings to competitive bidding for leases on public land would be disastrous to the small operator and independent. It would raise the floor of leasing costs and invalidate original and individual exploration plays. The suggestion of substituting in lieu of tax payments to the Western states instead of the present income from royalty on production would hurt Wyoming and New Mexico. Today, Public Land states receive 37½ percent of the one-eighth royalty on federal land, which for Wyoming now amounts to about $20 million per year. The new system would return only one-sixth of this amount or about $3.5 million; you can guess who will be called upon in the future to make up the deficit.

The continental shelves are the greatest potential for new big oil and gas deposits. The onshore geological conditions often continue for many miles seaward and again, new sediments, structures and reefs appear offshore. Difficult as this exploration and development is, the Federal Government insists upon making it more expensive and restrictive. The request for raw data and the purchase of independent seismic records for pre-sale evaluations add to the overall costs. The government cannot establish "value" by these methods because that comes only with drilling. What is really being talked about is price of leases in the market place.

The arbitrary cut-off of sovereignty at the 200 meter depth line proposed by the President, is an arbitrary and unrealistic boundary. Sovereignty and exploration should go to the outer edge of the shelf—to the toe of the slope. It will be more logical to extend exploration into deeper water on definite seismic features than to chance the uncertainties of stratigraphic trap exploration in shallower water. Though that may come later.

Explorationists also need freedom of organization. The Federal Trade Commission has instigated an investigation into monopolistic tendencies in the energy fields. Implications are that companies wish to control all energy fuel sources for the benefit of higher prices and control of the market. Here, again, we professional geologists must be concerned because our exploratory disciplines cross the lines between searching for oil, gas, uranium, and coal. Certain common denominators apply across the board to all sedimentary mineral exploration. For instance, the petroleum geologist and the uranium explorationist both speak the common language of core drilling, facies changes, sand permeabilities, stratigraphic traps, ground water circulation, and tectonic history. It is obvious and natural for us to move back and forth in our professional lives from one sedimentary mineral to another. So, with water, coal, and other non-energy minerals, for that matter.

Another point of logic and commonality is that, often, exploration for several energy minerals may be on the same land. Core drilling for coal may turn up structure for oil or gas. And so with uranimum. Therefore, it seems logical for a single company to move its technical personnnel from one field of exploration to another, rather than fractionate into separate organizations.

AAPG estimates that 15 percent of its members are now working on "other" minerals, and we are inviting sedimentary explorationists to join our ranks.

As for monopoly, the large numbers of companies who are in sedimentary mineral exploration are comparable to those in the highly competitive gasoline business. It would seem that the free play of competition would insure fair prices to the consumer. Moreover, the Government's offshore pre-sale evaluations and leasing practices are forcing sales prices so high that cooperative efforts are necessary for companies to share the risk and cost. Thus, the Federal Government and certain Washington legislators are crying monopoly on the one hand and forcing togetherness on the other. The high lease sale prices—even Wyoming coal is now selling for $500 per acre—being forced on the Industry are certainly inflationary and cost increasing. Yet there is the criticism of product prices.

In order to combat these various and sundry threats, restrictions, and limitations to our business we must have an enlightened profession. Steps are being taken by AAPG, along with other professional groups, to equip their members (and it is hoped, their management) for greater exploration efforts and

capabilities. Continuing education and distinguished lecture series are providing up-to-date thinking and techniques. An awareness of the environment and our responsibility to it are being established by an ad hoc Environmental Geology Committee. Geologists are keenly aware of environment because it and the consequences of change are expressed throughout the geologic column in fossilization, facies changes, rock types. Moreover, we are the first of our industry to go on the land and the first to produce in a drill stem test—if we are lucky. In order to go on to other exploration sites, we must properly take care of our first efforts to maintain the environment as we found it. Most of us were attracted to geology in the first place by our love for the outdoors and a desire to keep it natural. Geologists are in a total relationship with the earth, its mineral resources, and its people.

AAPG is encouraging other sedimentary mineral explorationists to participate in professional affairs, to become knowledgeable on current events, and to join our ranks in promoting what we believe to be fair and right. Along with other professional groups, we are recommending a self-certification program to our members as a means of safeguarding the public and insuring our own inhouse sufficiency. We are practicing our right to speak out on the issues of the day, hoping to help in the overall benefaction of the industry that supports our profession.

In spite of the wishful thinking about "cheap foreign oil" and the threats of uncontrolled imports and offshore production, extraneous factors are inexorably forcing us to look inward. Nationalization of properties abroad, excessive foreign taxes, tanker shortages, all, should make Washington and the public realize that we must not forsake onshore America in future exploration and development planning. The nitty-gritty of future supplies may well depend on fuel production from oil shale and coal, as well as deeper drilling and the potential of new provinces. The long lead time of research and pilot plant operations must be figured into the future. One doesn't just wish these things into production; they must be legislated into positive action now for future use.

Finally, we must say that the full weight of responsibility for the nation's future supplies of natural gas, gasoline, and fuel oil rests largely in the minds of nonprofessionals and nonindustry influences.

The weakness of our position in this dialogue is, that we are attempting to answer irrationality, emotion, accusation, and political prejudice with reason and logic. It is an uneven dialogue. The facts are that the industry's troubled position and the public's insecurity have been brought about largely by politics—which means votes. We have been told that there are more consumers than there are producers; and, in our political system, where the consumers are is where the muscle is. Thus, we need the weight of public opinion on our side.

To those who are distrustful, suspicious, and unconvinced of our efforts, may I say that the minds of the professionals are ready, willing, and able to do the job ahead if the free enterprise tenets of competition, fair market practice, and unrestrictive legislation are permitted to prevail. Future estimates of demand certainly indicate that the market will be there.

STATEMENT BY THE AMERICAN ASSOCIATION OF PETROLEUM GEOLOGISTS AT A SYMPOSIUM ON ENERGY POLICY AND NATIONAL GOALS—OCTOBER 20, 1971

(Pursuant to Senate Resolution 45, "A Study of National Fuels and Energy Policy," before Senate Committee on Interior and Insular Affairs.)

The American Association of Petroleum Geologists, as the world's largest geological organization, represents more than 15,000 members, most of whom are professional exploration geologists, employed by major companies, independent companies, and as consultants, in the daily application of scientific principles to the search for oil and gas and other energy fuel resources. It is obvious that the successful efforts of these professional scientists are vital to the welfare of the United States and of fundamental significance to the study of national fuel and energy policy now before this Committee.

Most of the discussion of future energy sources to date has dealt with supply, very little with reserves, or with the exploration that leads to finding resources of oil and gas. *"Supply"* means sources readily at hand. *"Reserves"* means resources definitely located and evaluated but not immediately available.

Supplies cannot be had unless a reserve has been developed previously. It will do no good to open the spiggot unless there is an adequate reserve behind the spiggot.

Reserves of oil and gas have been developed only by a lengthy and expensive process of exploration. There is a delay averaging about five years between the start of an exploration project and the marketing of whatever petroleum and natural gas is ultimately discovered.

In addition to time, exploration to develop a reserve requires money and the technological skill. Publicized sources have estimated that during the decade 1975–1985, an annual capital investment of twenty-five billion dollars will be required to fill demand for energy supplies. We geologists foresee a decline in petroleum exploration during that decade, and a consequent dangerous lowering of reserve with relation to supply. This will most certainly be true unless there are new economic incentives to put capital into the risky business of exploration.

Reserves of oil and gas are not discovered by accident, but by the application of the skill and training of geologists and geophysicists who gather data on underground conditions and evaluate the risks of drilling exploratory wells.

The supply of geologists, like the supply of petroleum, cannot be turned on overnight unless there is a reserve of geological talent active in the industry. It takes years of academic training plus much experience in actual exploration to develop the technological skill for developing new reserves.

Unless there is an active, expanding petroleum industry employing geologists and other earth scientists in exploration work, there will be no one trained in oil-finding. As matters stand today, there is already a crisis in exploration.

Representing The American Association of Petroleum Geologists, we believe it is fitting that the American people recognize the successful accomplishments of the petroleum geologist and their effect upon the betterment of the welfare of the individual and society as a whole. We also believe that an understanding of the relationship of exploration to the development of natural resources reserves is essential to effective planning and action, and will ultimately be instrumental in assuring a realistic fuels policy for national energy goals.

SHERMAN A. WENGARD,
President.
WILLIAM H. CURRY,
Past-President.
JAMES E. WILSON,
President-Elect.

THE GENOCIDE CONVENTION: ANOTHER STEP FOR WORLD PEACE

Mr. PROXMIRE. Mr. President, American ratification of the Genocide Convention is in the best interests of our country. Modern communications and transportation are daily decreasing the size of our world. We are being forced into closer and closer proximity with each other. It is certainly in our best interests to make this arrangement as peaceful and orderly as possible. The Genocide Convention is an instrument that will help to insure world peace.

The massive horrors of genocide can not be readily confined to one country. They overflow national boundaries and affect everyone nearby. There is a close connection among ethnic hatred, national combat and world peace. Ethnic hatred can lead nations to fight one another and so endanger world peace. Every breach of international peace carries with it the danger of thermonuclear war between the superpowers.

The Genocide Convention, by helping to prevent outbreaks of ethnic hatred, will help to preserve world peace. This treaty requires each signatory nation to enact legislation, in accordance with its constitution, to prevent acts of genocide. The time has come for the United States to do its part. The Genocide Convention is in our own best interests because it will help to preserve peace.

Mr. President, I urge the Senate to ratify the Genocide Convention without delay.

PUBLIC TRANSPORTATION AND URBAN AREAS

Mr. HUMPHREY. Mr. President, in a recent issue of Traffic Quarterly, Walter S. Douglas examines the entire issue of public transportation as part of the urban transportation problem. He correctly points to the systematic, interdependent effects of transportation on the way people live, the kinds of jobs they have, and where employment is located. He recognizes something that transportation policymakers are just beginning to realize: that the character and quality of transportation will be a major determinant of both the standard of living of urban citizens and the price they must pay for that standard of living.

In many ways, the urban areas of this Nation have functional problems that are circular. Transportation shapes our living habits and our living habits in turn shape the mode of urban transportation. Transportation planning, therefore, must also be comprehensive; it must be cognizant of the needs of the urban population as they presently exist and as those needs will change in the future.

Public transportation, as Mr. Douglas correctly notes, has rapidly deteriorated, both in quantity of service and quality of service. Many of our Nation's buslines are operating at less than one-half capacity; and the continued operating loss of our urban transit systems only means greater demands on the tax dollars of city and metropolitan governments.

What is needed to correct this imbalance, besides resources, claims Mr. Douglas, is a precise definition of objectives of public transportation. And, once the objectives are fully specified, decisions can be made as to what mode of transportation can best accomplish this task.

To stimulate our thinking, Mr. Douglas has outlined a set of objectives for public transportation in urban areas. I commend this article to the Senate and ask unanimous consent that it be printed in the RECORD.

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

PUBLIC TRANSPORTATION AS PART OF TOTAL URBAN TRANSPORTATION

(By Walter S. Douglas)

Mr. Douglas is senior partner in the firm of Parsons, Brinckerhoff, Quade & Douglas and is recognized as one of the nation's foremost authorities in the planning and design of urban and regional mass transportation systems. In addition to his original planning of the $1.3 billion San Francisco system now nearing completion, he has directed the preparation of plans for public transportation systems serving Atlanta, Baltimore, Chicago, Detroit, Pittsburgh, Southern New Jersey, St. Louis, and Caracas, Venezuela. He has been awarded the James Laurie Prize of the American Society of Civil Engineers for his contributions to the field of transportation and was elected in 1967 to the National Academy of Engineering. In 1970 he received the MOLES annual award for "outstanding achievement in construction."

An understanding of urban transportation, both public and private, must begin with recognition that transportation systems will vitally affect the urban environment and, in turn, requirements for transportation will be dictated by that environment. It is equally important to understand that within the urban environment, the character and quality of transportation will be major determinants of both the standard of living of urban citizens and the price that they must pay for it.

Transportation is undoubtedly the most significant single influence on the shape of a metropolitan region. As long as the places at which we conduct our daily activities are separated from each other and from the houses we live in, it is absolutely vital that we be able to move from one place to another easily and without discomfort. It seems, with the passing of each day, that the places which we must, or want to, visit become more numerous, more distant, and more widely scattered. This is not only because the locations themselves are changing but also because the activities in which we desire to engage are becoming more numerous and more varied. With the growth of these activities and of the additional space that they require we are experiencing at the same time a more concentrated use of space in some areas, and entirely new development in areas once only pasture or marsh. The activities referred to, and for which every metropolitan region is expanding to find room, are the housing, shopping, manufacturing, educational, and institutional functions which a rapidly expanding population requires.

These simple but fundamental observations, which are quoted from the 1956 report to the San Francisco Bay Area Rapid Transit Commission, are as pertinent today as they were then, when the San Francisco system, now nearing completion, was being formulated.

Thus, urban transportation not only shapes the distribution of homes and activities in a metropolitan area, but is, in turn, shaped by it. This interrelationship does not, however, generate the only impact of transportation on the urban environment. Inevitably, the structures over or within which transportation operates form important elements in the urban visual and functional scene. When sympathetically designed, they are in harmony with their surroundings and may be the focus of attractive developments, may serve to integrate and unite other facilities, and may offer opportunities to meet other urban needs by joint use of rights-of-way and air rights.

There are many examples of these impacts and opportunities. An elevated highway, for instance, through a densely developed area is often out of scale with surrounding structures and may seriously impair the general appearance of an area. If, on the other hand, such a highway, though at substantially greater cost, were built depressed with intersecting streets carried on bridges above it, the visual effect on the area concerned would be minimal. Freeways in Detroit are a good example.

Underground rapid transit in Stockholm, Montreal, and Mexico City, and particularly the stations, is sympathetically designed. The stations of these systems are handsome. The designers exploited opportunities for joint development by creating underground shopping complexes, pedestrian walkways, special access to major buildings, and attractive visual features such as fountains, displays, and planting. Similar developments are being incorporated into the San Francisco Bay Area station complexes.

Joint use of rights-of-way have been exploited in the Congress Street and other freeways in Chicago, where rapid transit occupies the median strips. Similar opportunities have been developed in San Francisco and are contemplated in other metropolitan areas. In Baltimore, joint development of interstate freeway rights-of-way is planned for parks, schools, and housing.

Still another consequence of urban transportation is receiving special emphasis these days. In several major cities, dense concentrations of automobiles are emitting exhausts which the enveloping air unable to adequately dilute or dissipate. Air pollution is the result, and public transportation, particularly electrified rapid transit, may become very important in ameliorating such conditions.

But it is not only through its impact on the distribution of homes and activities, on regional aesthetics, and on air quality that transportation affects the quality of living of the metropolitan citizen. Other aspects of his standard of living within the environment are greatly affected also. If he must travel an hour or more each way to work and back on every working day, he is forced to devote to commuting at least one-third and sometimes one-half of the time available to him after working, eating, and sleeping. It is only this residual time that he can devote to education, sports, hobbies, entertainment, and leisure; and it is its availability and use that so markedly affects his contentment and enjoyment of life. It is also true, however, that for these aspects of living he must have not only time but also available income.

In today's dispersed living, few people reside within walking distance of their points of employment. Where such is the case, which is dominant in most American urban scenes, and if bus service is either inadequate or unattractive, it is necessary or desirable to use the private automobile. If, in a single-automobile family, the use of the automobile is required throughout the week for the exclusive purpose of going to and from work, then the housewife is seriously limited in her ability to get around, except during weekends. It is this restraint, or the requirement of a car to get to her job, if she works, that has led to increasing numbers of two-car families. As a consequence, a serious economic burden is thereby placed upon them. Any calculation of minimal real cost of owning and operating an automobile equals or exceeds $1,500 per year. If two cars are required for transportation, then twice that sum becomes unavailable for the important educational and leisure activities noted above. On the other hand, if public transportation is available and attractive, only one car may be necessary for the family. The wife may drive her husband to and collect him from a public transportation station or stop; or if both work, they may park their car at the station. Thus, their transportation costs may be almost halved. There is a dividend also for those who must use their cars in any case because the use of public transportation by those for whom it is convenient may abate for other delays caused by motor vehicle congestion.

All that has been noted thus far in this review has been directed toward demonstrating the immense impact of transportation on the quality of the urban environment and upon the standard of living of the metropolitan citizen. No attempt has been made to limit the discussion to the influence of public transportation only; rather, recognition has been given to the fact that public and private transportation are, and must be, intimately interwoven. Their influence is joint and several. The role of public transportation in its environmental impact and in its economic and financial impact, as will be noted below, derives from the part it must play in the total transportation system.

THE ROLE OF PUBLIC TRANSPORTATION

In considering the role of public transportation it is of compelling significance that income generated from the operation of transportation facilities is not adequate to recover interest and amortization of capital costs and, particularly with respect to bus operations, is rapidly becoming inadequate to recover operating costs. Construction and operation of urban public transportation facilities is therefore becoming increasingly, and eventually may be exclusively, carried on through what economists refer to as the public sector. Interest and amortization of capital costs certainly, and the cost of operations in some cases, must be supported by taxes. Thus, public transportation is in competition for the tax dollar with such other vital elements of the public sector as schools, waste collection and disposal, water supply and distribution, flood control, irrigation, power, police protection, fire protection, federal, state, and municipal administration, medical care, aid to the needy and indigent, and a host of other public needs.

It may be argued that the financial prospect outlined above for public transportation is not true for private transportation because income generated by user taxes for vehicles operating over highways has, in general, been adequate to recover the cost of both construction and maintenance. In a broad sense, this is true, because highway development has, almost from its inception, wisely been considered on a total system basis. The justification for each element of a highway system has derived not from income generated by taxes on fuel, tires, and other items consumed on the individual section of highway but rather from the role it plays in the total system. While it is true that user taxes on roads and streets and urban centers built many years ago and, in some cases, maintained out of municipal budgets have been the source of much of the income to build intercity, intrastate, and interstate systems, nevertheless the American people have strongly desired an efficient, pervasive total highway complex and have been content to pay for it in that fashion. The difficulty with transpotration in our major urban centers comes not from the systems concept of highway development and financing but rather from a failure to recognize that the same total system should include within its complex the vital elements of public transportation, particularly along regional corridors and in regional centers where space limitations make it impossible, and environmental considerations make it undesirable, for the private motor vehicle to do the whole job.

I hope it is clear from what has been outlined above that the nature and quality of urban public transportation will depend not upon cost benefit calculations, though they are useful, but rather upon the understanding that the public may have of the issues at stake in terms of the quality of the urban environment and upon the standard of living within that environment. Assuming such understanding and recognizing the necessity of taxes to support urban public transportation systems, the amount to be invested to create and operate such systems will depend upon the priority given to favorable transportation development by the public, in its total shopping list for the public sector. In the final analysis, such investments and subsidies will depend upon what share of the tax dollar will be allowed for tranportation, taking into account the various other public needs.

OBJECTIVES AND FORMS OF PUBLIC TRANSPORTATION

A professional in the field of transportation planning, particularly in the field of public transportation planning, is therefore inevitably confronted with casting his judgment, or providing analyses upon which others can cast theirs, as to resources which the public and its agents will make available for public transportation. Taking into account all the factors already briefly outlined, it is believed that the current decision-making process will arrive at the following specific objectives:

The first fundamental derives from the immense investment the public has in its automobiles and its street and highway system and the fact previously emphasized that public transportation will require subsidy of capital costs and, in the case of surface bases, probably of operating costs also. It follows inevitably that, within the total urban transportation system, public transportation should be provided only when clearly required, and should be limited to the following specific objectives:

1. To provide reasonable regional access to jobs, in particular, and also to regional commercial and recreational activities for those who do not own or have access to a private automobile;

2. To supplement the private automobile and bus along principal travel corridors to major metropolitan areas in order to provide an attractive, competitive alternative to traffic congestion;

3. To sustain and enhance desirable existing regional developments and to stimulate and orient other developments to insure an attractive environment in a viable metropolitan region.

The first of these objectives will require extensive surface bus and, in a few cases, trolley systems. This is hardly debatable. To serve those who do not have access to private automobiles, a transportation system extending within practical walking distance of their homes is required. The cost of subways for such comprehensive service would be out of all proportion to the need for funds for other public service.

On the other hand, all those experienced in community reaction to transportation structures know that no extensive elevated system of any kind will be tolerated in residential areas. In light of the state of the art today, or that which will prevail at least in the next two decades, extensive surface bus systems in dense urban areas will be a necessity.

It will not be useful to attempt to express standards for bus systems in terms of specific figures for duration of allowable access walking time, headways, express service, air conditioning, or other comfort features. Service and features will depend, in each metropolitan area, on finding a reconciliation of extent and quality of service, and tolerance of subsidy, by tax support. Engineers and professionals may provide facts and figures; the public's representatives and, in some cases, the public itself in referendum, must make the policy decisions.

The fulfillment of the second objective—the provision of an attractive public transportation alternative to traffic congestion along a region's major circulation corridors and in its major centers—is a necessity to make surface transportation, be it by private motor car or bus, work. An inherent, and as will be brought out later, a desirable characteristic of most major metropolitan areas is a concentration of jobs in major centers. It is travel to and from these jobs that creates the familiar traffic congestion during the morning and evening periods of peak traffic. The first requirement under such conditions is a limited-access highway network, supplemented by parking lots and garages and modern programs of traffic signaling and management. The limited-access highway becomes available for private motor car and bus alike, and off-street bus terminals may fulfill the same function as do parking facilities for the private motor vehicle.

As a region approaches and exceeds one million persons in population, the limited-access highways, center city streets, and parking facilities themselves become congested. In most cases, a second network of limited-access highways becomes impractical, partly because of community response to yielding the necessary land for rights-of-way, and partly because the streets of major city centers are already surfeited with automobiles and can receive no more without intensifying already serious congestion.

In these cases, and particularly for regions rapidly expanding in population and activity, a grade-separated rapid transit system—a true express public transportation system—will be necessary. By this means only can a practical alternative to traffic congestion be offered to commuting citizens. The standards of such an express public transportation system must be predicated upon the concept of a practical alternative to traffic congestion. They may be broadly summarized as follows:

1. Speed averaging 40 to 50 miles per hour, including time for station stops. This will necessitate a completely segregated and grade-separated right-of-way.

2. Practical interface with both private motor vehicles and buses by parking lots, pick-up and delivery points for cars driven by such chauffeurs as wives and others, and bus transfer loading and unloading platforms.

3. Stations within walking distance of the largest concentration of jobs, employment, and commercial activities. This will require a series of stations rather than the single terminal of commuting railroads.

4. Comfort and convenience, including short headways, air conditioning, and other features comparable in attractiveness to those offered by the private motor vehicle.

5. Route and station locations and design and noise levels harmonious with the neighborhoods traversed.

The third objective for public transportation, which is to sustain and enhance desirable existing regional centers and activities and to stimulate and orient new growth and development, is at least as important as the first two. Its fulfillment is, in fact, necessary to make practical the bus and rapid transit facilities required by the first two objectives. In turn, the latter are necessary to mold and orient regional growth.

In this era, dispersion of homes throughout a metropolitan area is inevitable. Some prefer inner city apartment living, but many—in fact, most—seek single-family homes in suburban neighborhoods. Relatively few of those residing in such suburbs will arrive from their homes at rapid transit stations of a major metropolitan area by walking. Most will arrive by private motor car or bus and will have to transfer. It is very important, therefore, that those who do have to transfer at a rapid transit station do not have to transfer to another local system to reach their final destination. In order to avoid this, jobs and commercial activities should be clustered around rapid transit stations within convenient walking distance. To avoid an impractical number of jobs and activities around a single station, distribution in major city centers should be provided by a series of stations.

It should be emphasized that it is neither necessary nor desirable for jobs and activities to be clustered in a single city center only. Such massive concentrations, as may be witnessed in some of our older cities, induce congestion no matter what measures are adopted to relieve it. It seems clearly preferable that jobs be clustered in various centers in a metropolitan region. These centers may be connected to each other by rapid transit and to the homes by stations in the intervening residential areas which the system will traverse. This is neither dreamy nor impractical. To a degree, commuting railroads did this in an earlier era and their impact on regional land use remains with us in many of today's suburbs. But, most commuting railroads no longer meet standards that permit them to compete effectively with the automobile. Regional rapid transit, however, can do this.

From all the considerations outlined in this review is derived the concept of optimum regional development and transportation development in the form of clusters of jobs and commercial and industrial activities, connected by express transportation in the form of regional freeways and rapid transit with interchanges and stations serving the intervening residential areas, supplemented by comprehensive local transportation in the form of roads and streets for private automobiles and buses. Let there be added certain forms of transportation often overlooked—walking and perhaps increased use of bicycles, both made possible by the orientation of activities around rapid transit stations.

It is also within such a framework that opportunities for joint development and for enhancement of regional aesthetics, as described earlier in this review, will be possible.

CRITERIA FOR NEW TRANSPORTATION FORMS

This discussion of urban public transportation would not be complete without some consideration of the search for some new and different type of grade-separated public transportation system—some breakthrough in the form of a type of system not now in general operation. Dozens—perhaps hundreds—of different systems for vehicles have been and are being proposed for this purpose. In evaluating their desirability, a point of reference is essential. Since modern automatically controlled rail transportation is the only fully proven and fully developed facility for a complex regional system, it should be considered as a standard for comparison of all current proposals. In this connection it can be stated unequivocally that modern rail transportation can fulfill all requirements for speed, comfort, and convenience and can be made acceptable to the community with respect to environmental impact, including noise. In addition, it is highly adaptable for operations on the surface, on elevated structures, or in subways. It is reasonable to state, therefore, that proposals for other systems should be compared to modern rail transportation and should offer opportunities to reduce costs. One such system is the bus, operating on its own grade-separated right-of-way, in itself a form of rapid transit. This is a desirable development in the median strips of freeways and a possible development on roadways devoted exclusively to buses. Such facilities should be considered where peak long-range

volumes are less than 10,000 to 12,000 passengers per hour.

There is one development involving guided vehicles, automatically controlled, which, though not fully developed at this time, does deserve bona fide research, testing, and development. This is the Tracked Air Cushion Vehicle, powered by a linear motor. This does offer the possibility of operating economically due to the minimizing of friction, the elimination of the wheel, and the low vehicle configuration which that elimination may make possible. However, conclusive opinions cannot be formulated in advance of a serious and extensive research program. Of the many other proposals advanced, several are physically practical. None, so far, has offered lower cost, improved useful speed, comfort, or convenience, or any other compelling advantage over modern rail. Most involve much more awkward switching than is available for rail. Some cannot run over the ground and some are expensive in subways. Others are expensive in operation. None offer the elevated construction that will be desirable in residential areas or in high rise commercial areas.

The search for technological improvement must continue, but it should be continued with a clear concept concerning in what characteristics improvement is sought.

SECRETARY STANS ANSWERS

Mr. GRIFFIN. Mr. President, in light of remarks made on December 13 by the distinguished junior Senator from Alaska (Mr. GRAVEL) concerning Secretary of Commerce Stans, I ask unanimous consent that certain questions submitted to Mr. Stans by the Associated Press and his responses be printed in the RECORD.

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

ANSWERS FROM SECRETARY OF COMMERCE MAURICE H. STANS TO QUESTIONS SUBMITTED BY SANDY SCHWARTZ, ASSOCIATED PRESS

Prior to your confirmation in 1969, you outlined to the Senate Commerce Committee arrangements you were making "in order to devote full time and attention to the duties of office and avoid circumstances which might imply any potential conflict of interest." You told the committee, however, that you were retaining control of the Stans Foundation. In July 1969 the foundation acquired an interest in the Siam Kraft Paper Co. which was operating on a $14 million Ex-Im Bank loan.

Siam Kraft Paper has continued to benefit not only from that still-outstanding loan, but also other government activities, including the assistance and interest of Ex-Im Bank officials and State Department personnel some of whom also from time to time look out for Commerce Department interests in Thailand.

1. Doesn't the fact this company benefits directly from U.S. government assistance, including cash and various other activities of U.S. officials, constitute a conflict of interest for you?

Answer. I own no holdings in Siam Kraft Paper Company. The Stans Foundation, which is a non-profit, charitable organization, owns a very minor interest, most of which it acquired in 1968. The Foundation owns only 2,667 shares, out of a total of 2,000,000 shares outstanding.

There is nothing whatsoever in this situation that could conceivably involve a conflict of interest for me. I have no personal holdings in the company and I have never discussed its affairs with anyone in the United States Government.

2. In a larger sense, Thailand itself is heavily dependent on U.S. military and economic assistance. Therefore, wouldn't a conflict of interest situation automatically exist for a U.S. government official who had any investment there, regardless of whether the company benefited directly?

Answer. Since I have no investment of any kind in Thailand, there can't possibly be a conflict of interest situation for me there.

3. Although you told the Commerce Committee you drew no income from the foundation, isn't it true there are numerous tax benefits available directly to you because of the foundation?

Answer. I can't conceive of any tax benefits available to me because of the activities of the Stans Foundation. The Stans Foundation pays me no compensation, and I have had no transactions with the Foundation for years.

4. Isn't it also true that one benefit available to you, at least prior to passage of the 1969 Tax Reform Act, was the payment of safari expenses by the Nature Museum in Rock Hill, S.C., which in turn is supported in part by the foundation?

Answer. The Stans Foundation has never paid my safari expenses, either directly or through the Nature Museum in Rock Hill, South Carolina. I have personally paid all of my safari expenses.

INDIAN CLAIMS COMMISSION AWARD TO BLACKFEET TRIBE

Mr. METCALF. Mr. President, one of the pending bills that is apparently not going to be resolved is S. 671, providing for the disposition of funds to pay a judgment in favor of the Blackfeet Tribe as awarded by the Indian Claims Commission.

The bill as passed by the Senate related only to the judgment funds of the Blackfeet Tribe. A related bill, H.R. 9325, passed by the House of Representatives, provided for the disposition of the judgment funds of both the Blackfeet and the Gros Ventre Tribes of the Fort Belknap Reservation in Montana.

The Senate Committee on Interior and Insular Affairs has not held any hearings nor has it received any recommendations on the disposition of the Gros Ventre settlement. It would be difficult to go to conference on this part of the bill without additional evidence from the administration and the Gros Ventre tribal leaders.

The Blackfeet Tribe has written me objecting to portions of H.R. 9325. So even the Blackfeet settlement should be the subject matter of additional consideration.

I ask unanimous consent that the letter from Robert E. Howard, director of the community action program of the Blackfeet Tribe, be included in the CONGRESSIONAL RECORD at the conclusion of these remarks.

A serious disagreement between S. 671 and H.R. 9325 is the provision for offset of the individual award money for welfare payments. The Senate bill provides that the per capita payments as a result of the claims award are to be exempt in determining eligibility for public assistance. When the Department of the Interior report on S. 671 was made, this feature was not mentioned and apparently met with administration approval.

On the other hand, the Secretary of the Interior in his report on H.R. 9325 objected to such an exemption on the House side and the House bill does not contain this exemption. Mr. Howard discusses this problem in his letter, which I previously inserted in the RECORD.

I have talked to Senator JACKSON, our committee chairman, about this legislation. He is anxious to have it cleared and has assured me that early hearings will be held next session on the differences between the Senate and House bills. It could well be that as a result of the testimony adduced, the Senate could agree to the House version of the Gros Ventre settlement. The whole area of exemption from public assistance payments can be explored. It may or may not be necessary to ask for a conference. Perhaps an amendment agreeable to the House would be adequate. But all these solutions depend upon additional hearings and committee resolutions.

Therefore, with the assurance from Senator JACKSON that S. 671 and H.R. 9325 are going to have high priority in the second session and hoping to quickly resolve the differences between the two bills, I am not going to ask that they be sent to conference at this time, but assure the members of the Blackfeet and Gross Ventre Tribes that their claims settlement will be resolved early next year.

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

THE BLACKFEET TRIBE OF THE BLACKFEET INDIAN RESERVATION,
Browning, Mont., December 8, 1971.

Hon. LEE METCALF,
*Committee on Interior and Insular Affairs, U.S. Senate,
Washington, D.C.*

DEAR SENATOR METCALF: I have this date received a position paper that was utilized in drafting amendments to H.R. 9325 since passed. This position paper was drafted by the Bureau of Indian Affairs and signed by Mr. Harrison Loesch, Assistant Secretary of the Interior. The paper recommended changes that are *not* in the best interests of the Blackfeet-Gros Ventre Tribes and do *not* reflect their wishes.

Let me point out the incomprehensibility of the portion objected to:

Mr. Loesch, and I quote from his position paper, states: "We also recommend that section 3 be deleted as it has no relevance to the disposition of the current award and that successive sections be renumbered appropriately." End quote.

May I address this quote before going on to another section of this paper. Mr. Loesch is despairingly ignorant of the social and economic conditions of the Blackfeet and Gros Ventre Tribes when he unqualifiedly states that this award and the waiver of welfare income provisions of the State and Federal Government have no relevancy! They are importantly relevant. On the State level, as a member of the State Board of Public Welfare, we have been exploring all avenues that may offer the State and the Indian people a solution to the uniqueness of their income resources. At the present time, for instance, we have submitted to H.E.W. a request for a special study program for research purposes while providing for a disregard until all facts are in. This document and project title is "Disregard of Indian Income". A copy is attached. These two factors are also relevant in that these claims funds are *not* regular, established sources of income; the funds are from the heritage of the people and are as a result of the tribes Federal Government's recognition of the tribes under special legislation, but let me continue with

the balance of Mr. Loesch's position paper.

Mr. Loesch continues in another paragraph, which is quite lengthy, and which I will again quote:

"We believe Indians should be in the same status as other citizens with respect to obligations for just debts and eligibility to participate in welfare programs, unless factors such as isolation, abject poverty, illiteracy, and other social problems have hampered an Indian group from developing sensible purchasing habits and left them easily victimized by unscrupulous merchants when a per capita distribution of judgement funds is contemplated. These factors do not appear to be present to any significant extent among the Blackfeet or Gros Ventre Indians who will share in the judgement funds, and therefore we cannot support any exemptions of funds distributed except that pertaining to Federal and State income taxes." End quote.

How preposterously naive can an agency be which is purportedly the trustees for Indian policy! We do not argue that we should not assume the same status as all citizens enjoy pertaining to just debt obligations. We also follow the same eligibility criteria for welfare as any other citizen, *but* we are *not* asking for any general absolution. We are simply requesting that these monies that represent a special type resource under a special Tribe-Governmental relationship carry special provisions for use. Mr. Loesch has turned around the intent of the welfare provision of the original bill to make this point and if carried further would raise the same question about all Indian funds for whatever source. More importantly, Mr. Loesch seems to pluck information from sources that do not reflect conditions on either reservation.

As an example, Glacier County in Montana, according to revised statistics from the Employment Commission, indicate a 15.8% unemployment rate. Of this rate, the Blackfeet Reservation is the source for the greatest amount of the figure. Our unemployment rate is currently estimated to be between 25% and 30%. The welfare statistics for the State place Glacier County fifth in the State for categorical assistance. These statistics indicate that the reservation, which makes up 85% of the county, provides the preponderant share of these statistics and caseloads. The hard to recognize facts are that the Blackfeet Reservation has an estimated per capita income of less than $1200 per annum. Severe weather in this rural, mountainous country creates its own isolation with only two major highways. Abject poverty is prevalent, Mr. Loesch's statements notwithstanding. Prices in the stores have already begun to rise, first for the proposed advance per capita for Christmas and, again, in anticipation of a larger payment later. We already have higher living costs than our off-reservation neighbors which can be documented.

Mr. Loesch, by his paper has revealed another block to what we call Indian Self-Determination. The Interior Department has already received the off-sets so what is the basis for their objections to including sections to a bill that are proposed by the Indian community? Can we not have the opportunity to assist in drafting a bill that we want Congress to act on without the B.I.A. or Interior Department interjecting their distorted purview?

Senator, the welfare provision as you well know, has been supported by the State Indian Tribes and has the tacit approval of the welfare department.

Although the Blackfeet enjoy a better income level, as a tribe, they are far from "well off" individually. The Gros Ventre tribe is economically much less fortunate than the Blackfeet in that they have almost no industrial, recreational or tourism capabilities in sight.

For these reasons, we cannot understand Mr. Loesch's comments nor can we but disagree vehemently with his observations.

Please assist the tribes in this all-important area by re-establishing the welfare provision and establishing who has the authority to make the payment.

Your continued and past assistance is greatly appreciated.

Sincerely,

ROBERT E. HOWARD,
Director, Community Action Program, Blackfeet Indian Reservation.

UNIVERSITY OF UTAH FOOTBALL TEAM GOES TO JAPAN

Mr. GRIFFIN. Mr. President, I ask unanimous consent that remarks prepared by the distinguished Senator from Utah (Mr. BENNETT) concerning the Utah State University football team be printed in the RECORD.

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

USU FOOTBALL TEAM GOES TO JAPAN

(Statement by Senator BENNETT)

Today the Utah State University football team leaves for Japan where it will be the first American collegiate football team to play overseas.

We in Utah are proud of the football tradition of USU, which has no less than 17 alumni in the professional ranks in the United States and Canada—including, notably, Phil and Merlin Olsen who anchor the Los Angeles Rams defense from their tackle slots—and it is fitting that the school establish a historical first by this trip.

Violence generally breeds enmity between nations. However, in using their special brand of violence on the gridirons of Japan, the Big Blue of USU will be ambassadors of good will as well as a fine football machine.

USU will play two games in Japan. The first will be against the Japanese college all-stars from Tokyo on Sunday in the Tokyo National Stadium. The second will be against another college all-star team in Osaka the day after Christmas.

Under Coach Chuch Mills, Utah State will take a team with a record of eight wins and three losses the past season and is loaded with pro prospects. Lined up against the team will be two Japanese squads whose offensive and defensive lines average 165 to 170 pounds, and whose backfields will be manned with players averaging about 150 pounds.

I am sure that no objective football fan on either side of the Pacific Ocean believes the games will be much in doubt. Most American college teams average well over 200 pounds per man on the line and something approaching 200 pounds in the backfield. However, I am confident that Japanese spectators will get their money's worth in watching football American-style, and that players from both USU and Japan will have a memorable experience.

In addition to the two scheduled games, USU players and coaches will be conducting football clinics and giving instructions to both Japanese coaches and players. At this time, football in Japan is well behind its development in this country, with coaches being volunteer rather than paid, and with the sport attracting far less enthusiasm than, for example, baseball.

Mr. President, although I am sure I express the sentiments of the Senate in wishing the USU football team a safe and pleasant trip, I cannot help but feel somewhat sorry for the millions of Japanese housewives who may one day, like their American counterparts, lose their husband to the Sunday afternoon football games.

ACHIEVEMENTS OF THE COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS DURING FIRST SESSION OF 92D CONGRESS

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Alabama (Mr. SPARKMAN), I ask unanimous consent to have printed in the RECORD a statement by him and an insertion relating to the achievements of the Committee on Banking, Housing and Urban Affairs during the first session of the 92d Congress.

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

STATEMENT BY SENATOR SPARKMAN

During the first session of the 92d Congress, the Senate acted favorably upon all of the 16 bills which were handled by the committee. Of these, 9 have become public law, and 3 are at the White House awaiting approval.

RÉSUMÉ OF BILLS HANDLED BY THE COMMITTEE

S. 581 (Mr. Sparkman); passed Senate April 5, 1971; P.L. 92-126; amends the Export-Import Bank Act of 1945, as amended, to allow for greater expansion of the export trade of the United States, to exclude Bank receipts and disbursements for the budget of the U.S. Government, to extend for 3 years the period within which the Bank is authorized to exercise its functions, to increase the Bank's lending authority and its authority to issue, against fractional reserves and against full reserves, insurance and guarantees, to authorize the Bank to issue for purchase by any purchaser its obligations maturing subsequent to June 30, 1976, and for other purposes. (S. Rept. 92-51, March 31, 1971; passed House July 8, 1971; approved August 17, 1971.)

S. 670 (Mr. Sparkman) passed Senate February 18, 1971; authorizes further adjustments in the amount of silver certificates outstanding, and for other purposes. (S. Rept. 92-3, February 11, 1971.)

S. 1181 (Mr. Sparkman); passed Senate March 19, 1971; P.L. 91-19; removes certain limitations on the granting of relief to owners of lost or stolen bearer securities of the United States, and for other purposes. (S. Rept. 92-37, March 16, 1971; passed House May 17, 1971; approved May 27, 1971.)

S. 1260 (Mr. McIntyre); passed Senate May 3, 1971; P.L. 92-16; amends the Small Business Act. (S. Rept. 92-90, April 29, 1971; passed House May 5, 1971; approved May 18, 1971.)

S. 1700 (Mr. Sparkman); passed Senate May 13, 1971; P.L. 92-45; amends sec. 14(b) of the Federal Reserve Act, as amended, to extend for 2 years the authority of Federal Reserve banks to purchase U.S. obligations directly from the Treasury. (S. Rept. 92-102, May 11, 1971; passed House June 30, 1971; approved July 2, 1971.)

S. 2871 (Mr. Sparkman); passed Senate 21, 1971; clarify and extend the authority of the Small Business Administration, and for other purposes. (S. Rept. 92-129, May 19, 1971.)

S. 2216 (Mr. Bennett); passed Senate August 6, 1971; P.L. 92-165; amends the Investment Company Act of 1940, as amended. (S. Rept. 92-344, August 3, 1971; passed House November 15, 1971; approved November 23, 1971.)

S. 2781 (Mr. Sparkman); passed Senate November 4, 1971; amends sec. 404(g) of the National Housing Act. (S. Rept. 92-420, November 2, 1971.)

*S. 2891 (Mr. Sparkman); passed Senate Dec. 1, 1971; extends and amends the Economic Stabilization Act of 1970. (S. Rept. 92–507, November 20, 1971; passed House December 10, 1971.)

H.R. 4246 (Mr. Patman); passed Senate May 3, 1971. P.L. 92–15; extends certain laws relating to the payment of interest on time and savings deposits and economic stabilization, and for other purposes. (S. Rept. 92–89, April 29, 1971; passed House March 10, 1971; approved May 18, 1971.)

H.R. 8432 (Mr. Patman); passed Senate August 2 1971; P.L. 92–70; authorizes emergency loan guarantees to major business enterprises. (S. Rept. 92–270 on S. 2308, July 19, 1971; passed House July 30, 1971; approved August 9, 1971.)

*H.R. 9961 (Mr. Patman); passed Senate November 24, 1971; provides Federal credit unions with two additional years to meet the requirements for insurance, and for other purposes. (S. Rept. 92–449, November 11, 1971; passed House November 1, 1971.)

S.J. Res. 52 (Mr. Sparkman); passed Senate July 15, 1971; increasing the authorizations for comprehensive planning grants and open-space land grants. (S. Rept. 92–254, July 14, 1971.)

S.J. Res. 55 (Mr. Proxmire); passed Senate March 4, 1971; P.L. 92–8; provides a temporary extension of certain provisions of law relating to interest rates and cost-of-living stabilization. (S. Rept. 92–24, March 2, 1971; passed House March 29, 1971; approved March 31, 1971.)

S.J. Res. 167 (Mr Sparkman); passed Senate October 27, 1971; Public Law 92–150; extends the authority conferred by the Export Administration Act of 1969 (S. Rept. 92–406, October 27, 1971; passed House October 28, 1971; approved October 30, 1971.)

*S.J. Res. 176 (Mr. Sparkman); passed Senate November 20, 1971; extends 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. (S. Rept. 92–448, November 11, 1971; passed House December 6, 1971.)

EXEMPTION OF NEWS MEDIA FROM PRICE AND WAGE CONTROLS

Mr. PACKWOOD. Mr. President, during consideration of the legislation to extend the President's authority to continue price and wage controls one of the paramount issues discussed was whether or not the news media should be exempt from the controls. Lengthy debate ensued in the Senate on this specific subject.

Arlen Large, of the Wall Street Journal, wrote an excellent article capsulizing the problems posed by the possibility of the news media exemption. The article was so good that the Washington Post, with permission of the Wall Street Journal, reprinted the article in its entirety on December 8, 1971.

So that all readers of the CONGRESSIONAL RECORD might know the arguments presented on this issue, I ask unanimous consent that the article as reprinted in the Washington Post be printed in the RECORD.

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

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*Awaiting Presidential approval.

INSTEAD OF LOOPHOLES FOR FAVORED GROUPS, HOW ABOUT—AN EXEMPTION FOR EVERYONE

(By Arlen J. Large)

Last year when the clowning Democrats in Congress gave the President wage-price control authority he would never use, the Senate didn't even take a formal roll-call vote on the question. A wage-price control bill sent over from the House was accepted in a thin chorus of ayes.

Nobody is clowning now. As is the way of Presidents, Mr. Nixon has used that power to the hilt and then some. Everybody is finding out what it's like to live in a shackled peacetime marketplace, and last year's political put-on is already in its second somber phase and counting. Yet when the Senate last week had a chance to call the whole thing off, only four free-enterprise [Advocates] voted against continuing the control law into 1973. They were an odd mixture: Proxmire, Goldwater, Harris, Fulbright.

With varying expressions of reluctance, all the other senators voted to let the anonymous strangers on the Pay Board and Price Commission keep sitting in judgment on other people's money problems. How hard that job is several of the lawmakers learned very well themselves right on the Senate floor. Snap judgments were made there on the pay status of the New York Yankees, Ed Sullivan, Mort Sahl, Jane Fonda and the switchboard operator at The New York Times. The proceedings would have made a funny stage skit about senators burlesquing themselves, but these were grown men making a real law, and it became a frightening preview of what to expect in Phase, say, 15.

The existing Phase 2 law at least has the virtue of applying to nearly everybody; though enforcement techniques are different, price controls must be obeyed equally by General Motors and Jerry's Garage. Any attempt to apply controls to some people and not others automatically means trouble, and that's what got the Senate in a fix last week when it decided to exempt book publishers, newspapers and broadcasters.

There is precedent for that kind of special treatment. The press was exempt from price controls during World War II and the Korean war. And book publishers are in a special bind. They keep old plates from which new editions are printed from time to time. "Mammals of Wisconsin," for example, was first published in 1961 to sell for $12; a new edition printed from the same plates would have to cost $17.50 for the publisher to make money, a 46 per cent increase that would horrify the Price Commission.

Above all, there's the First Amendment to the Constitution, forbidding Congress to make any law that would abridge the freedom of the press. Various Supreme Court rulings have insisted that the First Amendment likewise protects freedom of expression by broadcasters, movie makers and playwrights. A law under which a newspaper must ask federal permission to raise its advertising rates or salaries to employees theoretically could inhibit free speech. Would a publisher whose rate increase is pending dare print the Pentagon Papers? Would an editorial writer whose salary is a federal case dare let John Connally have it between the eyes?

All this led Sen. Alan Cranston (D-Calif.) to propose an amendment to the Phase 2 extension law. He would have exempted from price or wage controls all publishers of newspapers, periodicals and magazines, plus radio and television broadcasters and operators of "a motion pictures or other theater enterprise." Senator Cranston was backed up by Sen. Sam Ervin (D-N.C.) the Senate's resident authority on the Constitution.

Other senators, though, immediately found fault. You mean, Senator Cranston was asked, that a movie star making a quarter of a million could ask for a half million, while some impoverished fourth-grade teacher remains under the federal thumb? Mr. Cranston conceded that was so. And who works in those "other" theater enterprises? "Cooch dancers"? They get rich, while schoolmarms starve? It was too much, and Senator Cranston's amendment was beaten.

The next day, however, he was back again with the exemption erased for cooch dancers and other entertainers. But still proposed for the book, newspaper and broadcasting people. At that point, the normally mild-spoken first-term Republican from Oregon, Robert Packwood, started slashing away with questions that showed how hard it is for anyone—senators or Pay Board bureaucrats—to translate economic control legalisms into equitable treatment for people in different lines of work.

What about a switchboard operator who works for a newspaper, Senator Packwood asked. Would her pay be exempted from controls? Senator Ervin, a former judge, immediately ruled that the exemption would apply because "a switchboard operator may get news and disseminate it." The same would go for a TV station's mechanic who repairs a mobile camera truck: He assists in collecting the news.

What about the lumberjack who cuts down trees for pulp to make newsprint for The New York Times? He wouldn't be exempted, Senator Ervin ruled, because the exemption applies only to people working with paper, not trees. And not acorns.

Mr. PACKWOOD. What about Fritz Peterson?

Mr. CRANSTON. What?

Mr. PACKWOOD. Fritz Peterson.

Mr. CRANSTON. What?

Mr. PACKWOOD. Fritz Peterson, the pitcher owned by the New York Yankees. CBS owns the Yankees.

Mr. CRANSTON. No.

Mr. PACKWOOD. Why?

Mr. CRANSTON. Because he is not engaged in the presentation or the dissemination of information.

Mr. PACKWOOD. Where does the bill say that he has to be engaged in the dissemination of information?

Mr. CRANSTON. We did not intend to put in the amendment language to answer every question in advance that would come up. The answer is obvious.

The Senator from Oregon said he didn't think the answer was obvious at all, and he resumed the questioning. If entertainers aren't exempted under the new Cranston amendment, what about Ed Sullivan? Senator Ervin ruled this way: "In a strict sense, Ed Sullivan would qualify technically as an entertainer, even though I did not always find him entertaining."

What about Mort Sahl? Senator Ervin, a man of astonishing breadth who's interested in everything and knows everything, had to confess he couldn't place Mort Sahl.

Mr. PACKWOOD. He is basically a satirical comedian. He goes in for commentary on political issues of the day. He is an entertainer.

Mr. ERVIN. I would leave that up to the courts to decide. I will not decide that. If his function is to amuse, he would be subject to the freeze. If his function is to inform, then he would be exempt.

Mr. PACKWOOD. All right. Then we have the talk show at night, and Jane Fonda talks about her views on the war. Is she an entertainer?

Mr. ERVIN. To many she is very entertaining, but I think her fundamental purpose is to express her views about the war, which is a public matter. When she expresses her opinions about the war, she would be exempt.

If Congress really enacts Senator Cranston's exemption, the job of deciding the status of lumberjacks, switchboard operators and Jane Fonda would switch from the Senate floor to the 15-member Pay Board. One of their main guides for interpreting the law would be the "legislative history" made during the casual Packwood-Ervin-Cranston col-

loquies of last week, and deciding when somebody is either frozenly amusing or unfrozenly informative might be difficult indeed.

Senator Packwood summed up the problem: "We are not carving out a freedom of the press amendment; we are carving a great, gaping hole for a whole variety of crafts, careers and occupations that have no conceivable relation to the gathering of news, the dissemination of news or the freedom of the press." The same point could be made against any other loophole for a given class of people; around the loophole there will always be a penumbra of small businessmen who aren't really small or aren't really businessmen, or teachers who really don't teach, or coach dancers who in real life are lady stock brokers.

Mr. Packwood's arguments did not prevail Whether Senators had lofty constitutional motives or just wanted to curry favor with the press, or both, they voted 50 to 36 to approve Senator Cranston's amendment. The question now must be decided by the House. If it agrees to a press loophole at all, it can at least correct some of the Senate's sloppy definitions.

At no point, however, did Senators Cranston and Ervin prove that the Phase 2 rules pose a tangible threat to journalism's natural right to raise hell. A newspaper with gumption is going to be ready to take care of itself in any fight, financial or otherwise, with the government. Instead of making special loopholes for the press or other favored groups, Congress might consider using its power to make a Phase 2 exemption for everybody. There is a name for it: the free market. There is ample precedent: most of the life of this nation.

THE B-1 BOMBER ATTACKED AGAIN

Mr. McCLELLAN. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the Senator from Arizona (Mr. GOLDWATER) and an insertion, both relating to the B-1 bomber.

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

STATEMENT OF SENATOR GOLDWATER: THE B-1 BOMBER ATTACKED AGAIN

Mr. President, the distinguished Senator from Wisconsin (Mr. Proxmire) continued his sniping at the B-1 bomber program by placing a recent anti-B-1 article in the Record of Saturday, December 11, 1971. The article came from the Saturday Review of December 11, and undoubtedly was read by numerous people who would have no way to judge the validity of its contents—unless they happened to be particularly knowledgeable about the source material that the author relied upon when writing his piece. That source material primarily was the report on the B-1 bomber issued by the Members of Congress for Peace Through Law on May 4, 1971.

The Senator from Wisconsin (Mr. Proxmire), in his remarks on December 11, congratulated himself and the authors of the MCPL report for "one of the most intelligent, useful, comprehensive, and thoughtful reports by anyone on any weapons system which I have seen." He went on to say that the Air Force has not answered the MCPL's case against the B-1 bomber.

I, for one, hope that the Air Force does not waste the time and effort to make a point-by-point rebuttal to that MCPL report, but I would like to point out that I placed my own analysis of it into the Congressional Record on June 9, 1971, on page 18886. My analysis pointed out 35 glaring errors in the MCPL report on the B-1. If I can go through their report and find 35 mistakes, then I am sure the Air Force could locate many more, but, as I said before, I believe it would be a waste of time which could be more productively spent in working to insure that the B-1 program stays on cost, on schedule, and on performance.

Nevertheless, it is interesting that a segment of the American public will be exposed to an article in the Saturday Review, based on the MCPL analysis of the B-1 program containing at least 35 factual errors. Unfortunately, very few of the readers will be aware of the validity of the source material about which they are reading.

I am bringing this matter to the editor's attention with the following letter. I also would like to say to my colleagues in Congress that I reviewed the B-1 program and full-scale mock-up at the North American Company's plant yesterday in California, and the program is going extremely well. My own rebuttal to the many erroneous statements in the MCPL report still is valid, and the program currently is in fine shape. I am confident it will stay this way as it is so vital to the future of this Nation.

U.S. SENATE,
Washington, D.C., December 15, 1971.

The EDITOR,
Saturday Review,
New York, NY.

DEAR SIR: Your issue of December 11, 1971, carried an article entitled "The B-1 Bomber—The Very Model of a Modern Major Misconception" by Berkeley Rice. The article is slanted very much against the B-1 program.

The primary source of factual information used by Mr. Rice is a report dated May 4, 1971, by the Members of Congress for Peace through Law, which also attacked the B-1.

I have enclosed a copy of my speech of June 9, 1971, on the Floor of the Senate in which I pointed out 35 basic errors in the facts and reasoning in the MCPL report. I believe that a reader would reach different conclusions about the B-1 program if exposed to these correct facts.

I would appreciate it if you would publish this letter and my speech of June 9, 1971, as a rebuttal to Mr. Rice's article. Your readers have a right to see the other side to this issue and learn the truth about this program, which is so vital to our nation's security.

Sincerely,

BARRY GOLDWATER.

U.S. INTERVENTION IN INDO-PAK WAR?

Mr. EAGLETON. Mr. President, why is the U.S. carrier *Enterprise* in the Bay of Bengal? Why is an American task force reportedly steaming toward Asia's newest shooting war?

The fact that the *Enterprise* is in the Bay of Bengal seems indisputable. Marvin Kalb of CBS, so reported this morning. The administration's official comment remains "no comment," and under the circumstances this can only be taken as confirmation.

Secretary Laird, in his Monday statement that he would not comment on ship movements, did allude to "certain contingency plans that would cover evacuation situations." At first reading, one would normally take this to mean evacuation of Americans, and no one disputes the President's established right of rescue.

The Americans remaining in Dacca, however, apparently are there voluntarily. This morning's New York Times reports that—

Forty-seven Americans were among the foreign nationals who had chosen to remain in Dacca instead of joining air evacuation of foreigners from the beseiged East Pakistan capital.

Perhaps there are other Americans elsewhere in East Pakistan who might need to be rescued.

But could the Secretary have had reference to the evacuation of other American citizens? Is the *Enterprise* steaming toward East Pakistan with contingency plans for the rescue, for example, of West Pakistani troops?

This might sound like an act of mercy at first blush, although one could ask where the administration's mercy was when these same soldiers were butchering Bengalis in East Pakistan. Actually intervention to rescue Pakistani soldiers would be an act of war against India, which doubtless wants to hold as many captives as possible as a pawn for later negotiations.

Whatever the Pentagon's intentions regarding the rescue of Pakistani soldiers, Mr. President, I would like to point out that the Pakistani high command undoubtedly thinks and hopes the presence of the *Enterprise* will somehow relieve its garrisons in East Pakistan—which means that these garrisons will be ordered to hold out—which means that there is certain to be more killing than necessary. Would it not have been more humane to stay out of this situation completely, and press the Indians to accept the good offices of the Red Cross for the protection of any and all Pakistani prisoners they may capture?

Let us ask a further question: Is the *Enterprise* in the Bay of Bengal to "show the flag" to offset the increasing Soviet influence in India? If this is what the Commander in Chief has in mind, how far is he willing to go?—to enter the war against India?—to attack Russian ships in the area? If not, are we not engaged in an exercise in paper-tigerism?

Mr. President, I should like to point out that increasing Russian influence in India stems from an Indo-Soviet friendship treaty signed last summer when this administration had persistently refused to address itself to the situation in East Pakistan. Eight to 10 million refugees have fled to India, placing an insupportable burden on her scant resources. Did the President not have enough influence with his friends in West Pakistan to impress upon them the futility of their repression? If we had strongly condemned Pakistan's actions rather than standing silent, could we not have helped forestall the present conflict?

When India needed friends, the Russians were there and we were not. As war on the Indian subcontinent became more and more inevitable, we took no significant steps to prevent it.

Mr. President, it appears that we are taking actions which at best can only prolong the agony of East Pakistan and which at worst may involve Americans in a further shooting war in Asia.

We have acted too late to do the people of East Pakistan any good—too late to help preserve the peace—but just in time

to risk turning a local war in Asia into a big-power confrontation.

It is hard, I admit, to imagine that we might now become involved, even peripherally, in another Asian war. It would be inconsistent with the President's Guam doctrine and with his hopes for a "generation of peace." I still cannot believe that the administration wants to become involved. I am relieved that there has been no effort to invoke our treaty relationships with Pakistan, which would, in any case, require congressional approval.

But as I have watched our policy toward Pakistan and India ricochet from mistake to mistake, I have to wonder if we have the skill to avoid an accidental involvement.

The President obviously takes the Soviet role in South Asia most seriously—seriously enough so that "a high White House official" has raised the possibility the President might cancel his cherished trip to Moscow. Moreover, the dispatch of the *Enterprise* is a most serious step, whatever the motivation.

So my purpose today is to raise some warning flags before Members of Congress and before the American people—before we once again find that it is too late.

CALIFORNIA SENATORS OPPOSE EL PASO GAS BILL (S. 2404)

Mr. HART. Mr. President, the distinguished Senators from California (Mr. TUNNEY and Mr. CRANSTON) recently detailed their reasons for opposing S. 2404, a bill to legalize a merger by the El Paso Gas Co. which the Supreme Court has ruled illegal.

As one who opposes the bill, I welcome the views of Senator TUNNEY and Senator CRANSTON. I ask unanimous consent that their joint statement be printed in the RECORD.

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

PURPOSE OF THE ANTITRUST LAWS

We start with the proposition that the Congress of the United States long ago made a series of firm judgments in the Sherman and Clayton Acts that economic competition is fundamental to the economic health of the nation. The basic purpose of the anti-trust laws is to preserve to the maximum extent possible a range of choices in our economy by preventing concentration of economic power in the hands of a few large entities.

Thus, in the present case, Section 7 of the Clayton Act was invoked in 1956 to prevent an increase of monopoly power in the supply of natural gas to the West Coast, particularly in California. The basic reason for the anti-trust suit was quite simple: in 1956 El Paso Natural Gas Company bought 99.8 percent of the stock of its only potential competitor in the Western United States, Pacific Northwest Pipeline Corporation.

El Paso was taken to the Supreme Court four times in the last 14 years. Each time, in language stronger than before, the Court ruled that El Paso was in direct violation of the anti-trust laws and must be forced to give up its unlawful acquisition "at once."

In the face of that history and in the face of the clear cut holding of violation, representatives of El Paso now come to the Congress seeking a gigantic private relief bill. They tell us that fourteen years of litigation and four Supreme Court decisions must be set aside. And they come at the very point when that litigation finally appears near an end. They argue that—whatever this legislation does for El Paso—it will do far more for the consumer. But the bottom line is this: Congress must step in and end this self-inflicted anti-trust nightmare because fourteen years after an unlawful acquisition, El Paso is now about to lose its case. It doesn't phrase it quite that way, of course. Instead we are told that due to the critically short supply of natural gas, El Paso must be preserved as a strong vigorous, undivested company to search for gas for the West and, therefore, El Paso must be granted an exemption in the anti-trust laws.

This argument is not unprecedented. Congress has, on past occasions, granted such exemptions for reasons of public policy. But they are not lightly granted, and they require a powerful showing of public benefit—a benefit which substantially outweighs the public benefit from strict application of the anti-trust laws.

In addition, we must recognize that enactment of this legislation would be an enormously important precedent. It would represent a strong signal to every other anti-trust defendent in the federal courts.

On these facts, a heavy burden must rest on those seeking the exemption. We believe El Paso must establish by clear and convincing evidence that consumers will be materially and substantially harmed unless this bill is enacted. After examining all of the evidence we have concluded that El Paso has not met this burden of proof.

We recognize that men of the highest integrity and good will believe that this legislation is essential, both to the Pacific Northwest and to California. For that very reason we have invested a considerable amount of time and effort in studying the issues presented by this case. We believe there has been entirely too much political invective involved in this case. The interests of the people of California would not be well served by a knee jerk reaction to this legislation in either direction.

For that reason, although considerable pressures have been placed upon us for an earlier expression of position, each of us felt that it was essential to consider all of the information which could possibly be obtained. We requested further hearings and solicited additional testimony, and Senator Tunney spent the better part of two days sitting with the Committee in those hearings.

The analysis of the proposed legislation, which follows, is based upon those hearings and a detailed review of a monumental amount of documents.

We are particularly appreciative of the willingness of Senator Magnuson to allow us the opportunity to participate in the hearings held at our request and in delaying consideration of the bill by the Commerce Committee until we had a opportunity to present our views.

A further point which should be stated publicly is that we fully understand the issues presented by this case in the Pacific Northwest and Senator Magnuson's deep and legitimate concern for this legislation. As it happens, we disagree on the merits.

It is our belief, however, that each man who joined in introducing this bill did so in what he determined to be the best interests of his constituents. We have never found any evidence to the contrary. In particular, Senator Magnuson's action yesterday in announcing a full investigation of the various charges raised in the hearings demonstrates his deep concern with truth. His action is evidence of the fact that he will not allow a cloud of suspicion to linger over this legislation, the Committee or the U.S. Senate. We think this type of action represents the standard of fairness and honesty that has always characterized the career of the distinguished Chairman of this Committee.

PRESENT STATE OF GAS RESERVES

The starting point in our consideration of this case is the present state of supplies of natural gas for California and the West. The available evidence indicates that existing supplies of deliverable natural gas may indeed be low. That fact is of considerable importance to us, because millions of Californians rely heavily on natural gas fuels. It is one of the relatively pollution-free fuels available to us in a state deeply concerned about pollution.

The El Paso case therefore presents to us this question—how can we best assure an adequate supply of this important resource, and is this legislation essential to accomplish it?

In making a judgment on this question, however, we are also aware that the present shortage of gas may be temporary. The District Court in Denver just four months ago made an extensive examination of that precise issue and said:

"As the evidence disclosed a drastic decrease in the ability of domestic supplies and reserves to meet increasing demands in the short time since the 1967–68 hearings, so also does the evidence disclose the possibilities of a very substantial increase in domestic supplies and reserves.

"The evidence reveals that the domestic areas which have traditionally served to supply the Western United States have a gas supply potential of 180.5 trillion cubic feet (TCF), almost four times their present proved reserves. The Bureau of Mines has estimated that 317 TCF are contained in formations along the Rocky Mountains which may be susceptible to recovery by nuclear stimulation. It is estimated that recoverable coal reserves in the United States contain a potential of 12,000 TCF of synthetic pipeline gas and that the processing of oil shale reserves in Colorado alone would yield about 6,000 TCF of pipeline gas. In addition to the potential domestic gas supplies and reserves, Western Canada and the Arctic Islands have a potential of over 530 TCF, and Alaska's estimated potential is about 420 TCF.

"The transportation of liquified natural gas by ocean tanker may well render vast quantities of overseas supplies physically available to American markets.

In addition, there is at least some argument that even the present reserve situation is not as bad as currently portrayed.

But assuming that there is a critical shortage of gas, as we concede there may be, we repeat that the critical question for California is how we are to go about securing additional gas supplies for California.

COMPETITION FOR NEW RESERVES

Most observers seem to agree that the major source of new gas supplies for California in the short term future will be the far northwest—i.e., Canada and Alaska. Most observers also agree that such gas is going to be considerably more expensive than the relatively cheap gas now available from the southwestern United States.

Here we reach the center of the problem. El Paso tells us that the fight for reserves in Canada is a cut-throat poker game with the highest of stakes and that only a strong company like El Paso can fight effectively for those reserves for the West Coast. Such may indeed be the case. But it is also clear that California's gas utilities would much prefer to have two strong companies searching for gas.

POSSIBILITY OF A STRONG COMPETITOR

The real question comes down to this: would divestiture of the Pacific Northwest system result in two weak and ineffective competitors for gas supplies? At the present time there appears to be no reason to make

such a conclusion, particularly since the court has yet to select a successor to El Paso. And, therefore, we believe El Paso has not met the burden of proof for the exemption. Furthermore, we believe there is ample justification to conclude just the opposite, that divestiture may well result in precisely what it is designed to do—provide California with two strong companies looking for gas.

First, testimony from a number of applicants in the recent hearings demonstrated that several multi-million dollar companies, whose executives have substantial experience in the natural gas field, are attempting to secure the right to operate the Northwest system.

Second, El Paso itself told the District Court on June 18, 1971, that the New Company would in fact be a very strong company.

"The evidence is that New Company will be an extremely healthy pipeline by today's standards and that it [will be] a much stronger competitor than Pacific Northwest was in 1957 or than El Paso is today."

Third, after divestiture, El Paso will remain strong. After divestiture it will have $1.6 billion in assets, and will be the second largest pipeline company in the country.

Furthermore, we think it is highly unlikely that El Paso will be weakened by the disastrous tax consequences it fears. It is by no means clear that a cash sale resulting in such tax consequences will be required by the District Court.

Similarly, El Paso's claim of higher costs to the consumer from New Company because of higher borrowing costs for that company also appear speculative at this point. The Court might permit New Company to take some of El Paso's existing debt structure.

An examination of the gas supply situation over the long term adds to our conclusion that legislation is inappropriate. First of all, we have the testimony of the California Public Utilities Commission that it cannot predict whether, over the long-term, California would be the better or the worse if this legislation were adopted. In the words of the Commission's witness:

"Well, what we now have is everyone using their own crystal ball. I think we could live even if there were a divestiture . . . I would prefer not to get out on a limb as far as the long term benefits or detriments."

In other words, there is no way to judge whether competition in the future might not provide greater advantages than the short term advantages which the Commission foresees from the bill.

Furthermore, as the District Court indicated, there are major known reserves in the Rocky Mountain area which could serve California if methods to deliver these resources can be developed.

Thus divestiture seems to be in the interests of California even in the time of gas supply shortage. In short:

(1) El Paso has not been as good for California and the West as it claims.

(2) New Company may well be a strong competitor for new reserves.

A look at El Paso's record indicates that California and the West Coast might well be better off if El Paso had some competition from a divested Northwest system. More than one witness has testified that El Paso has increasingly looked to new markets for major efforts to supply gas. The most obvious example is the plan to spend hundreds of millions of dollars to bring liquefied natural gas from Algeria to the Southeastern United States, an area not previously served by El Paso. Even the testimony of El Paso's major customer in California, Pacific Lighting Service Company, indicates a belief that El Paso has strayed in its efforts: "But they should be worried about the West. They are not putting their full effort in out there. We have to end that."

In addition, as we stated previously, it is entirely likely that the New Company formed from the divestiture may be a very strong competitor in seeking and developing new gas reserves for the West. We have already cited the testimony of witnesses to that effect, including El Paso's own admission of the likely strength of the New Company. The one thing we have learned is that competition, whenever it has been present, has been of benefit to California. The Supreme Court found in the early 60's that competition from the old Pacific Northwest company resulted in lower rates for California in at least one instance. In addition, testimony in the hearings revealed that the attempt by another gas company (Tenneco) to build a new pipeline to California and compete with El Paso caused El Paso to increase its level of service to California. Thus, we do not believe that the benefits to California from competition should be lightly disregarded.

We admit the competition is now a different kind—for new reserves instead of new customers. But the benefits remain substantial. We think California and the West will be far better off with two companies competing to find new gas reserves and to develop ways to tap known reserves such as those in the Rocky Mountain area. Nuclear stimulation, coal gasification and other techniques may well result in vast new quantities of gas from the Southwest and Rocky Mountain areas.

On the basis of this analysis we think it likely that divestiture could result in substantial benefits to California and the Pacific Northwest by creating two strong companies, each competing to develop new sources of gas reserves for the West Coast.

In addition, there is another answer to El Paso's arguments on this point.

Most of El Paso's claims are basically speculations which will be answered when the District Court renders its decision. All of the testimony indicates that that decision is expected very shortly—perhaps February or March at the latest. And for that reason, we can see no reason to anticipate imagined dangers which may or may not prove real. If, in fact, the court's decision is as bad as El Paso claims it could be, there will be ample time to consider legislation at that point.

NO REASONS TO INTERVENE AT THIS POINT

The question we are, therefore, left with is whether there are other reasons which demand action now, even though we do not know the full measure of the court's decree.

The proponents of the legislation say yes. They say that regardless of how good a divestiture decree might be, there will certainly be appeals back to the Supreme Court and many more years of delay before New Company is operating. They say that during that time other companies will have tied up new reserves for other parts of the country. And, finally, they tell us that from what we now know of the decree regarding the allocation of El Paso's present reserves, there is enough reason to act.

We have examined those arguments and have concluded they do not provide sufficient grounds for intervention by the Congress. Just as there are those who believe that the case may drag on again in the courts, there are those who feel that it is nearing a final resolution. There is considerable doubt that there will be any appeals, and, furthermore, whether the Court will agree to hear an appeal even if one is taken.

In any event, the parties must file appeals within 30 days of the District Court's decision and thus by April or May of next year it seems likely that there will be a final resolution of the case.

In addition, we find it highly unlikely that whatever delay which does occur will cause the loss of Canadian gas for California. Testimony at the hearings revealed a number of facts in this connection: first, the vast majority of gas exploration and development is carried on by independent producers, not pipeline companies. One witness estimated as high as 90 percent. Second, it is clear that many companies, including California gas distribution companies, are pursuing new sources of gas in the far Northwest, simply because that is where the action is. To say that El Paso will opt out of the fight for Canadian reserves seems unrealistic when it is prepared to invest hundreds of millions of dollars to bring in gas from Algeria.

We, therefore, have concluded that the consequences of whatever delays there may be over the next few months do not provide a strong enough basis for an anti-trust exemption.

The final argument is that from what we have already seen in the District Court's decision of this past June regarding reserve allocation, California will suffer. Proponents tell us that the provisions in the reserve decree limiting El Paso from offering new service in California until three years after New Company is certificated by the FPC will harm California consumers. This is admittedly a difficult point, and one which we do not lightly disregard.

Yet on the evidence as we have it, El Paso has already refused to expand service, and the District Court in Denver found that El Paso would not be in a position to compete for new demand in the California market "unless and until it obtains additional gas supplies and reserves over and above those necessary to assure continued service of its present commitments under the Southern division."

Furthermore, the Court has fashioned the decree so as to allow El Paso to make such commitments if it divests additional gas reserves to New Company or if New Company has begun delivering gas to California in a specified amount.

In addition, the PUC witnesses testified that "We are not that frightened by the three year reserve life that they have now, because we do feel they can acquire at least for a while, enough gas to continue meeting their existing contract requirements."

Finally, the court retains jurisdiction to modify that decree at any time. Thus if any of the dire predictions of El Paso come true, the Court can easily revise the terms of the decree.

CONCLUSION: WE OPPOSE THE BILL BOTH AS TO TIMING AND ON THE MERITS

The sum of all of this admittedly complex analysis can be stated simply: First, we do not think the evidence, as we have it at present, warrants the extraordinary step of a specific Congressional exemption for El Paso from the antitrust laws which have protected the consumers of this country since the beginning of this century. If the District Court's decree turns out to be as bad as some would have us believe, there is ample time to consider the situation at that point. Action at the present time is clearly premature.

Second, and in addition, we do not believe that the present evidence shows sufficient grounds to merit legislation even after the decree is handed down by the District Court. Thus, we also oppose the bill on the merits, as well as on grounds of prematurity.

If, in the future, new evidence should arise, contradicting the evidence upon which we are now relying, we would of course be prepared to consider that evidence. We would apply at that time the same basic test we have applied in this statement—What is in the best interests of the people of California and the Pacific Northwest?

We make this point not to indicate any uncertainty about the present legislation but to make it clear that we do not intend to foreclose ourselves from consideration of the situation at some future time. The basic problem with this case, as we have said repeatedly, is the speculative nature of many of the arguments on both sides. It is entirely possible that, at some future time, many of the present speculations will become

actual facts. Therefore, we do not foreclose any opportunity for future review.

AMENDMENTS PROPOSED BY CALIFORNIA ATTORNEY GENERAL

On the question of the California Attorney General's amendments, we have these comments.

First, we have concluded on the merits, that the legislation is not necessary or appropriate. Thus for all practical purposes, the question is moot. There is, however, the question whether the bill, with all of the proposed amendments, would be a better proposition for the public than no bill at all. We do not think so. The advantages to be gained from the Attorney General's amendments are not substantial enough to outweigh the arguments against the bill as a whole. Aside from some technical amendments which we put aside, the key element in the amendments is the requirement that El Paso spend $300 million, in addition to normal expenditures, to develop new gas supplies for its existing service areas. The attorney General's explanation of this amendment suggests that of the $300 million, $100 million must be equity risk capital and that the entire amount would not be charged to consumers until gas is delivered from it.

This amendment has considerable surface appeal, but it does not outweigh the arguments against the bill as a whole. Furthermore, there is considerable doubt whether it does not simply require expenditures which will be produced otherwise by competition—and at a lesser cost.

In other words, the market for gas is such that there is no lack of incentive for any pipeline company to spend whatever amounts are necessary to secure gas reserves. The amendment we believe simply places a dollar amount which El Paso must aim at, and in fact, it might produce an unintended result of wasteful expenditures simply to meet the required minimum amount. Furthermore, despite the explanatory language in the Attorney General's letter, nothing in the amendment requires that the $100 million figure be equity risk capital. Thus, it does not impose the cost of exploration and development upon El Paso's shareholders. Under the proposed amendment financing could be secured from any source except predelivery charges upon consumers. Finally, the consumer ultimately will pay the cost when gas is finally delivered—no matter how high the cost. Competition, on the other hand, would provide the necessary stimulus for efficiencies and technological innovation keeping unnecessary costs to a minimum.

In effect, the $300 million figure is simply a measurement of how much it is worth to El Paso to retain its monopolist position, for El Paso has indicated it could and would meet this expenditure requirement.

For all these reasons, we have determined that any marginal benefits to California for these amendments are not sufficient to alter our basic decision against the legislation.

FEDERAL PAY

Mr. McGEE. Mr. President, the passage of the Economic Stabilization Act—the phase II bill—includes language requiring an increase in Federal salaries generally related to the 5.5-percent pay increase authorized for employees in the private sector of the economy. I sponsored the Senate amendment which made that increase possible, and I was glad that the Senate, by a near unanimous vote, approved the amendment; and that the House concurred with the Senate provision.

Unfortunately, there have been two brief discussions on the floor of the Senate and the House of Representatives which have misrepresented just exactly what the language of the McGee amendment does, or does not do. And so, as the author of the amendment, as well as the chairman of the Committee on Post Office and Civil Service, I should like to clarify precisely what the bill does so that any officials in the executive branch who are responsible for the administration of Federal pay will not be led to believe that the language of Public Law 91–656 has somehow been replaced by a colloquy between Members of Congress.

The Federal Employees Salary Act of 1971, Public Law 91–656, revised the pay provisions of title 5 to require an annual adjustment in the statutory Federal pay systems, that is, the general schedule, the Foreign Service schedule, and the Veterans' Administration medical schedules to reflect the rates of pay in the private sector of the economy for similar positions and levels of responsibility, as determined by an annual survey made by the Bureau of Labor Statistics and made effective by the President of the United States after consultation with interested parties.

Under the provisions of section 5305 of title 5, the President was further authorized to submit to the Congress an alternate plan to modify such an increase under certain unusual conditions—a national emergency, for instance. August 31, 1971, seemed to the President to present such a national emergency, and he did submit an alternate plan, to the effect that the January 1, 1972, increase, determined to be about 5.6 percent, should be postponed until July 1, 1972. Congress acquiesced in that judgment at the time by rollcall votes in both Houses.

Since the end of the wage price freeze on November 13, the attitude of Congress has been changed by events. Because of the establishment of a 5.5-percent wage increase guideline for the private sector of the economy, and also because of several significant exceptions made by the Pay Board, the Senate voted to make the Federal employees' increase effective January 1, 1972, thus overriding the President's alternate plan. The language of the amendment, enacted as section 3 of the Economic Stabilization Act, provides that, notwithstanding the provisions of section 5305 of title 5, as enacted by Public Law 91–656, and notwithstanding the provisions of the alternate plan submitted by the President, the pay increase will take effect on the first day of the first pay period occurring on or after January 1, 1972, but that—and this is the language which ties Federal rates to private rates—the Federal increase cannot exceed the 5.5-percent wage guidelines established by the Pay Board.

That means that civil service employees subject to the statutory schedules will receive a 5.5-percent increase in January, and that other Federal employees, except Wage Board employees, will receive a similar 5.5-percent increase in January. That would include employees in agencies in the executive branch who are paid by administrative direction rather than being subject to the general schedule, and employees of the legislative branch and judicial branch, who, of course, are not subject to the statutory schedules.

Although not specified in the amendment, it was the intent of the Senate, as was made crystal clear in our consideration of the amendment, that this would unlock the freeze on Wage Board increases for blue-collar Federal workers, and that they would be eligible to receive, and will receive whatever increase in pay the prevailing rate survey for their area indicates is appropriate.

The colloquy on the floor of the Senate and House which raised some questions relates to the effect, if any, which the January increase will have upon the next comparability increase authorized by Public Law 91–656. I ask unanimous consent to have printed at this point in the RECORD a portion of the CONGRESSIONAL RECORD for Tuesday, December 14, 1971, relating to the effect of this increase.

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

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from Michigan, the minority leader.

Mr. GERALD R. FORD. Mr. Speaker, I think it is important to clarify the effect of the Pay Board amendment to the legislation before us, to ask the distinguished gentleman from New Jersey if the 5½ percent increase is on an annual basis?

Mr. WIDNALL. In answer to your question—yes—the objective of this amendment is to treat Government employees the same as employees in the private sector.

The Pay Board has promulgated a 5½ percent annual guideline and, therefore, for the calendar year 1972 Federal employees will receive a 5½ percent increase under this amendment and there will be no October 1, 1972, pay adjustment.

Mr. GERALD R. FORD. To further clarify the question, will these guidelines be applicable to all, and I emphasize all Federal employees?

Mr. WIDNALL. 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.

Mr. McGEE. Mr. President, with all due respect to my colleagues in the House of Representatives who engaged in this conversation, I must point out that the conclusion they reached is not accurate. The language of the law, Public Law 91–656, specifically provides that there shall be a 1972 salary adjustment in accordance with the BLS survey, to be made effective on the first day of the first pay period beginning on or after October 1, 1972. The only method by which that increase can be changed, delayed, modified, increased, or otherwise affected is through the submission by the President of an alternative plan to Congress not later than August 31, 1972. This procedure is spelled out in Public Law 91–656.

The Federal employee pay increase for January 1, 1972, is related to employees in the private sector in the economy in one respect, and one respect only—that the wage increase for Federal employees may not exceed the 5.5-percent guideline established by the Pay Board. Otherwise, the pay of Federal employees is not affected. The Cost of Living Council specifically exempted Federal salaries and

Federal employees from any jurisdiction by that Pay Board because Federal employees are subject to another system, established by law, and subject to the power of the President to submit an alternate plan. I am sure that if such a plan is submitted next year, Congress will give the President's recommendations very careful consideration.

SUPREME COURT NOMINATIONS: A PERSONAL POSTSCRIPT

Mr. HART. Mr. President, the Senate has now completed its role in the appointment of two more Justices to the Supreme Court. But before the recent confirmations are consigned to history, and while last week's events are still fresh in our mind, I would like the RECORD to reflect a few final observations.

Several aspects of this episode should be welcome to all Senators, whatever their final vote. The ridiculous notion that the Senate would not confirm a qualified southern nominee has been laid to rest. Moreover, after his initial choices for these vacancies were found unqualified by the bar, the President was forced to make good on his earlier commitment that he would seek only men and women of unquestioned stature and legal excellence for the Court—a commitment which will not be reversed lightly.

Second, I should like to take note of the contribution made by the Senator from Indiana (Mr. BAYH) in his continued insistence that the Senate perform its great constitutional obligation as thoroughly as possible. His past roles in the Senate's performance of this duty are well known. But reading the RECORD of the last 2 weeks, particularly the statements of those Senators who supported one of the nominees with express reservation, it is evident once again that all of us are indebted to the Senator from Indiana for this effort—whether we ultimately voted for or against Mr. Rehnquist.

In the heat of battle, undeserved criticism of his labors suggested that he was obstinately filibustering on an open-and-shut issue. I am confident that students of the Court, and the Senate, who read the committee reports on the nominations and the floor debate will reach quite different conclusions: that the Senator from Indiana conscientiously sought to develop a sufficient record and to insure sufficient time for Senators to apprise themselves of the facts and analysis upon which they could make a considered judgment. He sought to deal responsibly with serious charges and, at the same time, to explore thoroughly the profound questions about the roles of the Court and of the Senate which this nomination raised.

The Senator from Indiana, to use an overworked but here accurate phrase, displayed much grace under pressure during the last few weeks, and I salute him.

The consideration of these nominations was complicated by the press of the ending session. But certainly the Senate of the United States need not apologize for devoting 3 days of discussion to a permanent nomination, which may last 30 years, for one of the dozen most influential positions in the Nation. That is hardly excessive debate. There was certainly no precedent for the precipitate cloture attempt; it should not be confused with the Fortas nomination to be Chief Justice when cloture was required at the outset by a filibuster against the nomination even being made the pending business of the Senate. And even in that case, 8 days had elapsed between the motion to make it the pending business and the vote on cloture.

Mr. President, it affords no pleasure to any of us, I am sure, to scrutinize another man's career so closely. It has been accurately observed that few of us would look forward to such a grueling experience. Are we, then, in danger of deterring desirable candidates from allowing themselves to be considered for our highest court? It is hard to know the answer. We can hope that those of caliber commensurate with that great honor will, by the same token, revere the Court and appreciate the importance of the Senate taking its responsibility very seriously. That responsibility requires us to develop a nominee's record and his views and to follow up the information brought to the attention of the Judiciary Committee by those concerned about the future of the Court. Hopefully, prospective nominees will agree that, in the long run, public respect for both the Senate and the Court will be strengthened if we continue to investigate and evaluate before we advise and consent.

THE WAR BETWEEN INDIA AND PAKISTAN

Mr. GRIFFIN. Mr. President, I ask unanimous consent to have printed in the RECORD a statement prepared for delivery by the Senator from Florida.

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

The statement follows:

STATEMENT BY SENATOR GURNEY ON WAR BETWEEN INDIA AND PAKISTAN

The recent outbreak of hostilities between India and Pakistan represents a major threat to the peace and stability of South Asia. In my opinion, it also represents a serious rebuff to United States foreign policy, particularly that part of it labeled foreign aid. Here we have a country—India—which the United States has assisted with huge sums of money, obstinately refusing to heed our requests to negotiate a just settlement of the conflict. Moreover, U.S. efforts to bring about peace have witnessed ugly hostility and bitter denunciations from Indian leaders and people alike. The Indian attitude towards the U.S. is plainly evident: "If you aren't all for us, you are against us no matter how much you might have helped us in the past." But maybe this is for the best, for now the true position of India is plain for all to see and the futility of our foreign assistance program to the country all too evident.

By way of background, from 1947 to 1970, the United States, according to official aid figures, has pumped some $8.7 billion in economic assistance into India. Military assistance during the same period has been roughly estimated at an additional $90 to $100 million, with most of this aid being provided since 1962.

Thus, estimates on the total amount of foreign aid granted India, from the end of World War II to the present, place the figure at close to $10 billion, making India one of the largest recipients of U.S. foreign assistance. Last year alone, India received an estimated $700 million in development and economic assistance. And, during the famines of 1966 and 1967, U.S. Public Law 480 assistance made huge quantities of wheat—10 million tons of it in 1966—available on very short notice, thus saving millions of Indian people from starvation. However, neither the fact of all this help nor the prospect of another $220 million in developmental assistance—which does not include PL-480 aid—seems to make much difference to India. The evidence is all too clear that India prefers Russian first aid—that is, military aid—to American foreign aid.

If one looks at the contrast between U.S. aid to India, which has been almost entirely economic and humanitarian, and Russian foreign aid to India, which has been almost entirely military, the problem comes into clearer focus. It is estimated that Russian aid to India since 1956 has totaled approximately $1 billion, while our aid to India since World War II has been 10 times as great. Second, Soviet aid has mostly been in the form of miltiary hardware—tanks, bombers, jet fighters, submarines and missiles—while our aid has been almost exclusively in the form of money, food and equipment to promote economic development.

To illustrate, let me cite a few figures. An article in the November 24 issue of the Washington Post, utilizing an item that appeared in the London Observer, states that the Indians have seven squadrons of Soviet MIG-21's, five squadrons of Soviet SU-7 fighter bombers, 450 Soviet medium tanks—out of a total force of 1,200—50 Soviet SA-2 missile complexes, four Soviet submarines, and five Soviet destroyer escorts. In addition, the Soviets have helped the Indians set up a MIG plant. By way of contrast, the only U.S. military hardware listed in the Indian arsenal are 250 old World War II type Sherman tanks. But despite the high ideals behind, and the great extent of U.S. aid, the events of recent weeks have made all too clear that India has decided to cast its lot with the Soviet Union.

However, we shouldn't be too surprised that the Indians are playing ball with the Soviet Union. In fact, it is nothing new. In 1965, India, which now shows such "concern" over oppression in East Bengal, voted against a U.N. General Assembly resolution calling for withdrawal of Soviet forces from Hungary. In 1968, they refused to condemn the Soviet invasion of Czechoslovakia, more recently they voted to oust Nationalist China from the U.N. and now they have signed a friendship treaty with the Soviet Union. In the maneuvering concerning Vietnam, India has been far more sympathetic to Hanoi's Communist cause than to the cause of the United States and South Vietnam. It should be remembered that the India that is about to complete with no justification, its bloody military occupation of East Pakistan is the same India that advocated the ending of the bombing of North Vietnam, that called for a cease-fire in Vietnam, that believed that U.S. troops should be withdrawn from Vietnam as a necessary step to peace, that opposed our assault on the Communist sanctuaries in Cambodia, and whose Prime Minister was quoted as saying (see Washington Star, February 14, 1968) that the Viet Cong and the North Vietnamese are fighting in "self protection" against "aggression."

All of this leads to the obvious question—what are the real motives of India for fighting this war against Pakistan, the third such conflict since 1948. If India really believed we should not have bombed North Vietnam, why are they bombing Dacca; if they really believed in a Vietnam cease fire, why will they not agree to a cease fire with Pakistan, to which Pakistan is agreeable; if they believed American troops should unilaterally with-

draw from Vietnam, why will they not agree to a mutual withdrawal of forces as Pakistan has; and, if they are concerned about the morality of a big country beating up a small one, why did they attack at all. If the refugees were such an economic burden, why didn't they close their borders and prohibit them from entering, or why didn't they cooperate a little more with the United States, which was willing to provide $250,000 million in aid for East Pakistan refugees, and thus alleviate the situation. Or if the refugees were still too much of a burden, why didn't they send them back to Pakistan and let us help them there. The answer is that it was not in their interest: Being consistent would upset the rationale for attacking Pakistan and solving the refugee problem would eliminate the pretext for doing so. Let's face it, India wants to do away with Pakistan as it now exists and since that goal is also in the best interests of the Soviet Union, the two have combined to make the attempt. If this were not the case, why has India refused to consider the favorable—to her—accommodations that the United States has gotten Pakistan to agree to, concerning East Bengal and even more significant, why would India engage in a war that is economically counter-productive and which has strained relations with the nation that, for the last twenty five years, has been her biggest benefactor.

The real meaning of all this is that, while the United States has been generously contributing money to aid in the economic development in India, the Indians have been more concerned with preparing for war with Pakistan at the urging of the Soviet Union. It is the Russians who have really come away with the marbles in this game: they increase their influence and control over India while at the same time eliminating, if the Indian forces are successful, a less subservient Pakistan. Therefore, I see no reason why the United States should resume aid to a country that embarks on a Soviet supported venture at the expense of one of our SEATO allies—a venture that can only pay large dividends to the Soviet Union. Let the Soviets take over the burden of economic assistance. Let them start really supporting Indian economic development. Let them supply wheat when famine or shortages strike. And let them reap the hostility that so often comes when foreign aid begins to be considered a means of foreign exploitation or domination. Since the Russians are going to get the benefits no matter what we do, they might as well be saddled with the liabilities.

This does not mean, however, that the United States should discontinue its efforts to bring about peace between India and Pakistan. What it does mean is that, in the future, we should thoroughly reassess our attitude towards India. From that standpoint, this outbreak of hostilities, tragic as it is, is, perhaps, the best thing that could have happened. For now we know where India really stands; that it is not a nonaligned neutral as it has so long professed, but that it is a close friend of the Soviet Union. We should react accordingly.

And while we are reassessing our attitude towards India and the future of foreign aid to that country, we should also recognize the failure of many of our foreign aid programs either to promote peace and progress or to be effective as a tool of diplomacy. Money won't necessarily buy friendship or respect; to spend money in the hopes that it will, particularly in our present economic situation, simply is not justified. If such a realization emerges from the aftermath of this unfortunate conflict between India and Pakistan, then something will have been accomplished. Hopefully, in the future it will not take a war to awaken us to the pitfalls of, and futility of, foreign aid.

EQUAL RIGHTS FOR WOMEN

Mr. HATFIELD. Mr. President, when I was in Oregon recently, I talked with Mrs. Virginia Fuller, president of the Eugene Business and Professional Women's Club, about equal rights for women. She was most articulate in her expression of support for the equal rights amendment.

I received an excellent letter from Mrs. Fuller reflecting her views, which I would like to share with all Senators. I am a cosponsor of the equal rights amendment and strongly support Mrs. Fuller's stand.

I ask unanimous consent that her letter be printed in the RECORD.

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

EUGENE BUSINESS AND PROFESSIONAL WOMEN'S CLUB,
Eugene, Oreg., November 12, 1971.

Hon. MARK O. HATFIELD,
Eugene, Oreg.

DEAR SENATOR HATFIELD: I have been asked by the President of our National Federation, the President of our Orgeon Federation and members of my club to contact you personally tonight and urge you to vote "yes" on the House-passed version of the Equal Rights Amendment to the Constitution, with no amendments whatsoever; not so much as a comma being changed.

This amendment is part of the Republican platform; women have been working for and demanding this legislation for more than 50 years; it has been before Congress more than 25 times. We believe we are, at this point, nearer achieving our goal than we have been ever before, if there are no crippling amendments attached to the bill.

It seems almost criminal that in this period of our country's history when so much attention is being given to social rights for every American citizen, women, who constitute 53% of the electorate of the land, must expend so much effort to gain equal legal and economic rights denied to us by the mere accident of our sex. As full citizens of this country all those rights should logically be ours without the need to do battle for them. At this time in our history when the multitude of problems that face this nation are going to require full concentration and effort of every single citizen, America has everything to gain by encouraging and permitting its women—a majority of the citizenry—to participate fully in the rights and the responsibilities inherent in those rights toward the best possible solutions to the needs of our nation.

We ask that you sustain our faith in your fairness and sense of logic by supporting our request on November 19 when this bill is scheduled to come before the Senate.

Sincerely,

VIRGINIA FULLER,
President.

SAMUEL LEFRAK PROPOSALS ON HOUSING

Mr. HUMPHREY. Mr. President, in a speech at the Pratt Institute in Brooklyn, Samuel Lefrak, president of Lefrak organization, called for a merger of the aerospace and housing industries to rebuild our cities. The Lefrak speech contained a forward-looking approach to the twin problems facing our cities: unemployment and housing shortage. He outlined a plan whereby unskilled, semiskilled workers could be trained to produce industrial housing and paying these workers—as well as the construction workers—a guaranteed annual wage.

Mr. President, the aerospace industry has been a continuing source of unemployment; and a myriad of Government officials are looking for ways to utilize highly skilled talent that is out of work. At the same time, Mr. Lefrak correctly points out that this Nation will need almost 28 million housing units. "Let's marry them," says Lefrak.

Mr. Lefrak's company has succeeded in the housing field; and his proposals for utilizing unemployed talent have already been written and examined. Factory-built housing can be and is one answer to our critical housing problems. But there will have to be changes—changes that Lefrak is cogently aware of. For one, there will have to be Government involvement. For another, the entire housing code law will have to be reexamined.

Mr. President, I ask unanimous consent that Samuel Lefrak's address to Pratt Institute be printed at this point in the RECORD.

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

SPEECH BY SAMUEL J. LEFRAK

President Saltzman, Dean Abercombie, Professor Sigman, Professor Graves, Members of the Faculty—and fellow students—fellow Frontiersmen:

I call you "fellow" students because, like you, I'm still learning every day. I call you fellow "Frontiersmen" because, like you, I recognize that New York City is a most important frontier in America . . . frontier for new ideas.

Victor Hugo placed a proper value on new ideas. He said, "Greater than the tread of mighty armies is an idea whose time has come."

Never has America so desperately needed new ideas . . . new directions. America, today, is like the story of the late Supreme Court Justice Oliver Wendell Holmes, who once found himself on a train, but he couldn't locate his ticket. While the conductor watched, smiling, Justice Holmes searched through all his pockets, without success. Of course the conductor recognized the distinguished Justice, and so he said: "Mr. Holmes, don't worry. You don't need your ticket. You will probably find it when you get off the train, and I'm sure the Pennsylvania Railroad will trust you to mail it back later."

The Justice looked up at the conductor with some irritation and said: "My dear man, that is not the problem at all. The problem is not . . . where is my ticket? The problem is . . . where am I *going?"*

And that is America's problem as we enter 1972 . . . with both Democrats and Republicans searching for a winning presidential ticket . . . with the same question haunting Wall Street, Main Street and Pennsylvania Avenue: "Where are we going?"

Sometimes history can help a wise leader guide his nation through a stormy sea. And certainly today is a historic day: December 7th, Pearl Harbor Day. What can President Nixon learn from President Roosevelt's failure to prepare Pearl Harbor against a sneak attack?

The lesson of Pearl Harbor is clear: Know your weakness and strengthen it.

The most critical weakness of America today is not in Saigon, Peking or Moscow. Our weakness is in the heart of every major American city. It is all around us here in Brooklyn; slums and deterioration . . . the American ghetto!

In the heart of Brooklyn there is Bedford-Stuyvesant and Brownsville-East New York, more battered than Pearl Harbor . . . looks more like Berlin or Hiroshima after World War II.

When the late Senator Robert F. Kennedy looked for a place to plant the seeds of new hope for the slums of America he chose Brooklyn's Bedford-Stuyvesant. And he chose wisely!

We have followed in his path. The Lefrak Organization has pledged its resources to produce 50,000 turnkey Housing units for low income families in the ghettos of New York City. This week we have started to deliver the first Housing Units. We will be producing from here on in 2 homes a day.

Tonight, I invite you to join a crusade . . . a crusade that needs and welcomes your generation. A program that will call upon all the skills you developed at this great Brooklyn institution of learning: Engineering . . . Architecture . . . Art . . . Design . . .

We call this crusade "Manhattan Project #II." Manhattan Project #I marshalled all the resources, all the brainpower . . . of America, to produce the Atomic Bomb, the ultimate weapon which won the war that began at Pearl Harbor. Today our target for Manhattan Project #II is no alien enemy. It is a homefront enemy; The Slums of America. Manhattan Project #II will be used, not for destruction, but for the rebuilding of our cities.

The late Adlai Stevenson once described with great eloquence the indomitable American "can do" spirit. He wrote, "Americans have always assumed, subconsciously, that all problems will be solved; that every story has a happy ending; that the application of enough energy and money and good will can make everything come out all right." In view of our happy history so far, this assumption is natural enough. As a people, we Americans have never encountered any obstacle that we could not overcome. "The Pilgrims had a rough first winter—but after that, the Pilgrim Colony flourished.

"Valley Forge was followed naturally by the British surrender at Yorktown. Daniel Boone always found his way safely through the frontier forest. We crossed the Alleghenies and the Mississippi and the Rocky Mountains with an impetus that nothing could stop. The wagon trains got through; the Pony Express delivered the mail; in spite of Bull Run and the Cooperheads, the Union was somehow persevered. We never came across a river we couldn't swim or bridge, or a war we couldn't win." Ladies and Gentlemen, this, too, is a war we aim to win.

The naysayers and defeatists are everywhere. But don't let them grind down your generation. They love to say that the cities are not worth saving. And when you mention the hope of Industrialized housing they love to remind you of the ill-fated Lustron house and the Alside house and Buckminster Fuller's Dymaxion house which goes back to the mid-30's. They love to tell you about the companies in factory-built housing that have stumbled and gone broke in the past few years. They love to point out the obstacles in building codes and union resistance.

I suggest they read a little history. I suggest they look at the automobile industry in the 1920's and find there the counterpart of the industrialized housing industry today.

Alfred P. Sloan, Jr., in his book, "My Years with General Motors," said, "The automobile presented one of the greatest industrial opportunities of modern times." Well, ladies and gentlemen, I suggest to you that industrialized housing can do for the American economy in the 70's what the automobile and aerospace industries did for it in the 60's.

Sure, we're going to lose a few Hupmobiles and Stutz Bearcats and maybe even a few Packards and Rolls Royces along the way. But by 1980, I promise you, the industrialized housing industry will probably equal—and maybe even surpass—the automobile industry's contribution to the American economy.

But when industrialized housing swings into full gear, its products won't be polluting the air, eating up valuable living space with parking lots and roads, and aiding the exodus from our cities. Its products will be breathing new life into our ailing cities by providing not only the housing that is so desperately needed, but also the jobs.

Industrialized housing is here, and I urge you to seek your piece of this action. This is where the truly imaginative architect or interior designer or land planner or engineer can make a real contribution. Don't be turned off by some of the poor examples of factory-built housing you may have seen. Real talent, young talent, fresh ideas are desperately needed in this fledgling industry. Remember that wonderful old Chinese proverb: "It is better to light one candle than to curse the darkness." If each of you here today will light just one candle, make one small contribution to the emerging state-of-the-art, just think what a lovely light your combined input may one day cast!

To understand why factory-built housing is the wave of the future, it is necessary to understand some of the reasons why it has not worked well in the past.

Operation Breakthrough, commendable as it is, is not a new idea. Right after World War II, Wilson Wyatt, the George Romney of the Truman Administration, tried to enlist U.S. industrial know-how in the housing process. There was a desperate shortage of housing. Very little had been built in the past 15 years. Returning veterans by the millions were getting married and moving in with the in-laws and friends.

Then, as now, big companies responded to the challenge. Douglas, Chrysler, Consolidated Volte, were among those making plans to go into factory-built housing. But the ends of controls came in 1947, and they scrapped those plans.

A few other attempts sputtered and fizzled out—partly because what they produced was unpalatable to the American taste, and partly because there was no real mechanism for delivering and marketing it. The additional handicaps of local labor resistance, chronic materials shortages, and the proliferation of building codes made it virtually impossible to produce a uniform product that could be sold over a broad area.

Today, however, there is no materials shortage. In fact, we have a lot of exciting new materials to work with—lightweight aggregates, expanded carbonized wheat, styrofoam, laminates, space-age materials for a space-age market. And we have a lot of new components and equipment designed specifically for the factory-built market. Bucky Fuller designed a modular bathroom for the Dymaxion House in 1935, but it took 36 years for it to come to market.

This time, too, the codes are responding to the need. By the end of this year, I am told, over 30 states will have passed some type of state-wide factory-built housing code. Ultimately, of course, we will have a federal national building code. And, I urge the passage of such a code now. Today we have federal control with the F.C.C., F.T.C., F.A.A. I call for an F.B.C. a Federal Building Code. We already have, for the first time, the very real prospect of a truly national housing market.

Labor unions, too, have seen the handwriting on the wall. Now I would not exactly say they have been real pussycats about it. But dozens of factory contracts have been signed with the industrial divisions of our major building trades unions. As long as that product bears a union label, the skilled trades that work on-site will sooner or later go along.

Skilled labor, and the increasing shortage of it, is one of the principal reasons why factory-built housing needs top priority in the 70's. We are dealing with an aging labor force, ladies and gentlemen. Each year, more skilled craftsmen leave the building trades than enter them through apprenticeship programs.

Two years ago, the National Assn. of Home Builders estimated a need for 400,000 new workers annually in the building trades through 1975. Not even 10% of that number enters an apprenticeship program each year.

Those that remain seek and get outrageous increases in wage rates and fringe benefits with each new contract—and with no increase in productivity. The wage-price freeze has temporarily grounded that skyrocket, but does anyone doubt that these demands will resume when the freeze is eased or lifted?

The unions say these demands are justified by the fact that weather prohibits their members from working more than eight months of the year in most areas. Well, it makes no more sense to me to employ only two-thirds of available construction time than it does to idle one-fourth of our productive capacity at a time when the need is so great.

Most of you know the numbers. Within this decade there will be 27-million more Americans needing housing. The number of households will increase by 14-million, or 39%. In addition, we'll be scrapping or abandoning some 8.4 million housing units; 2.3 substandard units will be replaced or rehabilitated; and demand for second homes will double to more than 2.3 million in the 70's.

All this adds up to a minimum housing demand in this decade of 28.6 million units. Now how in hell are we going to produce that number with an even smaller crew than turned out 17.8 million units in the sizzling 60's.

I'll tell you how we are going to do it.

We're going to take semi-skilled, even unskilled workers—We're going to take women who have never been part of the construction industry—and train them to produce housing on an assembly line. They're going to produce it all-year-round, 24 hours a day in three eight hour shifts—just the way we produced aircraft and tanks during World War II; and they're going to enjoy something the building trades never had—a guaranteed annual wage.

We're going to cut costs through mass purchasing power, greater productivity, and by sub-assembling components and whole rooms so that main assembly lines can move along as briskly as the ones in Dearborn or River Rouge.

We're going to produce continuously, rain or shine. And if weather shuts down sitework, we're going to stack our output in protected staging areas from which it can be moved swiftly and efficiently when sitework starts up again.

We're going to drastically reduce the cost of construction financing by producing our structures in the factory at the same time the site-work is being done. And by doing 80% or more of the work in a factory, we're going to reduce or eliminate one of the greatest costs in construction today—on site vandalism and theft.

I am told there already are some 600 companies that say they are in factory-built housing. They include many of the giants of American industry—General Electric, Westinghouse, Olin, U.S. Steel, Celanese, Hercules, Fruehauf.

One publication estimated that existing capacity this year could produce 150,000 units, though it will actually turn out only half that amount. And there's a lot more capacity coming onstream in the next year. Mr. Romney suggests that by 1980 some 80% of our housing will be factory-built.

Now where, you may ask, are we going to put all this housing?

There's a lot of talk about new planned communities. It's a lovely idea, and I'm sure we will have more of them one day—with the help of God, Uncle Sam, and a few billion dollars. I've got a few on my own drawing boards.

But I'm basically a city man. I believe in the future of our cities, and that's where I'm placing my bet.

At the turn of the century, Henry Ford the First stood beside his Model-T and shook his fist at New York City and Wall Street and Washington and snarled a curse:

"Cities are finished," said Ford the First. And since that time, the cars that Ford and the rest of Detroit spawned have almost made his prediction come true.

Not just the cities; automobiles also killed small towns, killed Main Street. In American history, cars have killed more Americans than all our wars. And now cars choke our cities, driving people and industry to the suburbs to live and work and shop.

Three years ago, the Kerner Commission—the National Advisory Commission on Civil Disorders—cited slum housing as a major cause of the riots in our cities.

More recently, the National Urban Coalition, updating the Kerner Report, found that little had been done.

"In 1971," this report stated, "housing is still the national scandal it was then. Schools are more tedious and turbulent. The rate of crime and unemployment and disease and heroin addiction are higher than ever. Welfare rolls are larger. And, with few exceptions, the relations between minorities and the police are just as hostile as ever. If such trends continue, most cities by 1980 will be predominantly black and brown, and totally bankrupt."

At the bottom of that "shame of the nation" is housing.

The American city slums breed drug addiction and compulsive crime and surrender to welfare and a third generation of despair.

If there were only 100 cases of cholera anywhere in the United States, President Nixon would declare a national emergency and quarantine the infected areas.

The slums should be quarantined, and cured. By all of you out there. You are the doctors. And you have the tools. The new technology. The government programs.

This is not a wound to heal with band-aids or spot-renewal. We need more drastic, more dramatic measures—something that will lift the spirits of slum-dwellers and give them real hope of a better life.

We won't solve the ills of the cities by tearing down slums before we have built housing for the people who live in them. The new housing must come first.

We must make use of the air rights over railroads and highways and waterfront properties, build platforms over them, and erect housing and schools and offices and factories and shops—quickly and economically, using the industrialized methods we all believe in. Then you can move people out of the slums and right into this new housing. Tear down the slums and replace them with parks and recreation areas—recycle them and do a transplant, in effect, to provide attractive new vistas to people who have seen little beauty in their lives.

This is no hare-brained scheme, ladies and gentlemen. My company already has submitted proposals to do exactly that. One, which we designed, would build a $1-billion community over the Penn Central tracks in Harlem. Another would build 17,000 housing units and a new home for Manhattan's garment industry over the Sunnyside Yard tracks in Queens. And we are currently negotiating to build 5,000 housing units on air rights over the former subway barn at the old Flushing World's Fair site.

But where, you may ask, are you going to produce this housing in such quantities? And how are you going to deliver it to the cities?

Ladies and gentlemen, I'm a great believer in recycling. Ten years ago, I recycled a 40-acre dump in Queens into a community that now houses 25,000 people: Lefrak City.

Today, I want you to join with me in a crusade that could save the American city by recycling one of its major industries: aerospace.

I want to propose a "wedding" between Aerospace and Housing. Let's ask President Nixon to perform the ceremony at the White House. Maybe we could persuade George Meany, that sweet-tempered pillar of American labor, to be best man. And may I suggest that a fitting "dowry" would be a massive transfusion of funds for existing federal housing programs.

Subsidies are an established fact of life in the American economy, but for some reason people still find something slightly immoral about subsidized housing. Back in Wilson Wyatt's day, he called them "premium payments for production," and got Congress to authorize a $400-million program for housing.

Does anyone have any illusions about the extent of federal subsidy that automobiles and shipping and airlines and railroads have enjoyed over the years—in highways and mail subsidies and land grants for railroad rights-of-way? And how about the depletion allowance for the petroleum industry?

The massive Interstate Highway System, conceived under President Roosevelt as a hypo for the depression years, and launched under President Eisenhower as a transition transfusion after Korea, has already cost more than $50-billion of an ultimate $70-billion to bypass and hence to drain more than a hundred urban centers.

Some of the things I say may sound wild—but I'm not foolish. I know that we need government as a partner in any Manhattan Project #11. And we need to convince the financial community that the building industry is technologically the bankers on our team.

If we can arrange the marriage between aerospace and housing, we won't need to waste our limited resources on new factories. A lot of companies have spent millions on new production facilities for factory-built housing only to discover that it takes a very long time to make everything work, and to match your production schedules to completion of onsite work and government approvals. In New York City, for example, we must go through 72 steps at the local level before we talk to Washington.

While all these wrinkles are being ironed out, the company is absorbing a helluva front-end-load—meeting payrolls, paying for materials, and amortizing that damn plant.

The Department of Housing and Urban Development wasted $100,000 of taxpayers' money on a crazy proposal that would convert old Liberty Ships into floating housing skilled technicians are on unemployment each.

In the meantime, millions of sq. ft. of production space in aerospace industry is lying idle. Hundreds of thousands of highly skilled technicians are on unemployment lines.

In wartime, President Roosevelt called on Henry J. Kaiser to make Liberty Ships, General Motors to build tanks, Ford to make bombers. Old dogs can learn new tricks—when they have to.

General Electric already is producing housing in an old bomber factory in Apple Valley, California. And a company in Louisville, Unex Building Systems, Inc., is turning out housing in a factory that once assembled Ford cars. Why do you think so many aerospace companies participated in Operation Breakthrough? They know what they've got: they want in.

Think about it, ladies and gentlemen. It's a natural trade-off. The technology of Aerospace can teach Housing what it needs to know—about systems and new materials and procurement and the use of massive R&D appropriations from Congress.

Housing can help Aerospace develop new jobs for its tested skills. Sure, the tolerances of aerospace are far greater than we need, but the needs of housing are greater than we can meet.

The more you think about it, the more sense it makes. Aerospace factories are scattered all over the country near major urban centers—Grumman in New York—McDonnell-Douglas in St. Louis—Boeing in Seattle—United Aircraft in Hartford. Lockheed has today 75,000 employees in 26 states.

They have the production space and capability, the staging areas, the talent, the access to transportation. And what we can't ship conveniently on flatbed trucks or trains or barges could be carried to the sites with skycranes traveling mostly over water.

Let's look at it again:

Aerospace has the technical skill to produce massively in the factory.

Aerospace has the ability to produce swiftly—under the gun.

Aerospace has learned to produce vast structures—using the lightest and strongest modules.

Aerospace is virtually dormant. Its vast brainpower and manpower and production power is lying fallow.

We surely don't need Aerospace to build aircraft for a war that is being phased out or a commercial business that is plagued with over-capacity, or a space program that strikes more and more people as a repetitious waste of painfully extracted tax money. But we do need to preserve its might and its brainpower against the day we all pray will never come—when it might be needed again to defend this nation.

Ladies and gentlemen, a partnership between housing and Aerospace could be dynamite—blasting away slums and replacing them with decent living space.

But Aerospace will need strong partners in housing. Strong national builders—or national alliances between strong regional builders—and financial institutions with the courage and vision and, most of all, the capital to underwrite the New America. Out of this may well come that General Motors of housing that everyone has been looking for so long.

I want to serve notice right now that the Lefrak Organization aims to reach for the title. Maybe we'll only be the Ford or the Chrysler of housing, but we're a billion dollar company right now, so we have a big head-start.

We want to work with local builders all over this country to start carving away the cancer of slums from the vitals of American cities. Come to us with your ideas. We're ready. We're eager. We need your help. We offer you ours. We are looking hard for able partners all over America, associates, joint ventures—the formula will vary with the city and the men who want to work with us. Between us, we can build the kind of America that will mark its 200th birthday in 1976 with pride and accomplishment.

I know of no other generation of Americans who ever had so great an opportunity and so great a responsibility. For Better or for Worse the world today is committed to accelerated change. Radical, wrenching, erosive of both traditions and old values. You, its inheritors, have grown up with rapid change and are better prepared to accommodate this change than any young men and women in history.

Dynamic growth, not stagnation, must be our country's destiny. Persistent, industrious and imaginative efforts can transform and revitalize our cities and assure our continuing greatness, progress and prosperity.

The pioneer spirit that made this country

so great is still with us. Let us not forget or foresake our heritage as we build for a great today and an even greater tomorrow.

RESIGNATION OF JOHN S. NOLAN, DEPUTY ASSISTANT SECRETARY FOR TAX POLICY

Mr. MATHIAS. Mr. President, John S. Nolan, Deputy Assistant Secretary for Tax Policy, is leaving the Treasury Department to return to his private law practice. Jack has been my personal friend for a number of years. He has been known on Capitol Hill, and in his private life, as a man of candor and expertise. His careful thinking has been reflected in the voluminous testimony he has presented to the Congress, most recently on the Revenue Act of 1971.

Even though I shall miss Jack Nolan's counsel as an outstanding public servant, I hope to benefit from his advice as an informed public citizen. We have gained much from Assistant Secretary Nolan's high degree of expertise and the industrious and forthright manner in which he carried out his important work. He has set a high standard of public service toward which all Government officials may aspire.

I ask unanimous consent to have printed in the RECORD a New York Times article of July 30, 1971, announcing Jack's intention to return to private life. It is a measure of the man that he responded to the President's call of August 15, and delayed his departure to provide invaluable assistance in the enactment of the Revenue Act of 1971. We wish him well.

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

A TREASURY AIDE IS QUITTING POST

WASHINGTON, JULY 29.—John S. Nolan, Deputy Assistant Secretary of the Treasury and one of the main architects of the 1969 tax reform bill, has resigned. He will leave the Treasury at the end of August.

Mr. Nolan, whose resignation was supposed to have been announced next Monday, said his reasons for resigning were "simply family and finances."

Persons familiar with the tax side of the Treasury said, however, that the real reason for his departure was a feeling that his abilities were not being used or likely to be used by the Nixon Administration. He was said to feel that the Administration did not really intend to try to improve the tax laws but wished to make dramatic, and unrealistic, reform proposals for political purposes.

Mr. Nolan was recently passed over for Commissioner of Internal Revenue, which went instead to Assistant Attorney General Johnnie M. Walters.

CONFLICTING VIEWS

At that time, it was announced that a special new position within the Treasury would be created for Mr. Nolan, possibly a new assistant secretaryship. No such action has been taken.

Mr. Nolan was said to have been rejected for the Internal Revenue job because of views he held on a number of issues that had brought him into conflict with the White House staff.

Although Mr. Nolan is an economic conservative and has strongly advocated such policies as a reduction in the corporate tax, he has also advocated termination of many special tax privileges accorded specific businesses and wealthy individuals.

Mr. Nolan also drew the disapproval of the White House recently when it was disclosed that he wrote a memorandum last year expressing doubts that the Administration could legally do something that it subsequently did—liberalize the methods by which businesses calculate their depreciation deductions to reduce business taxes by $3 billion annually.

HE SUPPORTED ACTION

After the memorandum had fallen into the hands of Senator Edmund S. Muskie, Democrat of Maine, who made it public, Mr. Nolan said that it had represented a preliminary opinion, not based on much research, and that he subsequently told the White House that he had changed his mind.

Throughout a long controversy and public hearings on the depreciation change, Mr. Nolan supported the Administration's action.

It was learned that Secretary John B. Connally Jr. and Under Secretary Charls E. Walker had attempted to persuade Mr. Nolan to remain at the Treasury.

The Senate Finance Committee is considering Mr. Walker's nomination as Internal Revenue Service Commissioner tomorrow, and there were some fears that word of Mr. Nolan's designation might cause some delay in the confirmation.

Mr. Nolan, who was formerly a partner in the Washington law firm of Miller & Chevalier, said he had no plans.

OFFICE OF ECONOMIC OPPORTUNITY, THE SOUTHERN RURAL COOPERATIVES, AND EVALUATIONS

Mr. HUMPHREY. Mr. President, during the Alabama hearings of the committee on Agriculture's Subcommittee on Rural Development, Mr. John Brown of the Southeast Alabama Self-Help Association testified on his organization's programs to promote economic development and self-reliance among the poor of Alabama. I was impressed by Mr. Brown's programs. I believe that they are a step in the right direction for bringing a share of the economic wealth of this Nation to the poor.

Since those hearings, I have kept in constant touch with SEASHA and the much larger Association of Cooperative Directors. Lately, a critical and important problem they face has come to my attention. The Office of Economic Opportunity has embarked on an evaluation of these rural cooperatives—a rather expensive evaluation to be conducted outside the normal framework of OEO in-house monitoring, and apparently without the support or the participation of the cooperatives.

OEO apparently believes that this evaluation is necessary to effectively scrutinize and judge the performance of the cooperatives. The cooperatives, however, believe that the evaluation will just be used as an excuse for OEO to get out of the business of funding cooperatives.

On December 9, I sent a letter to Office of Economic Opportunity Director Philip Sanchez asking him to see that the evaluation is conducted with the participation and support of the cooperatives.

I ask unanimous consent that a copy of my letter to Mr. Sanchez, a copy of the letter from Mr. John Brown, who is serving as chairman of the Southern Cooperative Directors, and a position paper of the cooperatives be printed at this point in the RECORD.

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

SOUTH EAST ALABAMA SELF-HELP ASSOCIATION, INC. (SEASHA),
Tuskegee Institute, Ala., December 1, 1971.

Mr. PHILLIP V. SANCHEZ,
Director, U.S. Office of Economic Opportunity Washington, D.C.

DEAR MR. SANCHEZ: The Association of Cooperative Directors in the South East (those cooperatives that are members of the Federation of Southern Cooperatives), met with Mrs. Carol Khosrovi on November 30, 1971, to discuss a proposed evaluation of rural cooperatives to be conducted by ABT Association.

At the invitation of Mrs. Khosrovi, we met in good faith and listened for more than an hour to Mrs. Khosrovi and other members of her staff talk "AT" us about decisions which had already been made relating to the study. After their presentations, we presented, in writing, our position with regards to the study, (see attached copy). However, before there was ample opportunity for the discussion of our position, we were grossly insulted by Mrs. Khosrovi. As a result, we felt it necessary to withdraw from the meeting.

Our major concern, Mr. Sanchez, is that we be intimately involved at all levels in all major decisions which affect the lives of our members. We are therefore requesting a conference with you and others whom you may wish to invite to discuss our position as stated in the attached document. We all could arrange to meet with you on or after December 9, 1971.

We would appreciate your prompt response to this request.

Very truly yours,
JOHN BROWN, JR., *Chairman.*

DECEMBER 9, 1971.

Mr. PHILIP SANCHEZ,
Director, Office of Economic Opportunity, Washington, D.C.

DEAR MR. SANCHEZ: Last summer, my Subcommittee on Rural Development was privileged to hear from Mr. John Brown of the Southeast Alabama Self-Help Association. I was impressed by Mr. Brown's sincerity and dedication to his work and his members. The program initiated by SEASHA—the Feeder Pig Co-op, credit union, business and industrial development, and community organization—has proved to be of benefit to the economic environment of Southeast Alabama. The problems of SEASHA are many; but the spirit of the people has convinced me that similar ventures such as SEASHA are valuable—they help people help themselves. And, after all, that is one purpose and one thrust of OEO.

On balance, support from OEO has been encouraging. Changes of course can and should be made—grants for staffing and program operation could be increased, multi-year funded instituted, and a more sensitive response from the OEO bureaucracy—these kinds of changes are necessary.

But, I would like to address your attention to one specific problem, a problem affecting not only SEASHA but all southern rural economic development cooperatives. I understand that OEO is about to make an evaluation of the various cooperatives in the Federation of Southern Cooperatives. This proposed evaluation apparently will be conducted without the viable participation of the Cooperatives. It seems to me that rather than embark on an evaluation of considerable cost, it would be of much more value to utilize consultants to provide assistance in program development. The Federation has pointed out to you in their Position Paper presented in Washington on November 30, 1971:

a. With respect to an evaluation of the cooperative concept and its viability, we sub-

mit that OEO's in-house mechanisms for evaluation are quite adequate. Moreover, we have submitted to OEO many proposals and requests for funding over the years, in which the problems of our cooperatives have been set forth in detail; in addition, during the same period we have submitted a hundred or more quarterly and annual progress reports to OEO detailing our needs, our strengths, our failures, our successes, etc.

b. Surely, in light of the absence of general expertise in the area, our own objective appraisals coupled with those of OEO's monitors and evaluators are much more credible than any which could be obtained from outside evaluators to whom the concept is totally foreign. Moreover, our expertise comes *free of charge*, and we offer it willingly.

Some have charged that this evaluation is to be used as the basis for eliminating the funding of rural cooperatives, because OEO wants to "get out of the co-op business." I do hope that these rumors are totally unfounded. Programs that help people—that help the poor become economically self-sustaining—ought not be emasculated. And, an agency originally established as an advocate for the poor ought not become a vehicle for dismembering worthwhile efforts of the poor.

I urge that you exercise your authority to see that if the evaluation is conducted, it is conducted with the participation and support of the Federation, and that funding for rural cooperatives is not reduced.

Sincerely,

HUBERT H. HUMPHREY.

PROPOSED EVALUATIVE STUDY OF COOPERATIVES AS A PLAUSIBLE APPROACH TO THE ELIMINATION OF RURAL POVERTY

We have been invited to this meeting today as representatives of rural cooperatives which are to be "involved" in a study of cooperatives, to be conducted by a private consultant firm, "to discuss and resolve any questions and issues" which have not been otherwise resolved.

We have carefully considered the matter of the proposed study and have decided that such a study could serve no useful purpose and would constitute a virtual waste of precious funds.

Our opposition is predicated upon several factors, among which initially was OEO's motives for proposing the study. Our very candid opinion is that the study is to be used to justify OEO's decision to discontinue the funding of rural cooperatives. It is based upon:

1. Statements made to us by OEO Washington representatives that OEO was desirous of "getting out of the Co-op business."

2. "The August 1971 edition of O.E.O. Digest Vol. I, No. 6 states that all programs (under a detailed earmarking formula) may be prorated downward in 1972 by 20%. It further states, "a major effect of the Senate Committee's bills is to direct that approximately $60.7 million be added to the O.E.O. 1972 budget request to increase certain specific programs, including Emergency Food and Medical Services, Alcohol Counseling and Recovery, Local Initiative, and a new Title VII established to cover Special Impact programs. These increases will necessarily have to be funded from off-setting reductions in other programs which under the earmarking formula exceed their minimum allocations."

"The areas hardest hit by the requisite reductions include the developmental health (Comprehensive Health, Family Planning, and Narcotics Rehabilitation) *and general research and demonstration programs of O.E.O.*

"The scope of reductions necessary in these areas is such that all new programs initiative would be eliminated and many ongoing activities would be abandoned. Reduction in some areas may approach 50% of the total program level."

"O.E.O. Director, Frank Carlucci, has ordered that a review of all research and development activities both planned and underway be undertaken immediately to consider possible elimination, curtailment or termination earlier than scheduled."

3. We have been informed that the present cooperative-grantees will, in the future, be transferred and funded from OEO regional offices which would mean, no doubt, decreased funding.

However, in light of Title VII of the Economic Opportunity Act of 1964, it appears that Congress has expressed a contrary intent, thus, what we perceive as OEO's initial motives are no longer relevant. In any event, we give OEO the benefit of any doubt regarding its motives (though not much remains) and base our opposition to the proposed evaluative study upon additional grounds.

Our basic concern has to do with the most efficient and productive utilization of the meager funds which are presently appropriated to rural, self-help economic development programs. We do not dispute the fact that 7 million dollars have been expended over the past five years by OEO to develop rural cooperatives, (as indicated in Mr. Albert E. Abrahams, Assistant Director for Congressional and Public Affairs letter to persons and groups who had written to Mr. Phillip Sanchez, Acting Director of OEO, expressing concern over this proposed study and evaluation). Yet when viewed in the context of the massive problem sought to be solved, that amount could not be said to manifest a true commitment. While we sympathize with OEO's budget problems, we think that in light of the fact that only 1.4 million dollars per year, on the average, has been expended within the last five years, the $385,000.00 proposed for the evaluative study could be better spent.

We have been told that the purpose of the proposed study is generally to determine the efficacy of cooperatives as instruments of the rural economic development of communities of poor people. The issue seems to have been resolved by the Congress with its enactment of Title VII. This is clearly reflected in the legislative history of Title VII, the following being illustrative thereof:

"Cooperatives—that have proven so effective for millions of Americans—are also effective economic arrangements for assisting poor farmers.

The committee believes that the program (of providing loans to cooperatives) ought not be abandoned, but rather transformed into an effective rural economic development program providing grants, loans and especially adequate technical assistance to both small farmers and rural cooperatives". (Report, Senate Committee on Labor and Public Welfare, p. 76)

Indeed the history of the economic development of this country shows cooperatives to be vital aids to rural residents, and that federal government participation was vital to the existence of rural cooperatives.

Over 5½ billion dollars in loans have been made to some 1200 electric and telephone cooperatives alone through the Rural Electrification Administration. Surely, food, clothing and shelter and the ability to provide them are just as important to rural residents as are telephones and electricity. In short, cooperative organizations have been the only viable mechanisms for the development of rural communities, with the possible exception of direct subsidies to farmers which have only benefited a few.

Because of our demonstrated and long-standing commitment to the economic development of the poor, rural South, we propose that funds appropriated for use in the proposed evaluation be better utilized toward the recognized goal of helping poor people help themselves. We propose that our partnership with OEO continue in an effort to find effective ways of meeting the needs of thousands of other people who are not touched by present programs.

We believe that over the decade of our involvement in the application of cooperatives and cooperative principles to the problems of the rural poor, we have developed a body of expertise in the area that is unequaled. Banded together under the Federation of Southern Cooperatives we are in contact with some 30,000 families, most of which are poor by any standards. We have had successes and failures and we have learned from them; we know our weaknesses and our strengths. Thus, we come here to offer to OEO, our partnership in the elimination of rural poverty, the benefit of our vast and varied experiences, with the hope that together, we can begin to formulate affirmative approaches toward exploiting our strengths and remedying our weakness to achieve our common goal.

We could greatly utilize the services of consultants, not to evaluate a concept which is proven, but rather to provide specific programs for the use of technical assistance in problem areas already identified by us. We know, for example, that we have a present need for expertise in the areas of marketing, production, management and financial planning. Why not engage consultants either to provide these services directly, or to help us develop a comprehensive program for the specific utilization of such technical assistance?

With respect to an evaluation of the cooperative concept and its viability, we submit that OEO's in-house mechanisms for evaluation are quite adequate. Moreover, we have submitted to OEO many proposals and requests for funding over the years, in which the problems of our cooperatives have been set forth in detail; in addition, during the same period we have submitted a hundred or more quarterly and annually progress reports to OEO detailing our needs, our strengths, our failures, our successes, etc. Surely, in light of the absence of general expertise in the area, our own objective appraisals coupled with those of OEO's monitors and evaluators are much more credible than any which could be obtained from outside evaluators to whom the concept is totally foreign. Moreover, our expertise comes *free of charge*, and we offer it willingly.

We have resolved to oppose the evaluative study, recognizing that it will probably result in reprisals in the form that discontinued funding of our programs. We would rather not prolong the inevitable. It seems certain, however, that no credible evaluation can be produced by any consultants without the cooperation of the subjects of that evaluation.

We hope our position communicated today will be received in the spirit in which it has been presented; that it has been discerned that our opposition to the evaluative study is not made merely for the sake of being opposed. We have attempted to express what, in our opinion, are genuine and legitimate concerns on our part; and we have come as a group because our interests are identical.

It is our sincere desire that as a result of our meeting today, our partnership with OEO will be both renewed and strengthened and that new direction will be given toward the attainment of our common goal—the elimination of rural poverty.

Therefore, what we are hereby requesting is that OEO accept our experience and expertise in rural economic development; and that together we sit down and work out a plan of action designed to strengthen the rural cooperative movement.

HOW OREGON FARMS ARE CHANGING

Mr. HATFIELD. Mr. President, much has been said in this Chamber recently about the plight of America's farms, farmers, and the agriculture industry in general. I am pleased that our commitment to improve the economic position of our country's farmers knows no political label or ideology. I hope that 1972 can be a year that will stand out as a year when significant progress is made toward this goal.

In my State of Oregon, one of our newspapers enjoying considerable readership among the agriculture community is the Capital Press, in Salem. I do not always agree with its editor, Mr. Dewey Rand, but I do always enjoy his columns and editorials. In the December 3, 1971, issue, the Capital Press illustrated in rather dramatic terms the agriculture situation in Oregon. Mr. Rand provided a real service for his readers, and his editorial will be helpful to me here in the Senate.

I hope that in 1972, efforts will be renewed in the area of investment tax credit in rural areas, which was dropped, regrettably, from the tax bill in conference. I was pleased to join with my good friend and colleague from Kansas (Mr. PEARSON) in attempts to offer this additional incentive. I hope we can secure passage of this, or a similar proposal, next year.

There are other areas I could comment on today, but I will not. I only hope that we can reverse trends of recent years, and improve the quality of life on America's farms. I have found in Oregon that people want to live in our smaller towns, but that the lack of a growing and healthy economy prevents any real growth. My colleagues here today have heard me before discuss the situation in our rural water and sewer systems, and how I think the Federal Government should move more agressively in the area.

In conclusion, Mr. President, I think Mr. Rand's thoughts are worthy of our study and our reflection. I ask unanimous consent that his editorial be printed in the RECORD.

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

HOW OUR FARMS ARE CHANGING

At long last, statistics from the 1969 U.S. Department of Agriculture Census are available. The Oregon State Department of Agriculture received the figures only last Friday from the survey taken by USDA nearly two years ago.

There is nothing unexpected in the results. We have already observed farms become fewer and larger, particularly in the past decade.

In the last five years we have lost nearly 28% of our farms in the state. The 1969 census tells us there are now 29,063 farms of all kinds in Oregon. In 1964 there were 39,757. A decade ago, in the 1959 census there were 42,573.

But the amount of acres in farms, predictably, showed a lesser decline. It was 20,509,500 in 1964 and 18,017,850 in 1969. The average size of farms in Oregon in that period rose from 515.9 to 619.9 acres.

While there is no comparative figure available, approximate value of land and buildings among Oregon farms was listed as a whopping $2.7 billion according to the 1969 census. The report said average per farm value in the five-year period jumped from $59,079 to $93,134, nearly double.

The number of farms in Oregon having sales of $40,000 or over during 1969 rose almost one-third. In 1964 only 2,301 farms reported sales in this category while in 1969 3,058 listed this amount. There was a slight increase in the number of farms with sales from $20,000 to $39,999, but in all other categories down to only $2,500 there were declines.

Oregon growers are moving off the farm too. According to the Census 36,343 said they resided on their farms in 1964 while only 23,313 reported this status in 1969.

There's little change in the age of farmers in the state. Average age is 51.9 years, down from 51.5 in 1964. We had over 7,000 growers over age 65 in the state in 1964 and less than 5,000 two years ago. Those on the farms under 25 years of age varied little during the five-year period. From age 26 through 64, they seem to be leaving the farm gradually, about 5% per year from 1964 through 1969.

USDA says farm production expenses in Oregon hit nearly $467 million in 1969, and while comparative data is not available in all categories, cost of hired farm labor alone went from $54 to $69 million.

The Survey also lists comparative figures for inventory and sales in production. Livestock and poultry, grains, vegetables, tree fruits, nursery and greenhouse products, and forest products are listed. In most categories, production is up with a notable exception in strawberries which were down nearly 29 million pounds. Potatoes were up about five million pounds.

A new category for which no comparative data is offered is the growers' use of commerical fertilizer, lime and chemicals. Over $37 million worth of fertilizers and chemicals were used by some 13,586 farms. Nearly 60,000 tons of lime were spread, sprays, dusts, fumigants to control insects on hay crops amounted to some $3.7 million.

Statistics for each of Oregon's 36 counties are reported in a detailed itemization. Similar figures are available for other states. (We will be covering the data on Washington in a future issue.) To give an overview of the number of farms in Oregon as reported, note the following table:

NUMBER OF FARMS IN OREGON BY COUNTY

County	1969 agriculture census	1964 agriculture census
Baker	626	736
Benton	575	858
Clackamas	2, 801	4, 116
Clatsop	258	486
Columbia	547	1, 149
Coos	700	1, 058
Crook	293	325
Curry	194	263
Deschutes	503	775
Douglas	1, 203	1, 922
Gilliam	166	186
Grant	286	282
Harney	276	279
Hood River	538	641
Jackson	1, 035	1, 556
Jefferson	356	422
Josephine	395	823
Klamath	826	1, 072
Lake	283	343
Lane	1, 840	2, 893
Lincoln	258	504
Linn	1, 742	2, 434
Malheur	1, 357	1, 737
Marion	2, 800	3, 388
Morrow	347	338
Multnomah	623	918
Polk	1, 056	1, 235
Sherman	209	221
Tillamook	469	716
Umatilla	1, 284	1, 502
Union	678	802
Wallowa	423	525
Wasco	542	599
Washington	1, 976	2, 468
Wheeler	110	129
Yamhill	1, 488	2, 056
Total	29, 063	39, 757

Clackamas county has maintained its lead as the largest agricultural county in Oregon in total number of farms, but Marion closed the gap considerably in retaining the number 2 spot. Washington has edged out Lane for the number 3 spot, Malheur has topped Douglas for number 7 and Umatilla has moved ahead of Jackson.

Those counties which showed appreciable drop in number of farms include the 11 which led the state in the 1964 census.

A few, such as Gilliam, Harney, Lake, Morrow, Sherman, and Wasco had minimal drops in number of farms.

Only two counties in Oregon, Grant and Morrow reflected an increase. Morrow picked up only 9 farms and Grant 4.

Of course there are bound to be some variations in the total agricultural census picture. Respondents filled out questionnaires for the 1969 census on a volunteer basis. They were surveyed in person during 1964. There appears to be considerably more data in the most recent census the volume of which could lend itself to error.

But the census reflects how our farms are changing. There have been enough other indicators to tell us the direction in which the industry is going.

Regretably, this most recent census data is already obsolete. There have been many changes in the past two years, which indicate even fewer and larger farms. But we hope in the next agricultural census, slated for 1974, sophisticated data processing equipment and methods will bring us a more timely picture of this vital industry.

CONTROLS NEEDED TO COMBAT FISH DISEASES

Mr. HATFIELD. Mr. President, I was pleased to join with the distinguished Senator from Utah (Mr. Moss), in cosponsoring S. 2764, a bill to authorize Federal programs and regulations necessary to protect our fish resource from the spread of fish diseases.

I asked the Bureau of Sport Fisheries to prepare some statistics on the situation regarding fish catch and propagation in the West. I ask unanimous consent that this material be printed in the RECORD.

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

STATISTICAL NOTES

California, Idaho, Oregon, and Washington sport catch of salmon and steelhead in 1970:

Total catch 2,022,000 fish:	*Percent*
Coho salmon	43
Chinook salmon	30
Steelhead	17
Other salmon	10

Catch in Oregon waters: 422,000.

Sport catch of salmon and steelhead in Columbia River Estuary and adjacent oceans:

Oregon:	
Chinook salmon	21, 635
Coho salmon	66, 489
Washington:	
Chinook salmon	66, 000
Coho salmon	203, 199
Total	357, 323

COMMERCIAL SALMON CATCH, 1970 (PRORATED)

	Million pounds	Millions
California	15.6	$7.4
Oregon	18.7	8.9
Washington	29.1	13.9
Total	63.4	30.2

TROUT STOCKED BY STATE AND FEDERAL FISH HATCHERIES, 1970

[In millions]

	State	Federal
California	41.4	1.5
Idaho	32.3	4.2
Oregon	33.6	1.4
Washington	39.2	2.2
Total	146.5	9.3

NUMBER OF COMMERCIAL FEDERAL AND STATE FISH HATCHERIES IN THE NORTHWESTERN STATES

	Commercial [1]	Federal	State
California	209	1	19
Idaho	26	3	17
Oregon	36	1	30
Washington	71	9	50
Total	342	14	116

[1] Estimated.

ACHIEVEMENTS OF THE FIRST SESSION OF THE 92D CONGRESS—(S. DOC. NO. 92-52)

Mr. MANSFIELD. Mr. President, the first session of the 92d Congress convened on January 21, 1971. Since then, the Senate has met on 184 days and has been in session in the neighborhood of 1,060 hours. It has passed almost 600 measures and has taken a total of 421 rollcall votes. The Senate has also given its advice and consent to ratification of 15 treaties and confirmed some 49,000 nominations including those of a new Secretary of Agriculture and two new Associate Justices of the U.S. Supreme Court.

Among the Senate's major legislative achievements this session have been the following:

AGRICULTURE

A Farm Credit Act has been approved, a rural telephone bank established, and child nutrition and school lunch program bills enacted into law.

CRIME-JUDICIARY

The Juvenile Delinquency Prevention and Control Act was extended for another year. And, in a long-overdue move, Congress also repealed the Emergency Detention Act of 1950.

DEFENSE

The Senate passed military construction and military procurement bills and, after extensive consideration, a bill extending the military draft for 2 years and increasing military pay. The Senate has also gone on record on several occasions for a prompt end to the Vietnam war.

DISTRICT OF COLUMBIA

The Senate again gave its endorsement to a District of Columbia home rule bill. Another major bill acted upon by the Senate was the revenue bill authorizing a principal Federal payment to the District of Columbia of $173 million for fiscal year 1972 and of $178 million for fiscal year 1973.

ECONOMY

In regard to the Nation's economy, Congress has approved a number of highly significant bills. The Appalachian Regional Development Act and the Public Works and Economic Development Act were extended. A consumer product warranties bill was passed. Legislative measures providing for disaster relief, emergency loan guarantees, export expansion, an interest equalization tax extension, small business, a 10-percent social security increase, and extended unemployment compensation benefits were approved. Regrettably, the President vetoed the antipoverty bill which Congress passed, a bill which included programs of comprehensive child care and legal services for the poor.

Among measures initiated by Congress to help the economy was an Emergency Employment Act. Congress also extended the wage and price control authority it had earlier made available to the President and on the basis of which the effort to control inflation is now being made. After the President decided in late summer to utilize that authority, Congress gave several months of careful consideration to legislation on the second-phase program intended to alleviate the Nation's economic ills. A few days ago, the President signed into public law the Revenue Act of 1971 which contains the first package of the President's economic proposals. The second package extending and amending the Economic Stabilization Act has now been approved by Congress and awaits the President's signature into law.

EDUCATION

In education, the Senate approved a comprehensive higher education measure and an emergency school aid and quality integrated education bill which will receive further consideration next session.

GENERAL GOVERNMENT

Congress took final action on a long-needed Alaska Native claims settlement bill. The Senate initiated landmark legislation which culminated in the right to vote being accorded to the Nation's 18-year-olds. Congress also acquiesced in the President's reorganization plan establishing a new executive branch agency for volunteer programs. And it extended until April 1, 1973, the President's authority to propose reorganization plans.

HEALTH

Again emphasizing the importance it places on health as an item high on the list of national priorities, the Senate has approved the Cancer Act, a children's dental health bill, the Health Manpower Training Act, the Drug Abuse Office and Treatment Act, and the Nurse Training Act. Concern that Public Health Service hospitals and outpatient clinics continue in operation and not be closed down was expressed by Congress through the adoption by both Houses of Senate Concurrent Resolution 6. The Senate has also approved a nutrition program for the elderly and a program to combat sickle cell anemia, and a few days ago the Senate passed a wholesome fish and fishery products bill.

INDIANS

Recently the Senate adopted a concurrent resolution declaring it to be the sense of Congress that a government-wide commitment shall be made to enable Indians to determine their own future to the maximum extent possible.

INTERNATIONAL RELATIONS

The Senate approved legislation authorizing additional U.S. contributions to three multilateral lending institutions—the Asian Development Bank, the Inter-American Development Bank, and the International Development Association. It rejected one foreign aid bill and subsequently passed separate military and economic assistance bills. Agreement with the House of Representatives on the nature of new authorizing legislation with respect to foreign aid has not yet been achieved.

Among the treaties to which the Senate gave its advice and consent are an aircraft hijacking convention, several treaties relating to oil pollution, several tax conventions, a treaty with Mexico resolving boundary differences, and the treaty providing for the reversion of Okinawa to Japan.

RESOURCE BUILDUP

The Senate has approved legislation for the establishment of additional national parks, a riverway, a national river, recreation areas, wilderness areas, and an historic site. The Senate's concern for the Nation's environment has also been evidenced in a strong antiwater pollution measure which was approved.

SPACE AND ATOMIC ENERGY

Authorizations to continue the Nation's space and atomic energy programs have been enacted into law.

TRANSPORTATION

Coast Guard and maritime authorization bills have been approved. The Senate also passed a motor vehicle information and cost savings bill.

VETERANS

A number of important measures designed to assist veterans have been enacted into public law or else are awaiting the President's signature.

Also, I am most delighted to note, agreement between the Senate and House conferees was reached on a landmark election campaign reform bill which will seek to place some sensible limits on campaign expenditures. Moreover, congressional endorsement has been given to the principle of allowing a taxpayer, if he wishes, to check off $1 for the political party of his choice in a presidential election campaign instead of paying it in income tax. This new system—when it becomes fully effective in the 1976 election—will remove the need for a candidate to rely on personal fortune or large investors in his campaign who, in return, invariably feel they have a vested interest in the candidate. It is in every sense an essential in keeping the

highest office in the land open on the basis of integrity to Americans of humble means.

I ask unanimous consent that at the conclusion of my remarks there be printed a summary of the legislative accomplishments of the first session of the 92d Congress.

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

(See exhibit 1.)

Mr. MANSFIELD. Mr. President, I also ask unanimous consent that a summary, and my accompanying statement, be printed as a Senate document.

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

Mr. MANSFIELD. In conclusion, Mr. President, I wish to express my appreciation to the distinguished minority leader (Mr. SCOTT) for his able assistance and cheerful cooperation, without which it would not have been possible for the Senate to move its legislative program along in such an orderly way. He is a "pro" among "pros" if I may use that designation in a most affectionate and respectful sense. Also, I wish to extend my sincerest thanks to my colleagues on both the Democratic and Republican sides of the aisle for their cooperation and willingness throughout the year to accommodate themselves to the schedules of the Senate. I also point out, in particular, that our work could not have been handled so expeditiously had it not been for procedures initiated in the early part of the year at the suggestion of a bipartisan group of freshmen Senators. I also think special thanks are due to the chairman of the Senate Appropriations Committee (Mr. ELLENDER) and the ranking Republican member of that committee (Mr. YOUNG) for their efforts to insure prompt Senate committee action on appropriations bills. Their leadership in this regard has been outstanding.

Naturally, next year the Senate will continue the work of the 92d Congress. When the Senate returns in January, the calendar will not be bare. Measures relating to equal rights for men and women, equal employment opportunities for American workers, voter registration, and coastal zone management are among the items on the calendar on which the Senate could not act prior to adjournment because there was insufficient time. Many new measures will also reach the Senate calendar, of course. A war powers resolution has been ordered reported and will be on the calendar soon. As I have indicated before, it is very likely that H.R. 1, the measure containing social security and welfare proposals, will be one of the major pieces of legislation the Senate will proceed to consider in the early part of 1972. I feel confident, Mr. President, that the Senate's significant legislative achievements of the first session will be surpassed in the sum of the achievements it will attain next year.

EXHIBIT 1—SENATE DOCUMENT 92-52

SENATE LEGISLATIVE ACTIVITY—92D CONGRESS, FIRST SESSION

(By Senate Democratic Policy Committee)

Symbols: P/H, Passed House; P/S, Passed Senate.

Following is a brief summary of major Senate activity.

AGRICULTURE

Burley tobacco

Extended the time for proclamation of marketing quotas for burley tobacco for the 3 marketing years beginning October 1, 1971. Public Law 92-1.

Burley tobacco—poundage quotas

Provided for poundage quotas, without acreage allotments, for burley tobacco; provided for a referendum of burley tobacco growers to determine whether they favor or oppose the establishment of farm marketing quotas on a poundage basis for the next 3 crop years; increased to 15,000 pounds the amount of quotas a farmer may lease; provided that farm quotas cannot be reduced more than 5 percent in any year; prevented allotments of ½ acre or less from being cut more than 2½ percent in the years 1972 and 1973. Public Law 92-10.

California peaches

Added California-grown peaches to the list of commodities for which paid advertising provisions may be included in marketing orders under the Agricultural Adjustment Act. Public Law 92-120.

Child nutrition programs

Authorized the use of $35 million in section 32 funds for the National School Lunch Act in fiscal year 1971 and $100 million in section 32 funds to carry out the provisions of that act regarding free and reduced price meals to needy children in fiscal year 1972; extended the authorization for the school breakfast program for fiscal years 1972 and 1973 and authorized therefor $25 million for each fiscal year and the authorization for the special food assistance program for children for fiscal years 1972 and 1973 and authorized therefor $32 million for each fiscal year; authorized the use of up to $20 million of section 32 funds for the supplemental food program in fiscal year 1972; and contained other provisions. Public Law 92-32.

Citrus exports

Called on the President to promptly make every effort to obtain the removal of the discriminatory import preferences maintained by the European Economic Community (EEC) with respect to citrus fruits and, should such efforts not succeed, to exercise within 60 days his authority to increase United States import duties or impose other import restrictions against products entering the United States market from the EEC. S. Res. 89. Senate adopted April 1, 1971.

Communicable animal diseases

Expands the present authority of the Secretary of Agriculture to cooperate with countries in the Western Hemisphere to prevent or retard all communicable diseases of animals, to encompass Mexico, Guatemala, El Salvador, Costa Rica, Honduras, Nicaragua, British Honduras, Panama, Colombia, and Canada. Public Law 92-152.

Consolidated Farmers Home Administration Act of 1971 Amendments

Amends the Consolidated Farmers Home Administration Act of 1971 to increase the maximum loan and grant under section 306 (for water or waste disposal facilities and other specified purposes) to $10 million (from $4 million); to extend the planning grant authority to all waste disposal systems (now limited to "sewer" systems); to extend the authority of the Secretary to insure loans to October 1, 1975 (from October 1, 1971); to increase the maximum amount of loans which may be made by the Secretary from the Agricultural Credit Insurance Fund and held by him at any one time for sale as insured loans to $500 million (from $100 million); to transfer the assets and liabilities of, and authorization applicable to, the direct loan account to the Agricultural Credit Insurance Fund (to permit loans made from the direct loan account to be sold as insured loans), and abolish the direct loan account; to authorize insurance of loans meeting the requirements of the Watershed Protection and Flood Prevention Act of title III of the Bankhead-Jones Farm Tenant Act; to increase the ceiling on operating loans to $50,000 (from $35,000); and to authorize insurance of operating loans (of the type now authorized to be made as direct loans). S. 1806. P/S5/11/71.

Cotton ginners reports

Amended the census law to provide that reports by cotton ginners as to the county in which each bale ginned is grown shall be made at the completion of the ginning season, but not later than the March canvass, rather than at the March canvass. Public Law 92-143.

County committees

Amends the Soil Conservation and Domestic Allotment Act to permit the Secretary of Agriculture to consolidate counties or parts of counties for county committee purposes; contains other provisions. S. 1670. P/S 6/21/71.

Crop insurance

Requires Federal crop insurance to be made available to persons between 18 and 21 years of age. S. 1139. P/S 7/26/71.

Egg Product Inspection Act exemption

Required the Secretary of Agriculture, through December 31, 1971, to exempt from specific provisions of the Act any plant processing egg products which is located in the noncontiguous areas of the United States where the owner has been unable, despite good faith effort, to bring the plant into full compliance with the act. Public Law 92-67.

Eminent domain pool allotments

Repeals the existing requirement that acreage allotments established from the eminent domain pool be "comparable with allotments determined for other farms in the same area." S. 1545. P/S 6/21/71.

Extension of loan insurance authority

Permanently extends the authority to insure loans under the Consolidated Farmers Home Administration Act of 1961. Public Law 92-133.

Farm Credit Act

Provided further for the farmer-owned cooperative system through which credit is made available to farmers and ranchers and extended its operations to provide for housing loans to rural residents and loans to others providing services upon which farming operations are dependent in order to provide a modernized system to meet current and future rural credit needs; and contained other provisions. Public Law 92-181.

Farm payment subsidy limitation

Calls for a report to the Congress by the Secretary of Agriculture on his finding on the operation and administration of the current $55,000 farm subsidy payment limitation. S. Res. 153. Senate adopted 7/15/71.

Farmers insured emergency loans

Authorized the Secretary of Agriculture to make insured emergency loans of the type now authorized to be made as direct loans under subtitle C of the Consolidated Farmers Home Administration Act of 1961. Public Law 92-173.

Feed grain bases or domestic wheat allotments for certain sugar producers; wheat history preservation

Authorizes (1) the establishment of feed grain bases, or wheat domestic allotments, for sugar beet producers who have no processing plant available, because their former processing plant ceased operation on or after January 1, 1971, and (2) the Secretary of Agriculture to permit acreage planted to barley prior to November 30, 1971 to be consid-

ered as devoted to feed grains or wheat for the purpose of preserving acreage history. S. 795. P/S 3/25/71.

Marketing quota review committee members

Permits farm marketing quota review committee members to be appointed from any county in the State instead of from only the county in which the farm subject to the quota being reviewed is located or nearby counties. S. 1131. P/S 5/11/71.

Meat and poultry inspection costs

Increases the maximum Federal contribution to the cost of any State meat or poultry inspection system from 50 to 80 percent. S. 1316. P/S 7/29/71.

National forest law enforcement

Authorized the Secretary of Agriculture to cooperate with any State or political subdivision in the enforcement of local law on lands within the national forest system. Public Law 92–82.

Peanut allotments

Amended the Agricultural Adjustment Act of 1938 to set new criteria for apportionment of acreage allotments among new peanut farms. Public Law 92–62.

Perishable Agriculture Commodities Act amendments

Amends the Act to require than an opportunity for a hearing be provided in a reparation proceeding only if the amount claimed exceeds $3,000 (instead of $1,500 as at present), and contains other provisions. S. 1838. P/S 10/6/71. H. Cal.

Potatoes

Makes permanent the existing exemption of potatoes for processing from marketing orders. S. 2672. P/S 11/16/71.

Rural telephone bank

Provided a source of supplementary financing to meet the growing capital need of rural telephone systems through establishment of a rural telephone bank to furnish assured and viable sources of supplementary financing, which bank shall originally be a wholly owned government corporation until 51 percent of the Class A stock has been retired and then be a mixed-ownership government corporation, subject to annual government audit but not budgetary review. Public Law 92–12.

School lunches

Directed the Secretary of Agriculture to use section 32 funds to the extent necessary to assure every needy child of the free or reduced-price lunches he is entitled to under the National School Lunch Act; provided that the maximum per lunch limitation on the amount States may reimburse schools for such lunches shall not be fixed by the Secretary at less than 40 cents or cost, whichever is less; and contained other provisions. Public Law 92–153.

Tobacco allotments

Permitted the transfer across county lines, in the same State, of Virginia Fire-cured tobacco type 21 and Virginia Sun-cured tobacco type 37 allotments, which previously could be transferred only from one farm to another in the same county. Public Law 92–144.

Wine promotion activities

Amended section 402 of the Agricultural Trade Development and Assistance Act of 1954, as amended, to remove the restriction on foreign market promotion activities for domestic wine. Public Law 92–42.

APPROPRIATIONS: 1971

Continuing appropriations

Continued, through June 30, 1971, funding for the Department of Transportation and related agencies, appropriating $2,404,134,605 in new budget authority for fiscal year 1971 and $150 million in fiscal year 1972 advance funding for the Washington Metropolitan Area Transit Authority. Public Law 92–7.

Second supplemental, 1971

Appropriated $7,028,195,973 in supplemental funds for fiscal year 1971. Public Law 92–18.

Supplemental—Labor

Appropriated $50,675,000 for unemployment compensation for Federal employees and ex-servicemen. Public Law 92–4.

Urgent supplemental

Appropriated $1,037,872,000 for urgent supplemental appropriations for fiscal year 1971 for the Defense Department (claims, defense); the Veterans' Administration (compensation and pensions, and readjustment benefits); the Labor Department (Wage and Labor Standards Administration, salaries and expenses); Department of Health, Education, and Welfare, Environmental Health Service and Occupational Safety and Health Review Commission; the Small Business Administration (Disaster loan fund); funds appropriated to the President (Disaster relief). Public Law 92–11.

1972

Agriculture-environmental and consumer protection

Appropriated $13,276,900,050 for the Agriculture-Environmental and Consumer Protection programs. Public Law 92–73.

Continuing appropriations

Made continuing appropriations for several departments, agencies, corporations, and other organizational units of the Government to avoid interruption of continuing government functions until the enactment into law of the regular annual appropriation bills for fiscal year 1972 or until the expiration of this joint resolution on August 6, 1971, whichever occurs first. Public Law 92–38.

Made further continuing appropriations for fiscal year 1972 for the period from August 6 to October 15, 1971. Public Law 92–71.

Made further continuing appropriations for fiscal year 1972 for the period from October 15 to November 15, 1971. Public Law 92–139.

Made further continuing appropriations for fiscal year 1972 for the period from November 15, 1971, to December 8, 1971. Public Law 92–162.

Defense

Appropriated $70,518,463,000 for the various military departments and other activities of the Department of Defense. H.R. 11731. Public Law 92– .

District of Columbia

Appropriated $932,512,700 for the District of Columbia, including a Federal payment of $166 million. H.R. 11932. Public Law 92– .

Housing and urban development-independent offices

Appropriated $18,339,738,000 for the Department of Housing and Urban Development for space, science, veterans, and certain other independent executive agencies, boards, commission, and offices. Public Law 92–78.

Interior and related agencies

Appropriated $2,223,980,035 for the Department of the Interior and related agencies. Public Law 92–76.

Labor, and Health, Education, and Welfare, and related agencies

Appropriated $20,804,662,000 for the Department of Labor, the Department of Health, Education and Welfare, and related agencies. Public Law 92–80.

Labor Department—Emergency employment assistance

Appropriated $1 billion to the Department of Labor for emergency employment assistance. Public Law 92–72.

Legislative branch

Appropriated $529,309,749 for the Legislative Branch. Public Law 92–51.

Military construction

Appropriated $2,037,097,000 for military construction for the Department of Defense for fiscal year 1972, and contained other provisions. Public Law 92–160.

Office of Education and related agencies

Appropriated $5,146,311,000 for the Office of Education and related agencies. Public Law 92–48.

Public Works—Atomic Energy Commission—Independent offices

Appropriated $4,675,125,000 for public works for water and power development, the Atomic Energy Commission, and related independent agencies and commissions. Public Law 92–134.

State, Justice, Commerce, Judiciary

Appropriated $4,067,116,000 for the Departments of State, Justice, and Commerce, the Judiciary and related agencies. Public Law 92–77.

Supplemental

Appropriated $3,406,385,371 in supplemental funds. H.R. 11955. Public Law 92– .

Supplemental—Labor

Appropriated $270,500,000 for unemployment compensation for Federal employees and ex-servicemen and trade adjustment allowances. Public Law 92–141.

Transportation

Appropriated $2,905,310,997 for the Department of Transportation and related agencies. Public Law 92–74.

Treasury, Postal Service, and general government

Appropriated $4,752,789,690 for the Treasury Department, the United States Postal Service, the Executive Office of the President and certain independent agencies. Public Law 92–49.

Urgent Agriculture appropriations

Appropriated $17 million to the Department of Agriculture for the summer program of the non-school feeding programs for children. Public Law 92–35.

ATOMIC ENERGY

Atomic Energy Commission authorization

Authorized $2,325,187,000 for the Atomic Energy Commission for fiscal year 1972. Public Law 92–84.

CONGRESS

Commission on Art and Antiquities of the Senate

Expands the authority of the Commission on Art and Antiquities of the United States Senate to enable it to acquire any work of art, historical object, document or material relating to historical matters, or exhibit for placement or exhibition in the Senate wing of the Capitol, the Senate Office Building, or in rooms, spaces or corridors thereof. S. Res. 95. Senate adopted 4/1/71.

Federal Election Campaign Act of 1971

Required broadcasters to charge all candidates (Federal and State) no more than the lowest unit rate in the same time period for 45 days before primaries and 60 days before general elections; provided that a person selling space in any newspaper or magazine to candidates for Federal office may not make a charge in excess of the charges made for comparable use of such space for other purposes; imposed a limitation on expenditures for the use of communications media by candidates for Federal office of the greater of (1) 10 cents times voting age population, or (2) $50,000, but not more than 60 percent of the overall limitation can be spent for the use of broadcasting stations; provided that no candidate for Presidential nomination can spend for the use in a State of communications media, or for the use in a State of broadcast stations, on behalf of his candidacy, a total amount in excess of either the overall communications media limitation, or

the broadcast limitation, which would have been available to him had he been a candidate for the office of Senator from that State; provided that the communications media expenditure limitations shall be increased in proportion to increases in the Consumer Price Index, with the base period being calendar year 1970; provided that the States may make the broadcasting spending limit applicable to State-wide elections, and made the limitation applicable to any money spent by a candidate or on his behalf; required broadcasters selling time on the behalf of a candidate to obtain a written certification that the amount to be spent will not put the candidate over the limitation, and applied the same requirement to spending for non-broadcast media; made the provisions of the act respecting disclosure of Federal campaign funds applicable to every elective process, every candidate, and every political committee (national, state or local) which accepts contributions in a calendar year in excess of $1,000; provided that responsibility for receiling, compiling, and publishing financial statements of contributions and expenditures for candidates and political committees shall be vested in the Secretary of the Senate with respect to candidates for Senator, the Clerk of the House of Representatives with respect to candidates for Representative, and the Comptroller General in other cases; and contained other provisions. S. 382. Public Law 92- .

Female appointees

Permits the appointment for the Senate of pages, elevator operators, post office employees, or Capitol policemen without discrimination on account of sex. S. Res. 112. Senate adopted 5/13/71.

Joint Committee on the Environment

Provides for the establishment of a 22-member Joint Committee on the Environment to consist of 11 Members each of the Senate and the House. S.J. Res. 17. P/S 3/16/71. H.J. Res. 3. P/H 7/20/71.

CRIME-JUDICIARY

Additional judicial district in Louisiana

Creates an additional judicial district in Louisiana by dividing the present eastern district into two districts, the eastern and middle districts; and contains other provisions. H.R. 3749. P/H 5/18/71. P/S amended 11/23/71.

Civil Rights Commission authorization

Increased the annual authorization for the Commission on Civil Rights from $3.4 million to $4 million. Public Law 92-64.

Copyright protection

Extended until December 31, 1972 the duration of copyright protection in certain cases. Public Law 92-170.

Detention camps—prohibition

Restricted the imprisonment or other detention of citizens by the United States to situations in which statutory authority for their incarceration exists and repealed the Emergency Detention Act of 1950 which authorized the establishment of detention camps and imposed certain conditions on their use. Public Law 92-128.

Federal Court jurors

Amends the Jury Selection and Service Act of 1968 to change from 21 years to 18 years the minimum age qualification for service on grand juries in the district courts of the United States. S. 1975. P/S 12/1/71.

Juvenile Deliquency Prevention and Control Act amendments of 1971

Extended the Act for 1 year, until June 30, 1972, and authorized $75 million for fiscal year 1972 for programs and projects under the act; authorized an increase from 60 to 75 percent in the Federal share of funding for juvenile rehabilitation projects to make such funding consistent with funding in the Omnibus Crime Control and Safe Streets Act of 1968; authorized grants to assist juvenile rehabilitation projects sponsored by nonprofit, private agencies; and established an Interdepartmental Council to coordinate all Federal juvenile delinquency programs. Public Law 92-31.

Limited copyright in sound recordings

Provided for the creation of a limited copyright in sound recordings for the purpose of protecting against unauthorized duplication and piracy of sound recordings. Public Law 92-140.

Patent Office

Provides for several miscellaneous amendments of title 35, United States Code, and for an adjustment of the organization of the Patent Office within the Department of Commerce. S. 1254. P/S 4/22/71.

PATENTED AND TRADEMARKS

Afforded patent and trademark applicants an opportunity to make a claim for a filing date earlier than the date of which the application was received by the Patent Office. Public Law 92-34.

Authorized the United States to make voluntary contributions to such organizations as the United International Bureau for the Protection of Intellectual Property and the Committee for International Cooperation in Information Retrieval Among Patent Offices in order to defray the cost of studies and other projects in connection with international patent and trademark matters. Public Law 92-132.

Suits to adjudicate disputed land titles

Permits the United States to be named a party in a civil action brought by any person to quiet title to land claimed by the United States and gives the district courts original jurisdiction to entertain these actions. S. 216. P/S 12/11/71.

U.S. District Court

Authorizes the United States District Court for the Northern District of West Virginia to hold court at Morgantown, West Virginia. S. 230. P/S 4/21/71.

DEFENSE

Assistant Secretary of Defense—additional

Provides for an increase from 9 to 10 in the number of Assistant Secretaries of Defense, with the new Assistant Secretary to be designated for telecommunications. H.R. 8856. Public Law 92- .

Dependents' special allowances for emergency evacuation

Made permanent the legislation authorizing the payment of special allowances to dependents of members of the uniformed services to assist in defraying the expenses incurred as a result of emergency evacuations. Public Law 92-176.

Disposals from national and supplemental stockpiles

Authorized disposal from the national and supplemental stockpiles of various materials, as follows:

Abaca: 25 million pounds. Public Law 92-114.

Amosite asbestos: 32,839 short tons. Public Law 92-104.

Antimony: 6,000 short tons. Public Law 92-105.

Celestite: 12,270 short dry tons. Public Law 92-111.

Chromite, Chemical grade: 324,500 short dry tons. Public Law 92-107.

Chromium metal: 4,238 short tons. Public Law 92-103.

Columbium: 5,010,716 pounds. Public Law 92-109.

Diamond tools: 64,178 pieces. Public Law 92-102.

Industrial diamond crushing bort: 18,912,000 carats. Public Law 92-83.

Industrial diamond stones: 4,961,000 carats. Public Law 92-108.

Iridium: 256 troy ounces. Public Law 92-98.

Kyanite-mullite: 4,820 short dry tons. Public Law 92-116.

Magnesium: 78,000 short tons. Public Law 92-113.

Manganese, battery grade: 4,805 short dry tons. Public Law 92-101.

Manganese, metallurgical grade: 4,424,840 short dry tons. Public Law 92-100.

Mica: 5,026,987 pounds. Public Law 92-91.

Quartz crystals: 330,000 pounds. Public Law 92-97.

Rare earth materials: 8,233 short dry tons. Public Law 92-106.

Selenium: 475,000 pounds. Public Law 92-110.

Shellac: 2.9 million pounds. Public Law 92-99.

Silicon carbide: 166,453 short tons. S. 754. P/S 6/21/71.

Sisal: 100 million pounds. Public Law 92-115.

Thorium: 210 short tons. Public Law 92-96.

Vanadium: 1,200 short tons. Public Law 92-112.

Vegetable tannin extracts: 46,263 long tons. Public Law 92-89.

Zinc: 515,200 short tons. S. 766. P/S 6/21/71.

Health care benefits for certain surviving dependents

Permitted surviving military dependents of Armed Forces members who die while eligible for receipt of hostile fire pay, or from a disease or injury incurred while eligible for such pay, who are receiving benefits under the special program for the physically handicapped or mentally retarded provided the civilian health and medical program of the uniformed services (CHAMPUS) to continue to receive such benefits until they pass their 21st birthday. Public Law 92-58.

Marine Corps subsistence allowances

Provided subsistence allowances to certain Marine Corps officer candidates while they are pursuing a baccalaureate degree. Public Law 92-172.

Military construction authorization

Provided construction and other related authority for the military departments, and the office of the Secretary of Defense, within and outside the U.S. and provided authority for construction of facilities for the Reserve components, in the total amount of $1,986,323,000; and contained other provisions. Public Law 92-145.

Military pilot rating requirements

Repealed sections 3692, 6023, 6025, and 8692, of Title 10, U.S.C., so as to eliminate specific flying hour requirements and certain obsolete provisions, and added a new section to the same title to permit military pilots to be trained in a manner consistent with up-to-date pilot training techniques. Public Law 92-168.

Military procurement authorization

Authorized $21,316,870,000 for fiscal year 1972 for major procurement, and research, development, test, and evaluation by the Department of Defense; provided military construction authority for facilities in connection with the Safeguard anti-ballistic missile system; authorized the personnel strengths for fiscal year 1972 for the Selected Reserve of each of the Reserve components of the Armed Forces; declared the policy of the United States to be to terminate at the earliest practicable date military operations in Indochina, and provided for withdrawal therefrom of U.S. forces at a date certain, subject to release of all American prisoners of war and an accounting for all Americans missing in action; and contained other provisions. Public Law 92-156.

Military selective service—military pay

Extended the military draft for 2 years until July 1, 1973; increased military pay; authorized military active duty strengths for fiscal year 1972; declared it to be the sense of Congress to terminate all U.S. military

operations in Indochina and to provide for the prompt and orderly withdrawal of all U.S. military forces at a date certain subject to the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government and subject to an accounting for all Americans missing in action; and contained other provisions. Public Law 92-129.

National Guard technicians

Increased the ceiling for National Guard technicians from 42,500 to 49,200 in fiscal year 1972 and to 53,100 for fiscal year 1973 and beyond. Public Law 92-119.

ROTC scholarships

Increased the number of ROTC scholarships and placed certain restrictions on the use of these scholarships in the ROTC program. Public Law 92-166.

ROTC subsistence allowances

Raised the subsistence allowance for ROTC cadets from $50 to $100 a month to meet increased costs of room and board. Public Law 92-171.

Service academies—appointments

Makes eligible for competitive Presidential appointment the sons of members of the Armed Forces who are prisoners of war in Vietnam or who are otherwise in a missing status as presently defined by law, and increases from 40 to 65 the number who can compete for such appointment. S. 2945. P/S 12/10/71.

Survivor benefits

Provided that promotions of personnel in a missing status are valid for all purposes, including Federal benefits to survivors, even when the date of death of the missing member is later determined to have occurred prior to the promotion date. Public Law 92-169.

DISTRICT OF COLUMBIA

Administration of estates

Amended the District of Columbia Code to increase the jurisdictional amount for the administration of small estates, to increase the family allowance, to provide simplified procedures for the settlement of estates, and to eliminate provisions which discriminate against women in administering estates. Public Law 92-88.

Administrative improvements

Provides authority for several needed improvements relating to the administration of government in the District of Columbia. S. 2204. P/S 12/1/71.

Assaults on District of Columbia firemen

Provided the same criminal penalties for assaults on firemen in the District of Columbia, and for interfering with such firemen in the performance of their official duties, as are presently provided by law for assaults on and interference with police officers in the city. Public Law 92-92.

Charitable trusts

Amended title I of the D.C. Code to facilitate the amendment of the governing instruments of certain charitable and split-interest trusts, and certain corporations which are subject to the jurisdiction of the District of Columbia and which are treated as "private foundations" for Federal tax purposes, in order to conform to the requirements of Sec. 508 of the Federal Internal Revenue Code. Public Law 92-177.

Commission on the Organization of the Government of the District of Columbia—extension

Extended the life of the Commission on the Organization of the Government of the District of Columbia 6 months (from September 22, 1971 to March 22, 1972). Public Law 92-25.

Consumer Credit Protection Act

Provided maximum interest ceiling rates in connection with direct installment loans and direct automobile installment loans; established maximum credit service charge rates for revolving credit accounts; made revisions relating to garnishment of wages; and provided an exemption from the usury statute for mortgage banking and real estate investment trusts and made retroactive the present exemption of life insurance companies and Small Business Investment Companies. S. 1938. Public Law 92- .

Decedents' estates—minor's share

Facilitated the distribution of a minor's share in the personal property of an estate whenever such share is of the value of $1,000 or less, and the minor is not otherwise under a legal disability and does not have a duly appointed and qualified guardian. Public Law 92-85.

Election Act amendments

Amends the D.C. Election Act to redefine qualifications for qualified electors; provides for referendums, advisory elections and community elections on the ballot; establishes a presidential preference primary and establishes procedures for electing delegates to political party national conventions; provides requirements for reporting campaign funds; and contains other provisions. S. 2878. P/S 11/20/71. P/H amended 12/13/71. Senate agreed to House amendments with amendments 12/14/71.

Freeway Airspace Utilization Act

Allows fuller utilization of space over and under freeways by making available for private and public purposes such airspace as will not impair the full and safe use of freeways. S. 1367. P/S 12/1/71.

Healing Arts Practice Act amendments

Revises the makeup of the Commission on Licensure; provides for temporary licensure of certain physicians and osteopaths; and broadens the use of endorsement as a method of licensure, by eliminating the application of reciprocity as a barrier to the admission of competent physicians to practice in the District of Columbia. H.R. 8589. P/H 6/14/71. P/S amended 8/6/71.

Home rule

Provides for enactment of a District of Columbia Charter Act providing, among other things, for an elected Mayor and City Council and requires the District to conduct a referendum within 4 months after the date of approval of this legislation to determine whether the registered voters of the District accept the Charter Act. S. 2652. P/S 10/12/71.

Incorporating professions

Authorizes individuals in the District of Columbia rendering professional services which, under existing law, custom, or standards of professional conduct or practice, may not be rendered through a corporate structure, to join in the formation of a corporation. Public Law 92-180.

Memorial to Mary McLeod Bethune

Extended for 2 additional years the existing authority for the erection in the District of Columbia of a memorial to Mary McLeod Bethune, a prominent Negro educator. Public Law 92-57.

Metropolitan Police Department band

Permitted members of the District of Columbia Fire Department, the Executive Protective Service, and the United States Park Police force to participate in the activities of the Metropolitan Police Department band. Public Law 92-124.

Paralyzed Veterans of America

Granted a Federal charter of incorporation to the Paralyzed Veterans of America. Public Law 92-93.

Payment of medical expenses for police and firemen retired for total disability

Authorized the District of Columbia government to pay the necessary costs of medical, surgical, hospital, or related health care services for officers and members of the Metropolitan Police force, the Fire Department of the District of Columbia, the United States Park Police force, the Executive Protective Service, and the United States Secret Service, who are retired subsequent to the date of enactment of this legislation for total disability incurred in line of duty and which expenses are incident to the injury or disease which is the cause of such retirement. Public Law 92-121.

Police commendations

Commends the Chief of the Metropolitan Police Department and other law enforcement personnel for their efficient action during demonstrations in the Nation's Capitol in May. S. Res. 119. Senate adopted 5/10/71.

Potomac River reservoirs

Gives broad authorization to the D.C. Commissioner to enter into contracts to provide for payment to the United States of the District's equitable share of the non-Federal costs of any reservoir which may be authorized by Congress for construction on the Potomac River or any of its tributaries which would benefit the D.C. water supply. S. 1362. P/S 12/1/71.

Public utilities

Standardized procedures for the testing of utility meters; added a penalty provision to enable certification to meet the requirements of the Natural Gas Pipeline Safety Act of 1968; and authorized joint cooperative action by the D.C. Public Service Commission with State and Federal regulatory bodies on matters of joint interest. Public Law 92-94.

Regulating employment of minors

Extensively revises the existing child labor laws of the District of Columbia, enacted in 1928, to reflect present demands by youth for jobs, and to eliminate obsolete and restrictive provisions which hinder the employment of minors. H.R. 2592. P/H 6/14/71. P/S amended 8/6/71.

Residency requirement of electors

Establishes a 90 day residency durational requirement in order to be a qualified elector in the District of Columbia, with a 30 day requirement for election of electors of the President and Vice-President; and provides that a qualified elector must be 18 years of age. S. 2495. P/S 9/15/71. P/H amended 9/28/71. Senate concurred in House amendment with an amendment 10/6/71.

Retirement benefits for totally disabled policemen and firemen

Provided that former members of the Metropolitan Police force, the U.S. Park Police, the Executive Protective Service, the U.S. Secret Service, and the District of Columbia Fire Department who were retired prior to October 1, 1956, for service-incurred disability which was rated at 100% at the time of their retirement, shall have their annuities computed on the same basis as are those for members who retired for service-incurred disability subsequent to that date. H.R. 2600. Vetoed by President 8/17/71.

Revenue Act

Authorized a Federal payment of $173 million for fiscal year 1972 and of $178 million for fiscal year 1973 and succeeding fiscal years and, in addition, authorized $6 million for fiscal year 1972 and $12 million for fiscal year 1973 and succeeding fiscal years for use only to pay D.C. officers and employees (other than teachers, policemen, and firemen) increased compensation required by comparability adjustments made after January 1, 1972; increased the D.C. motor vehicle fuel tax, unincorporated business tax, and corporate income tax; delegated to the D.C. Council certain taxing authority of Congress; and contained other provisions. H.R. 11341. Public Law 92—.

School fare subsidy

Extended the subsidy for the transportation of school children in the District of

Columbia for three years to August, 1974. Public Law 92-90.

Sickle cell anemia—prevention

Authorizes programs in order to conduct voluntary screening, counseling, and public education regarding sickle cell anemia, and to aid in increased research in the prevention and treatment of the disease. S. 2677. P/S 12/9/71.

Substitute teachers retirement credit

Makes creditable for the purposes of computing civil service retirement annuity benefits certain service by substitute teachers in the D.C. school system rendered after July 1, 1955. S. 1031. P/S 12/9/71.

Unemployment Compensation Act amendments

Implemented provisions of the Employment Security Amendments of 1970 (P.L. 91-373) which made amendments to the Social Security Act and to the Federal Unemployment Tax Act. S. 2429. Public Law 92—.

ECONOMY-FINANCE

Adjustment of outstanding currency:

Permits the writeoff of Federal Reserve bank notes, national bank notes, and silver certificates issued after June 30, 1929 when the Secretary of the Treasury determines they have been lost or destroyed, or are held in collections and will never be presented for redemption. S. 670. P/S 2/18/71.

Airport and Airway Development Act amendments:

Amended the Act to clarify the intent of Congress regarding the expenditure of aviation user tax revenues from the Airport and Airway Trust Fund established by that law. Public Law 92-174.

Appalachian Regional Development Act and Public Works and Economic Development Act—extensions:

Extended for 2 years until June 30, 1973 the Public Works and Economic Development Act and authorized therefor $800 million for each of fiscal years 1972 and 1973; authorized the continuation of the general program portions of the Appalachian program for an additional 4 years with biennial authorizations for $282 million for fiscal years 1972 and 1973 and $294 million for fiscal years 1974 and 1975; added a 4-year, $40 million Appalachian airport safety improvements program; and made other changes. Public Law 92-65. (A similar bill—S. 575—but one which would have reactivated the Public Works Acceleration Act and authorized $2 billion for the fiscal years beginning after June 30, 1970 for grants for state and local public works, was vetoed by President Nixon on 6/29/71. The Senate sustained the veto on 7/14/71.)

Assistance for U.S. citizens returned from abroad—continuation

Extended for 2 years (to June 30, 1973) the authorization for the provision of temporary assistance to U.S. citizens returned from foreign countries under certain circumstances. Public Law 92-40.

Consumer product warranties

Sets forth in Title I disclosure and designation standards for written warranties on consumer products costing more than $5 each; defines federal content standards for full warranties, and provides consumer remedies for the breach of written wararnty and written service contract obligations; in Title II, improves the Federal Trade Commission's ability to deal with unfair consumer acts and practices "affecting" interstate commerce by providing the Commission with power to seek preliminary injunctions, to initiate actions in Federal district court seeking specific redress for consumers injured by unfair or deceptive acts or practices, and to secure civil penalties for knowing violations of the Federal Trade Commission Act; and provides for promulgation of rules by the Commission defining acts and practices which are unfair or deceptive to consumers. S. 986. P/S 11/8/71.

Disaster relief—Medical care facilities

Amended the Disaster Relief Act of 1970 to authorize Federal assistance for the repair, reconstruction or replacement of any private, nonprofit medical care facility damaged or destroyed by a major disaster after January 1, 1971. S. 1237. Public Law 92- .

Duty-free status of certain gifts by Armed Forces members serving in combat zones

Extended until December 31, 1972 the existing suspension of duties on gifts sent from servicemen serving in combat zones to the United States. H.R. 8312. Public Law 92- .

Duty-free treatment of certain products

Provided for the permanent duty-free treatment of calcined bauxite, bauxite ore, aluminum hydroxide and oxide, TNT and blends of TNT and ammonium nitrate, generally called Amatol, and tinned sheets used in the manufacture of maple sap evaporators. Public Law 92-151.

Duty suspension of certain metal scrap

Continued for 2 years (until July 1, 1973) the existing suspension of duties on certain metal waste scrap provided by item 911.12 of the Tariff Schedules. Public Law 92-44.

Duty suspension of certain spun silk yarn

Continued for 2 years, until November 7, 1973, the suspension of duties on certain classifications of spun silk yarn. Public Law 92-161.

Economic Disaster Relief Act of 1971

Amends the Disaster Relief Act of 1970 to include economic as well as natural disasters; modifies the definitions of a "major disaster" to include the existence of an unemployment rate 50 percent above the national average for six of the preceeding twelve months or a 100 percent increase over twelve months to a rate higher than 6 percent; provides expanded unemployment compensation benefits in a disaster area; provides relocation assistance to unemployed individuals in disaster areas; expands the aid to major sources of employment in such areas to include loans to certain enterprises; and contains other provisions. S. 2393. P/S 8/5/71.

Economic opportunity amendments

Authorized $6 billion through fiscal year 1973 for the anti-poverty programs authorized in the Economic Opportunity Act of 1964, as amended, and three new programs in the areas of comprehensive child care, legal services, and community economic development. S. 2007. President Nixon vetoed 12/9/71. Senate sustained veto 12/10/71.

Economic Stabilization Act amendments

Authorized the President to issue orders and regulations to stabilize prices, wages, rents and salaries at levels not less than those prevailing on May 25, 1970, except that prices may be stabilized at levels below those prevailing on such date if necessary to eliminate windfall profits or to carry out the purposes of this legislation; authorized the President to issue orders and regulations to stabilize interest rates and corporate dividends and similar transfers at levels consistent with orderly economic growth; directed the President to issue standards to serve as a guide for determining levels of wages, salaries, prices, rents, interest rates, corporate dividends, and similar transfers; provided enforcement procedures and provisions for administrative and judicial review and necessary authority for the effective operation of the economic stabilization program; contained certain limitations on wage, salary, and price controls; authorized, effective January, 1972, comparability adjustments in the rates of pay of each Federal pay system covered by the Federal Pay Comparability Act of 1970, with the amount of such increases not to exceed 5.5 percent; and contained other provisions. S. 2891. Public Law 92- .

Emergency Loan Guarantee Act

Authorized a maximum of $250 million for emergency loan guarantees to major business enterprises, designed, in particular, for the Lockheed Aircraft Corporation, subject to the approval, under certain conditions, of an Emergency Loan Guarantee Board composed of the Secretary of the Treasury, the Chairman of the Board of Governors of the Federal Reserve System, and the Chairman of the Securities and Exchange Commission. Public Law 92-70.

Export Administration Act

Provided a temporary extension of the Export Administration Act to October 31, 1971. Public Law 92-37.

Provides a temporary extension of the Export Administration Act to May 1, 1972. Public Law 92-150.

Export Expansion Finance Act of 1971

Excluded the receipts and disbursements of the Export-Import Bank of the United States in the discharge of its functions from the totals of the budget of the U.S. Government and exempted the Bank's operations from any annual expenditure and net lending (budget outlays) limitations imposed on the budget of the U.S. Government; increased from $3.5 billion to $10 billion the amount of outstanding guarantees and insurance the Bank may charge on a fractional reserve basis against its overall limitation; increased the overall limitation on the amount of loans, guarantees, and insurance the Bank may have outstanding at any one time from $13.5 billion to $20 billion; extended the life of the Bank for 1 year to June 30, 1974; precluded the Bank from guaranteeing, insuring, extending credit, or participating in the extension of credit to any nation with respect to which the President determines that such transaction would be contrary to the national interest; directed the Bank to offer financing in support of U.S. exports that is competitive with that being offered by the government agencies of the other principal exporting nations; and contained other provisions. Public Law 92-126.

Home mortgage loan by federally insured bank to a bank examiner

Provides a narrow exclusion from the general prohibition of current law against any dealings between Federal bank examiners and federally insured institutions that they either examine or have power to examine so as to permit the making and accepting of a home mortgage loan between these parties, subject to certain restrictions. S. 2262. P/S 12/3/71.

Interest equalization tax—extension

Extended the interest equalization tax for 2 years from March 31, 1971 to March 31, 1973; provided discretionary authority to the President to extend the tax to debt obligations with maturities of less than 1 year; restricted the tax-free rollover privilege of existing mutual funds to investments in the funds prior to March 24, 1971; and made other changes. Public Law 92-9.

Interest rates and cost-of-living stabilization—temporary extension

Provided a temporary extension until June 1, 1971 of certain provisions of law relating to interest rates and cost-of-living stabilization. Public Law 92-8.

Investment Company Act amendments

Amended sec. 27(f) of the Investment Company Act of 1940, as amended, to provide that the refund rights contained in that section apply to any periodic payment plan other than a plan under which the amount of sales load deducted from any payment thereon does not exceed 9 percent of such payment. Public Law 92-165.

Lost or stolen securities

Authorized the Secretary of the Treasury to replace for their owners lost or stolen bearer securities of the United States prior to their maturity. Public Law 92–19.

Public debt and interest rate limitations

Increased the permanent debt limitation from $380 billion to $400 billion and provided for a temporary increase (until July 1, 1972) from $15 billion to $30 billion; provided that long-term U.S. obligations, in an aggregate amount not exceeding $10 billion, may be issued without regard to the statutory 4¼ percent limitation on the interest rate on long-term bonds; and provided that U.S. Government obligations issued after March 3, 1971 having a market value below face value cannot be redeemed at face or par value in payment of any U.S. tax. Public Law 92–5.

Purchase of U.S. obligations by Federal Reserve Banks

Extended for a 2-year period, from June 30, 1971 to June 30, 1973, the authority of the Federal Reserve banks to purchase U.S. obligations directly from the Treasury. Public Law 92–45.

Renegotiation Amendment of 1971

Amended the Renegotiation Act of 1951 to extend the Act for 2 years until June 30, 1973, to modify the interest rates on excessive profits determinations and on refunds where excessive profits determinations are found to be erroneous, and to provide the Court of Claims with exclusive jurisdiction of renegotiation cases; and contained other provisions. Public Law 92–41.

Revenue Act

Provided a 7 percent job development investment credit; repealed the 7 percent excise tax on passenger automobiles and the 10 percent excise tax on light-duty trucks; increased the personal exemption deduction for 1971 from $650 to $675 and to $750 for 1972 and thereafter and increased the low-income allowance for 1972 and thereafter from $1,050 to $1,300; provided for a child care deduction; provided tax deferral for export income of Domestic International Sales Corporations (DISC's); allowed tax incentives for political contributions to candidates for public office; provided for public financing of presidential election campaigns, effective with the 1976 presidential election, with an optional tax checkoff of $1 on income tax returns to be used for campaign funds of the party of one's choice; and contained other provisions. Public Law 92–178.

Small Business Act amendment

Amended the Small Business Act to increase by $900 million (from $2.2 billion to $3.1 billion) the amount of certain loans, guarantees, and other obligations or commitments outstanding in any one time from the business loan and investment funds of the Small Business Administration, thus permitting a continuation of five SBA programs through fiscal year 1972. Public Law 92–16.

Small Business Amendments Act of 1971

Expands existing Small Business Act (SBA) programs which encourage participation in the financing of small business by private capital; establishes a new program of grants to reduce interest costs to small business; amends the Small Business Investment Act to recognize the development of Minority Enterprise Small Business Investment Companies and to clarify SBA's guarantee authority with respect to debentures issued to Small Business Investment Companies; amends the SBA to establish four new programs to assist businesses which affect or are affected by environmental regulations and pollution; and provides reimbursement, on a limited basis, for certain out of pocket costs presently being met by volunteer groups. S. 1905. P/S 5/21/71.

Social security amendments

Increased social security benefits by 10 percent across-the-board retroactive to January 1, 1971; increased by 5 percent special payments to certain persons age 72 and over; and provided for an increase in the taxable wage base from $7,800 to $9,000 effective January, 1972 and a 5.15 percent increase in the tax rates in 1976 and thereafter. Public Law 92–5.

Social security provisions; WIN program; medicaid

Provided the social security lump-sum death payment for equitably entitled individuals to the extent that they incur expenses customarily connected with a death, even though the body may be unavailable for burial; provided for improvements in the Work Incentive Program; extended through 1972 the provision of the Social Security Amendments of 1969, as amended, enabling recipients of aid to the aged, blind, and disabled to keep at least a portion of the social security benefit increases that were provided effective in 1970; and included under Medicaid care in intermediate care facilities. H.R. 10604. Public Law 92– .

Sugar Act amendments

Extended the Sugar Act through December 31, 1974, and fixed foreign quotas for 1972, 1973, and 1974; increased quotas for domestic producing areas; made expropriations occurring on or after January, 1961 eligible for relief through Presidential action, and provided for a special tax on sugar from the offending country for reimbursement purposes; and contained other provisions. Public Law 92–138.

Transfer of trust funds to the Philippines

Provides for the transfer to the Philippine Government of money the Secretary of the Treasury holds in a special trust account to make principal and interest payments on outstanding matured bonds of the Philippines and its political subdivisions issued before 1934. S. 1330. P/S 3/25/71.

Unemployment compensation

Extended for an additional 10 years the period during which States may obligate, for administrative purposes, certain funds transferred from excess Federal unemployment tax collections; provided for up to 26 weeks of additional unemployment compensation benefits to persons who have exhausted benefits in States where unemployment rates exceed 5 percent, such emergency compensation generally to be payable only for weeks which end before July 1, 1972. H.R. 6065. House adopted conference report 12/15/71.

Wage and price controls and ceilings on deposit interest rates—extension of authority

Extended until July 1, 1973, the authority of the Federal bank regulatory agencies to establish flexible ceilings on the rate of interest payable on time and savings deposits by commercial banks, mutual savings banks, and savings and loan associations; extended on a permanent basis the President's authority to initiate a program of voluntary credit controls; and extended for 1 year, until May 1, 1972, the President's authority to establish mandatory price and wage controls. Public Law 92–15.

EDUCATION

Education amendments

Revises the Higher Education Act of 1965 to constitute a single law including all continuing higher education financial assistance programs, and, in general, extends the authorizations for higher education programs through fiscal year 1975; amends the Vocational Education Act of 1963, and extends authorizations for funds for programs thereunder through fiscal year 1973; establishes an Education Division within the Department of Health, Education, and Welfare to include the present Office of Education and the newly created National Foundation for Secondary Education and National Institute of Education; and contains other provisions. S. 659. P/S 8/6/71. P/H amended 11/4/71.

Emergency School Aid and Quality Integrated Education Act

Authorizes $1.5 billion between the date of enactment and July 1, 1973, for a project grant program attempting to deal with problems arising out of minority group isolation in public schools. S. 1557. P/S 4/26/71. H.R. 2266. H. Cal. Provisions contained in S. 659. P/S 8/6/71. P/H amended 11/4/71.

GENERAL GOVERNMENT

Alaska Native Claims Settlement Act

Provided for a final legislative settlement to the claims of the Alaska Native people to the lands which now comprise the State of Alaska; extinguished all Native claims to lands in Alaska; provided that the Natives will receive title to 40 million acres divided among the some 220 villages and 12 Regional Corporations; provided for the organization of village and regional corporate enterprises to administer funds and lands granted; authorized an appropriation of a $462.5 million payment to be paid over an 11-year period; provided a right to the Native people to share in revenues derived from the mineral resources of Alaska until $500 million has been received; and contained other provisions. H.R. 10367. Public Law 92–

American Revolution Bicentennial Commission

Authorized $670,000 for the Commission for fiscal year 1971. Public Law 92–33.

Authorizes $4.3 million for the Commission for fiscal year 1972; enlarges the Commission representation from 37 to 50 members; and contains other provisions. S. 1857. P/S 12/2/71.

Assistant Secretaries of the Interior

Established within the Department of the Interior the position of an additional Secretary of the Interior to replace the new existing position of Assistant Secretary for Administration. Public Law 92–22.

Establishes within the Department of the Interior the position of an additional Assistant Secretary of the Interior intended to perform duties relating to Indian affairs. S. 291. P/S 8/5/71.

Bureau of Mines Research Center, Utah

Authorizes the establishment and maintenance of a new Bureau of Mines research center as a replacement facility for that now located and established on the campus of the University of Utah, and provides for the sale of the fixed improvements and the conveyance of certain lands to the University. S. 978. P/S 12/8/71.

Civil service retirement

Permits an employee or Member of Congress eligible for an immediate retirement annuity after a cost-of-living increase is effective, but before the next cost-of-living increase effective date, to retire and receive an annuity not less than it would have been had he been eligible and retired before the effective date; provides that the survivor annuity of an employee or Member who dies after the cost-of-living increase date would not be less than it would have been had it commenced on or before the effective date. S. 1681. P/S 5/14/71. P/H amended 5/17/71.

Civil service survivors annuities

Defines "child" for the purposes of a survivor annuity to include children living with an adoptive parent and makes them eligible for a survivor benefit if the child is in the process of being adopted at the time of death of the employee or annuitant and the adoption process is later completed by the surviving spouse. S. 2896. P/S 12/3/71.

Commission on Government Procurement

Provided the Commission on Government Procurement with additional time to complete its assigned mission by extending its final reporting date until December 31, 1972. Public Law 92–47.

Comprehensive Drug Abuse Prevention and Control Act of 1970 amendment

Amended the Act to provide an increase from $1 million to $4 million in the authorization for the Commission on Marihuana and Drug Abuse. Public Law 92–13.

Constitutional conventions

Provides the procedural machinery necessary to effectuate that part of article V of the U.S. Constitution which authorizes a convention called by the States to propose specific amendments to the Constitution. S. 215. P/S 10/19/71.

Credit unions

Made provision for Federal credit unions to be given two additional years to meet the requirements for Federal share insurance. H.R. 9961. Public Law 92– .

Depository libraries

Authorizes the Public Printer to designate the library of the highest appellate court in each state as a depository library. S. 2227. P/S 7/16/71.

Discrimination in Federal employment

Designed to eliminate discrimination against women under certain Federal statutes which now grant preferences or benefits to males but do not clearly grant similar benefits to females. H.R. 3628. Public Law 92– .

Federal employees' pay

Enabled approval of the President's alternative plan for pay adjustments for Federal employees which he submitted to Congress on August 31, 1971, thus delaying pay adjustments from January to July, 1972. S. Res. 169 (disapproval resolution). Senate rejected 10/7/71. H. Res. 596 (disapproval resolution). House rejected 10/4/71.

Federal overtime pay

Provided overtime pay for intermittent and part-time general schedule employees who work in excess of 40 hours a week. H.R. 8689. Public Law 92– .

Foreign claims settlement commission

Changes the term of office of Commission members from 3 years to a term at the pleasure of the President and reduces the present full-time membership of 3 members to 1 full-time member and 2 part-time members. S. 1206. P/S 6/23/71.

General Accounting Office positions

Authorized the Comptroller General to fix the compensation for five positions in the General Accounting Office (GAO) at rates not to exceed the rate prescribed by law for level IV of the executive schedule under section 5315 of title 5, United States Code, when he considers such action necessary because of changes in the organization, management responsibilities, or workload of the GAO. H.R. 9442. Public Law 92– .

Lowering the voting age to 18

Proposed an amendment to the constitution of the United States extending the right to vote to citizens 18 years of age or older. S.J. Res. 7. Became effective as 26th amendment to the Constitution June 30, 1971.

Mail advertising

Imposed restrictions on certain advertising and promotional matter in the mails to curtail the mailing of articles which present a hazard to postal employees, mail processing machines and other equipment. H.R. 8548. Public Law 92–

Metric system study

Authorizes $144,000 for fiscal year 1972 to complete the metric system study authorized by the act of August 9, 1968. S. 1257. P/S 7/30/71.

Migratory bird hunting stamps

Gave the Secretary of the Interior discretionary authority to increase the cost of the duck stamp from $3 to $5. H.R. 701. Public Law 92–.

National Advisory Committee on the Oceans and Atmosphere

Provided for the establishment of a 25-member National Advisory Committee on the Oceans and Atmosphere to be primarily responsible for advising on the progress of the efforts of the U.S. in the fields of marine and atmospheric sciences and to advise the Secretary of Commerce on National Oceanic and Atomspheric Administration programs. Public Law 92–125.

National Science Foundation authorization

Authorized for the National Science Foundation $655,500,000 for fiscal year 1972, including $3 million in foreign currencies for fiscal year 1972. Public Law 92–86.

Postal Savings System

Authorized the Secretary of the Treasury to distribute among the 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, and Guam, their pro rata share of the balance of unclaimed postal savings deposits on hand. Public Law 92–117.

Protecting privacy and rights of Federal employees

Prohibits indiscriminate executive branch requirements that employees disclose their race, religion, or national origin, that they attend Government-sponsored meetings and lectures or participate in outside activities unrelated to their work; that they report on their outside activities or undertakings unrelated to their work, and that they submit to questioning about their religion, personal relationships or sexual attitudes, or that they support political candidates or attend political meetings; makes it illegal to coerce an employee to buy bonds or make charitable contributions or to require him to make certain financial disclosures; provides the right of counsel and the right to a civil action in certain instances; and establishes a Board on Employees' Rights. S. 1438. P/S 12/8/71.

Public buildings amendments

Amends the Public Buildings Act of 1959 and the Federal Property and Administrative Services Act of 1949 to update certain limiting and technical provisions in the public buildings law; requires individual Federal departments and agencies to account in their annual budgets for the approximate commercial value of their office space for a fiscal year; and creates in the U.S. Treasury a new Federal buildings fund, to be composed primarily of rental equivalents to be paid by the departments and agencies; and contains other provisions. S. 1736. P/S 11/1/71.

Railroad retirement annuities

Amended the Railroad Retirement Act of 1937 to provide a temporary 10 percent increase in railroad retirement benefits retroactive to January 1, 1971, to terminate, along with the present 15 percent increase, on June 30, 1973, and to extend for 6 months, until December 31, 1971, the date by which the Commission on Railroad Retirement is to submit its report to Congress and the President. Public Law 92–46.

Reorganization plan authority extension

Extended until April 1, 1973, the authority of the President, under chapter 9 of title 5, U.S.C. (executive reorganization), to submit reorganization plans to the Congress proposing reorganizations in the executive branch; and contained other provisions. Public Law 92–179.

Reorganization Plan No. 1 of 1971

Established in the executive branch a new agency, Action, to be responsible for administering the following volunteer programs: Volunteers in Service to America, Auxiliary and Special Volunteer Programs now in the Office of Economic Opportunity, the National Student Volunteer Program, Foster Grandparents, Retired Senior Volunteer Program, Service Corps of Retired Executives, and Active Corps of Executives. Additional contemplated transfers to Action after its establishment are the Peace Corps program, the functions carried out by the Office of Voluntary Action, and the Teacher Corps. S. Res. 108 (disapproval resolution). Senate rejected 6/3/71. Plan became effective 6/4/71.

Spanish-speaking people

Authorized funds for the Cabinet Committee on Opportunities for Spanish-Speaking People for fiscal years 1972 and 1973. Public Law 92–122.

Star route mail contracts

Clarifies the provisions of the Postal Reorganization Act of 1970 regarding the authority of the Postal Service to renew a star route contract for the transportation of mail to permit renewal of such contracts with subcontractors who are supplying services satisfactory to the Postal Service. S. 1989. P/S 8/5/71.

Texas land addition

Gave the consent of Congress to consider the land acquired by the United States as a result of the Convention between the United States and the United Mexican States for the Solution of the Problem of the Chamizal, to be a geographical part of the State of Texas and that that State shall have civil and criminal jurisdiction over the land. Public Law 92–36.

Trust Territory of the Pacific Islands

Authorized an ex gratia contribution of $5 million to certain inhabitants of the Trust Territory of the Pacific Islands who suffered damages arising out of hostilities of the Second World War, to provide for the payment of noncombat claims occurring prior to July 1, 1951; established a Micronesian Claims Commission to determine the validity of such claims; and authorized $20 million for claims payments. Public Law 92–39.

Virgin Islands—Amendment of Revised Organic Act

Amended the Organic Act of the Virgin Islands to give the Attorney General discretionary authority to appoint more than one assistant U.S. attorney for the Virgin Islands. Public Law 92–24.

Weather modification reporting

Required all persons engaged in non-federally sponsored weather modification activities in the United States to report those activities to the Secretary of Commerce. H.R. 6893. Public Law 92– .

HEALTH

Cancer Act

Enlarged the authorities of the National Cancer Institute and the National Institutes of Health (NIH) in order to advance the national effort against cancer; provided that the Director of the National Cancer Institute shall coordinate all of the activities of NIH relating to cancer with the National Cancer Program and that he shall submit directly to the President for review and transmittal to Congress an annual budget estimate for the program and shall receive directly all funds appropriated by Congress for the Institute; authorized the establishment of 15 new centers for clinical research, training, and demonstration of advanced diagnostic and treatment methods relating to cancer; authorized $20 million, $30 million, and $40 million for fiscal years 1972, 1973, and 1974, respectively, for cancer control programs, and authorized for other cancer programs $400 million, $500 million and $600 million for fiscal years 1972, 1973, and 1974, respectively; and contained other provisions. S. 1828. Public Law 92–

Children's Dental Health Act

Authorizes $25 million, $48 million, and $69 million in fiscal years 1972, 1973, and 1974, respectively, for pilot dental care projects providing preventive, corrective, and follow-up care to disadvantaged children, assistance to communities and schools which wish to fluoridate their water supplies, training of dental auxiliaries, and training of dentists and dental students how to best utilize dental auxiliaries; provides for the appointment of a Dental Advisory Committee; and contains other provisions. S. 1874. P/S, 12/10/71.

Comprehensive Health Manpower Training Act of 1971

Authorized a total of $3 billion for purposes of the act; extended for 3 years the grant assistance provided for construction of research and teaching facilities under Title VIII of the Public Health Service Act, and added loan guaranty and interest subsidy authority for teaching facilities; provided grants for construction of facilities for training for the health professions, and established a program of loan guarantees and interest subsidies for such construction; authorized funds for a student loan program and provided for grants, based on enrollment, to schools for graduate medical and dental education; provided for grants to schools in financial distress; added a new program of grants to health or educational entities for training in family medicine; and contained other provisions. Public Law 92-157.

Drug Abuse Office and Treatment Act

Strengthens and improves the administrative structure within the Department of Health, Education, and Welfare (HEW) through which the Secretary of HEW is responsible for delivering a broad range of coordinated drug abuse prevention, treatment, and rehabilitation services; establishes a Special Action Office for Drug Abuse Prevention in the Executive Office of the President; establishes a National Institute on Drug Abuse within the National Institute of Mental Health to administer certain authorities assigned to the Secretary; and provides for extensive new Federal assistance to promote and improve the development of State and local drug abuse prevention, treatment, and rehabilitation programs. S. 2097. P/S 12/2/71.

Health professions student loans and scholarships—extension

Amended the Public Health Service Act to extend for 1 year until June 30, 1972, the loan and scholarship provisions for students of the health professions. Public Law 92-52.

National Advisory Commission on Health Science and Society

Establishes a National Advisory Commission on Health Science and Science and Society to be composed of 15 members, which is to undertake a comprehensive investigation and study of the ethical, social, and legal implications of advances in biomedical research and technology. S.J. Res. 75. P/S 12/2/71.

Nurse Training Act of 1971

Authorized a total of $700 million for purposes of the act; amended title VIII of the Public Health Service Act to extend for 3 years the program of assistance to schools and students of professional nursing; authorized construction assistance; extended and broadened the program of construction grants for nursing education facilities and added authority for loan guarantees and interest subsidies; extended and broadened the authority for special project grants for improvement in nurse training; authorized a new program of capitation grants to schools of nursing to replace the present formula grant authority; extended and broadened the authority for nursing scholarships for needy students; and contained other provisions. Public Law 92-158.

Nutrition program for the elderly

Amended the Older Americans Act of 1965 to authorize $100 million for 1973 and $150 million for fiscal year 1974 in grants to the States for establishing and operating nutrition projects to provide low cost, nutritionally sound meals to individuals 60 years of age or older and their spouses. S. 1163. P/S 11/30/71. H. Cal. amended.

Public Health Service hospitals and outpatient clinics

Expressed the sense of Congress that Public Health Service (PHS) hospitals and outpatient clinics, and the clinical research center at Lexington, Kentucky, remain open and continue to perform their multiple responsibilities through fiscal year 1972, during which time the Secretary of Health, Education, and Welfare and Congress should explore the resources and capabilities of these facilities to determine which ones should continue to be operated by PHS, which ones should be converted to community operation, and which facilities, if any, should be closed. S. Con. Res. 6. Senate agreed to conference report 12-7-71. House agreed to conference report 12/9/71.

Sickle cell anemia

Establishes a national program to control, to conduct research, and to improve procedures in the treatment of persons suffering from sickle cell trait or sickle cell anemia; authorizes grants and contracts to public and nonprofit private agencies, organizations, or institutions to assist in establishing and operating voluntary sickle cell anemia screening and counseling programs; and contains other provisions. S. 2676. P/S 12/8/71.

Wholsome Fish and Fishery Products Act

Provides that the Food and Drug Administration (FDA) develop good processing practices for establishments and vessels engaged in fish processing; that the FDA certify all establishments and vessels engaged in the processing of fish or fishery products that are in compliance with the good processing practice regulations; that the FDA inspect vessels and establishments engaged in the processing of fish and fishery products; that the FDA cooperate with the States in the development of intrastate inspection programs, and that the Federal government take over inspection of intrastate establishments if state programs are deficient; and that the FDA conduct programs for the surveillance of dangerous materials in food. S. 2824. P/S 12/2/71.

HOUSING AND URBAN DEVELOPMENT

Housing, banking, and urban development—Extension of certain laws

Extended flexible interest rate authority for 6 months until June 30, 1972; extended authority for emergency implementation of the flood insurance program for 2 years to December 31, 1973; provided for a temporary waiver of certain limitations applicable to the purchase of mortgages by the Government National Mortgage Association; increased the authorization for the comprehensive planning program by $50 million and for the open space program by $100 million; and contained other provisions. S.J. Res. 176. Public Law 92-.

Land use planning

Increases authorizations for comprehensive planning grants and open space land grants from $420 million to $470 million and $560 million to $660 million, respectively. S.J. Res. 52. P/S 7/15/71.

National Housing Act amendment

Amends section 404(g) of the National Housing Act to prevent an unintended call for prepaid premiums to the Federal Savings and Loan Insurance Corporation by member savings and loan associations. S. 2781. P/S 11/4/71.

INDIANS

Blackfeet and Gros Ventre Tribes, Montana

Authorizes division and disposition of judgment funds awarded to the Blackfeet Tribes of the Blackfeet Reservation, Montana, and the Gros Ventre Tribe of the Fort Belknap Reservation, Montana. S. 671, P/S 3/11/71. P/H amended 12/6/71.

Confederated Salish and Kootenai Tribes of the Flathead Reservation, Mont.

Authorizes disposition of judgment funds awarded to the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana. S. 602. P/S 8/2/71. P/H amended 12/6/71.

Coeur D'Alene Indian Reservation, Idaho

Authorizes the Secretary of the Interior to approve the sale, exchange, or encumbrance of tribal lands and to sell or exchange individually owned trust lands or interests therein held in multiple ownership to other Indians if the sale or exchange is authorized by the owners of at least a majority of the interest in such lands; also provides authority for long term leasing of trust lands up to 99 years. S. 345. P/S 12/6/71.

Indian Education Act

Establishes three new programs to: assist local educational agencies in meeting the special needs of Indian students; provide funds for special programs and projects to improve Indian educational opportunities; and support the improvement of adult Indian education; establishes an Office of Indian Education in the Office of Education and a National Advisory Council on Indian Education; and contains other provisions. S. 2482. P/S. 10/8/71.

Iowa Tribes of Oklahoma and of Kansas and Nebraska

Authorized division and disposition of judgment funds awarded to the Iowa Tribes of Oklahoma, Kansas and Nebraska. Public Law 92-29.

Kalispel Indian Reservation, Washington

Gives the Kalispel Indian Community additional land management authority within the Indian reservation. H.R. 8391. Public Law 92- .

National American Indian policy

Declares it to be the sense of Congress that a governmentwide commitment shall be made to enable Indians to determine their own future to the maximum extent possible and that this statement of policy replaces that set forth in House Concurrent Resolution 108 approved by the 83rd Congress on August 1, 1953; that Indian self-determination and development shall be a major goal of our national Indian policy; that there should be a recognition of Federal responsibility to assure that Indians residing beyond the areas served by special Indian programs receive equal consideration with other citizens for services through other Federal, State, and local agencies; and that Indian property and identity will be protected and Indians brought to a social and economic level of full participating citizens; and contained other provisions. S. Con. Res. 26. Senate adopted 12/11/71.

Navajo Community College

Authorized a Federal financial contribution to the construction and operation of the Navajo Community College, which is a college established and operated by the Navajo Tribe. H.R. 5086. Public Law 92- .

Paiute-Shoshone Tribe of the Fallon Reservation and Fallon Colony, Nevada

Provides that two tracts of public domain land will be held in trust for the Paiute-Sho-

shone Tribe of the Fallon Reservation and Fallon County subject to the right of the United States to use, without compensation, for so long as necessary, as determined by the Secretary of the Interior, 4 acres for irrigation canal purposes; and contains other provisions. S. 1115. P/S 12/6/71.

Pembina Band of Chippewa Indians

Authorized distribution of judgment funds awarded to the Pembina Band of Chippewa Indians. Public Law 92-59.

Pueblo of Laguna, N. Mex.

Authorized the disposition of judgment funds awarded to the Pueblo of Laguna, New Mexico. Public Law 92-164.

Reno-Sparks Indian Colony, Nevada

Grants to Reno-Sparks Indian Colony the beneficial interest in and to certain land the colony has been using and occupying since it was acquired by the Federal Government by purchase from private individuals for use as homesites for nonreservation Indians; and contains other provisions. S. 1218. P/S 12/4/71.

Shoshone-Bannock Tribe of Idaho; Shoshone Tribe of Wyoming; Bannock Tribe and the Shoshone Nation or Tribe

Authorizes disposition and distribution of judgment funds awarded to the Shoshone-Bannock Tribes of Fort Hall, Idaho; the Shoshone Tribe of Indians of the Wind River Reservation, Wyoming; and the Bannock Tribe and the Shoshone Nation and Tribe of Indians. S. 101. P/S 6/8/71. P/H amended 12/6/71.

Shoshone Tribe

Authorized distribution of judgment funds awarded to the (1) Shoshone-Bannock Tribes of the Fort Hall Reservation, (2) the Shoshone Tribe of the Wind River Reservation, and (3) the Northwestern Band of Shoshone Indians. S. 2042. Public Law 92- .

Snohomish Tribe, Upper Skagit Tribe, and Snoqualmie and Skykomish Tribes

Authorized distribution of judgment funds awarded to the Snohomish Tribe, the Upper Skagit Tribe, and the Snoqualmie and Skykomish Tribes. Public 92-30.

Sisseton and Wahpeton Tribes of Sioux Indians

Authorizes distribution to the Sisseton and Wahpeton Tribes of Sioux Indians of their portion of judgment funds awarded to the Mississippi Sioux Indians. S. 1462. P/S 6/8/71.

Summit Lake Paiute Tribe

Provided that all right, title and interest of the United States in 600 acres, more or less, of public domain land, together with all improvements thereon, will be held in trust for the Summit Lake Paiute Tribe; and contained other provisions. S. 952. Public Law 92- .

INTERNATIONAL

Asian Development Bank—U.S. contributions

Authorizes the Secretary of the Treasury, in his capacity as U.S. Governor of the Bank, to agree to a U.S. contribution of $100 million in two installments to the Bank's Consolidated Special Funds and authorizes appropriations therefor of $60 million and $40 million for fiscal years 1972 and 1973, respectively. S. 749. P/S 10/20/71.

Foreign economic and humanitarian assistance authorization, 1972

Authorizes $1,144,000,000 for fiscal year 1972 for certain economic and humanitarian foreign assistance programs; calls for shifting more of the economic aid to a multilateral basis and requires a phasing-out of the bilateral loan program; ties the release of funds appropriated for foreign aid and military sales funds to prior release of impounded funds for domestic programs; suspends all assistance and military sales to Pakistan, except humanitarian relief; calls upon the President to take appropriate action to bring about a reduction of the U.S. regular assessments for the United Nations to not more than 25 percent of the total U.N. budget; and contains other provisions. H.R. 9910. P/H 8/3/71. S. rejected 10/29/71. S. 2820. P/S 11/10/71. In conference.

Foreign military and related assistance authorization for 1972

Authorizes $1,503,000,000 for fiscal year 1972 for foreign military assistance, military credit sales, and supporting assistance; declares a national policy that all U.S. forces be withdrawn from Indochina within six months, subject to release of prisoners of war; provides for funding of military aid to Thailand from the regular Military Assistance Program beginning July 1, 1972; imposes a ceiling of $341 million on obligations and expenditures in or for Cambodia for fiscal year 1972; and contains other provisions. H.R. 9910. P/H 8/3/71. S. rejected 10/29/71. S. 2819. P/S 11/11/71. In conference.

Inter-American Development Bank (IDB)—U.S. contributions

Authorizes the Secretary of the Treasury in his capacity as U.S. Governor of the IDB to pay to the Fund for Special Operations two annual installments of $450 million each; authorizes appropriations therefor; and contains other provisions. S. 748. P/S 10/19/71.

International Development Association (IDA)—U.S. contributions

Authorizes the Secretary of the Treasury, in his capacity as the U.S. Governor of the Association, to contribute to the IDA three annual installments of $320 million each, and authorizes appropriations therefor. S. 2010. P/S 10/20/71.

Northwest Atlantic Fisheries Act amendment

Brought the Northwest Atlantic Fisheries Act of 1950 into accord with two new protocols which amend the International Convention for the Northwest Atlantic Fisheries. Public Law 92-87.

Passport fees

Authorized the United States Postal Service to receive the fee of $2 for execution of an application for a passport. Public Law 92-14.

Peace Corps authorization

Authorized $77,200,000 for the fiscal year 1972 operations of the Peace Corps. Public Law 92-135.

Radio Free Europe and Radio Liberty

Authorizes $35 million for fiscal year 1972 to the Department of State for grants to Radio Free Europe and Radio Liberty. S. 18. P/S 8/2/71. P/H amended 11/19/71. In conference.

Wheat price negotiations

Requests the President to ask the International Wheat Council to request the Secretary General of UNCTAD to convene a negotiating conference with a view toward the negotiation of suitable provisions relating to the prices of wheat and to the rights and obligations of members in respect to international trade in wheat. S. Res. 136. Senate adopted 7/12/71.

Treaties

Additional protocol II to the treaty for the prohibition of nuclear weapons in Latin America: Designed for signature of States possessing nuclear weapons, the protocol commits the United States, subject to its clarifying interpretations, to respect the aims and provisions of the treaty, not to contribute in any way to the violation of the treaty, and not to use of threaten to use nuclear weapons against the Latin American States for which the treaty is in force. Ex.H (92-2). Resolution of ratification agreed to 4/19/71.

Aircraft Hijacking Convention: This convention for the suppression of unlawful seizure of aircraft deals with the extradition of prosecution of hijackers, with each State obliged to make hijacking punishable by severe penalties, and applies to hijacking of all civil aircraft, whether engaged in an international or domestic flight. Ex.A (92-1). Resolution of ratification agreed to 9/8/71.

Amendments to the 1954 Oil Pollution Convention: Changes substantially existing rules and regulations governing the intentional discharge of oil at sea and requires such discharge to conform to a specific rate-of-discharge formula. Ex.G (91-2). Resolution of ratification agreed to 9/20/71.

Bryan-Chamorro Treaty of 1914—Termination: Ex. L (91-2). Resolution of ratification agreed to 2/17/71.

Convention relating to intervention on the high seas in cases of oil pollution casualties: Establishes, with appropriate safeguards, the right of a coastal nation to take whatever action it deems necessary "to prevent, mitigate or eliminate" the threat of oil pollution arising from a maritime accident. Ex. G. (91-2). Resolution of ratification agreed to 9/20/71.

Extradition treaty with Spain: Covers 23 extraditable offenses, including aircraft hijacking and offenses relating to narcotic drugs. Ex. N (91-2). Resolution of ratification agreed to 2/17/71.

International wheat agreement, 1971: Replaces the International Grains Arrangement of 1967, which expired on June 30, 1971, with a new Wheat Trade Convention to continue international cooperation in wheat trade and a new Food Aid Convention to continue the commitment whereby parties contribute food aid to developing countries. Ex. F (92-1). Resolution of ratification agreed to 7/12/71.

Locarno agreement establishing an international classification for industrial designs: Ex. I (92-1). Resolution of ratification agreed to 12/11/71.

Nice agreement, as revised, concerning the international classification of goods and services to which trademarks are applied: Sets up an organization which will establish an international classification of goods and services to which trademarks are applied. Ex. M (91-2). Resolution of ratification agreed to 12/11/71.

Okinawa reversion treaty: Provides for the reversion of Okinawa to Japan. Ex. J. (92-1). Resolution of ratification agreed to 11/10/71.

Protocol to amend International Civil Aviation Convention

Increases the membership on the Council of the International Civil Aviation Organization from 27 to 30 representatives. Ex. K (92-1). Resolution of ratification agreed to 12/11/71.

Tax convention with Japan

Replaces an income tax convention with Japan dated April 16, 1954, as modified and supplemented by protocols of May 7, 1960, and August 14, 1962. Ex. E (92-1). Resolution of ratification agreed to 11/29/71.

Tax protocol with France

Extends to certain United States residents the benefits of a tax credit available under French law to residents of France who receive a dividend from a French corporation. Ex. O (91-2). Resolution of ratification agreed to 11/29/71.

Treaty with Mexico providing for the recovery and return of stolen archaeological, historical and cultural properties

Ex. K (91-2). Resolution of ratification agreed to 2/11/71.

Treaty with Mexico resolving boundary differences

Settles three specific boundary problems relating to (1) the Presidio-Ojinaga Tracts, (2) the Horcon and Beaver Island Tracts, and (3) the boundary between the United States

and Mexico; provides a procedure for minimizing problems brought about by future changes in the channels of the Rio Grande and Colorado Rivers; and contains other provisions. Ex. B (92-1). Resolution of ratification agreed to 11/29/71.

LABOR

Blind and other severely handicapped—Sale of products and services

Amended the Wagner-O'Day Act to extend the special priority in the selling of certain products to the Federal Government now reserved for the blind to the other severely handicapped, assuring, however, that the blind will have first preference, and to expand the category of contracts under which the blind and other severely handicapped would have priority to include services as well as products, reserving to the blind first preference for 5 years after enactment; authorized $200,000 for each of fiscal years 1972, 1973, and 1974. Public Law 92-28.

Emergency Employment Act of 1971

Provided for programs of public service employment for unemployed persons and authorized therefor $750 million for fiscal year 1972 and $1 billion for fiscal year 1973, which funds shall cease to be obligated when the national rate of unemployment recedes below 4.5 percent; established a Special Employment Assistance Program to be used for public service jobs in local areas where the unemployment rate is 6 percent or more and authorized therefor $250 million for each of fiscal years 1972 and 1973; and contained other provisions. Public Law 92-54.

Railway labor-management dispute

Designed to end a nationwide railroad strike by extending until October 1, 1971, the period for negotiations with respect to an existing railway labor-management dispute and by providing retroactive wage increases for employees concerned in the dispute. Public Law 92-17.

MEMORIALS AND TRIBUTES

Audie L. Murphy Memorial Veterans' Hospital

Designated the new Veterans' Administration hospital in San Antonio, Texas, as the Audie L. Murphy Memorial Veterans' Hospital in honor of the most decorated soldier of World War II. H.R. 1120. Public Law 92- .

Harry S. Truman

Saluted former President Harry S Truman for his extraordinary record of national service, and extended the best wishes of the Senate for a happy eighty-seventh birthday. S. Res. 118. Senate adopted 5/6/71. H. Res. 422. House adopted 5/5/71.

President Nixon's proposed journey to the People's Republic of China

Commends the President for his outstanding initiative in U.S. foreign relations by deciding to undertake a "journey for peace" to the People's Republic of China and offers Congress' full support to him in seeking the normalization of relations with that country. S. Con. Res. 38. Senate adopted 8/2/71.

Richard B. Russell Federal Building

Designates the Federal office building and U.S. courthouse to be constructed in Atlanta, Georgia, as the "Richard B. Russell Federal Building." S. 861. P/S 10/29/71.

Samuel R. McKelvie National Forest

Renamed the Niobrara division of the Nebraska National Forest, redesignating it the Samuel R. McKelvie National Forest. Public Law 92-142.

NOMINATIONS (ACTION BY ROLL CALL VOTE)

Nomination of Earl L. Butz, of Indiana, to be Secretary of Agriculture

Nomination confirmed 12/2/71 (51-44).

Nomination of Lewis F. Powell, Jr., of Virginia, to be an Associate Justice of the Supreme Court of the United States

Nomination confirmed 12/6/71 (89-1).

Nomination of William H. Rehnquist, of Arizona, to be an Associate Justice of the Supreme Court of the United States

Nomination confirmed 12/10/71 (68-26).

PROCLAMATIONS

Human Development Month and Voluntary Overseas Aid Week

Authorized the President to designate the week of May 9, 1971, as "Voluntary Overseas Aid Week" and the month of May, 1971 as "Human Development Month" in recognition of the 25th Anniversary of the American voluntary foreign aid programs and the International Walk for Development. S. Con. Res. 22. Senate adopted 4/29/71. House adopted 5/5/71.

International Book Year

Authorizes and requests the President to proclaim the year 1972 as "International Book Year." S.J. Res. 149. Public Law 92- .

Medical Library Association Day

Authorized the President to issue a proclamation designating June 1, 1971, as Medical Library Association Day. Public Law 92-23.

National Beta Club Week

Authorizes and requests the President to proclaim the week which begins on the first Sunday in March 1972, as "National Beta Club Week." S.J. Res. 153. P/S 11/18/71.

National Moon Walk Day

Requested the President to designate July 20, 1971, as "National Moon Walk Day." Public Law 92-55.

National Peace Corps Week

Authorized the President to issue a proclamation designating the week beginning on May 30, 1971 and ending June 5, 1971 as "National Peace Corps Week" and to invite the Nation's Governors and mayors to issue similar proclamations. Public Law 92-20.

National Star Route Mail Carriers Week

Authorized the President to designate the last full week in July of 1971 as "National Star Route Mail Carriers Week" and calls upon the Postal Service to observe such week with appropriate recognition to those carriers. Public Law 92-26.

National Week of Concern for Prisoners of War/Missing in Action

Authorized the President to designate the week beginning March 21, 1971, as "National Week of Concern for Prisoners of War/Missing in Action." Public Law 92-6.

Smithsonian Institution

Authorized the President to issue a proclamation announcing the occasion of the celebration of the 125th anniversary of the Smithsonian Institution and to designate September 26, 1971, as a special day to honor the scientific and cultural achievements of the Institution. Public Law 92-130.

Trial Lawyers Week

Designated the week commencing August 1, 1971, as "American Trial Lawyers Week." Public Law 92-61.

Volunteers of America Week

Authorized the President to proclaim the second week of March 1971 as "Volunteers of America Week." Public Law 92-3.

Year of World Minority Language Groups

Authorized the President to designate 1971 as the "Year of World Minority Language Groups." Public Law 92-123.

Youth Appreciation Week

Provided for the observance of "Youth Appreciation Week" beginning the second Monday in November, 1971. Public Law 92-43.

RESOURCE BUILDUP

Arches National Park, Utah

Provided for the establishment in Utah of the Arches National Park to consist of some 73,234 acres. Public Law 92-155.

Buffalo National River

Establishes the Buffalo National River in the State of Arkansas, said area to include not more than 95,730 acres. S. 7. P/S 5/21/71.

Canyonlands National Park, Utah

Provided for the extension of the boundaries of the Canyonlands National Park in Utah to include certain areas omitted when the park was established in 1964, by the addition of four additional tracts totaling approximately 79,618 acres. Public Law 92-154.

Capitol Reef National Park, Utah

Provided for the establishment of the Capitol Reef National Park in Utah, for a total park area of 241,671 acres. S. 29. Public Law 92- .

Connecticut Historic Riverway

Establishes a Connecticut Historic Riverway along the southernmost section of the Connecticut River in the State of Connecticut, consisting of some 23,500 acres near concentrations of urban population along an 11-mile stretch of the scenic Connecticut northward from Old Saybrook to East Haddam. S. 36. P/S 12/9/71.

Fish protein concentrate

Extends the authority granted by Public Law 89-701, regarding the development of a fish protein concentrate, an additional year until June 30, 1973, and extends the appropriation authorization to June 30, 1971. S. 1273. P/S 10/29/71.

Fishery conservation programs

Authorized the President to prohibit, upon certification by the Secretary of Commerce, the importation of fishery products from nations which conduct fishing operations in a manner that diminishes the effectiveness of international fishery conservation programs. H.R. 3304. Public Law 92- .

Gateway National Recreation Area in New York and New Jersey

Authorizes the Secretary of the Interior to establish in the vicinity of Metropolitan New York City the Gateway National Recreation Area to be comprised of not more than 26,250 acres. S. 1852. P/S 8/6/71.

Glen Canyon National Recreation Area, Utah and Arizona

Provides for the establishment of the Glen Canyon National Recreation Area in Arizona and Utah to comprise approximately 1,285,-310 acres of land and water. S. 27. P/S 6/21/71.

Golden Eagle passport program

Establishes a uniform Federal fee system to defray some of the expenses incidental to the establishment and operation of Federal recreational facilities, and continues the "Golden Eagle Passport" annual permit for entrance to designated recreation areas. S. 1893. P/S 11/22/71.

Gunboat "Cairo"

Provides for the display for the benefit and education of the visiting public of a restoration of the original gunboat in a visitor-center type construction near the National Cemetery in Vicksburg National Military Park, Mississippi. S. 1475. P/S 12/6/71.

Horses and burros

Provided protection to wild free-roaming horses and burros on public lands; placed the animals under the jurisdiction of the Secretary of the Interior for the purposes of management of the animals as components of the public lands; and contained other provisions. S. 1116. Public Law 92- .

International peace garden

Increases the authorization for the appropriation of funds to complete the International Peace Garden, North Dakota. S. 588. P/S 11/9/71.

Interstate compact to conserve oil and gas

Consents to an extension and renewal of the interstate compact to insure oil and gas. S.J. Res. 72. P/S 8/6/71.

Kortes Unit, Missouri River basin project, Wyoming

Permitted the Secretary of the Interior to operate the Kortes unit so as to maintain sufficient flows in the North Platte River below Kortes Dam to enhance fisheries. Public Law 92–146.

Lincoln Back Country, Lewis and Clark and Lolo National Forests, Mont.

Directs the Secretary of Agriculture to classify as wilderness the national forest lands known as the Lincoln Back Country, and parts of the Lewis and Clark and Lolo National Forests in Montana. S. 484. P/S 4/5/71.

Lincoln Home National Historic Site, Ill.

Authorized the Secretary of the Interior to acquire by donation, purchase with donated or appropriated funds, or exchange, the former home of Abraham Lincoln, in Springfield, Illinois. Public Law 92–127.

Marine Protection and Research Act

Regulates the dumping and transportation of waste material in those parts of oceans, coastal and other waters beyond the territorial jurisdiction of the United States; directs the Secretary of Commerce to initiate a comprehensive program of research on the effects of ocean dumping; and contains other provisions. H.R. 9727. P/H 9/9/71. P/S amended 11/24/71. In conference.

Middle Snake River—Prohibition of licensing of hydroelectric projects

Suspends until September 30, 1978, the authority of the Federal Power Commission to accept applications or grant licenses or permits for construction of hydroelectric projects on the Middle Snake River below Hells Canyon Dam along the Idaho-Oregon and Idaho-Washington borders. This will provide time for studies of the highest and best future development of the Middle Snake River. S. 488. P/S 6/28/71.

Minam River Canyon, Oreg. wilderness area

Provides for adding approximately 80,000 acres of the Minan River Canyon area to the 220,000-acre Eagle Cap Wilderness, located in the northeastern section of the State of Oregon, which was established by the Wilderness Act of 1964. S. 493. P/S 6–4–71.

Mining and Minerals Policy Act amendments

Amends the Act to support research and training centers through the authorization of matching grants to each State of $100,000 in fiscal year 1972, $150,000 in fiscal year 1973, $200,000 in fiscal year 1974, and $250,000 in fiscal year 1975 and succeeding fiscal years; authorizes additional funds for special mineral resource research projects; and contains other provisions. S. 635. P/S 7–19–71.

National Environmental Center

Establishes a National Environmental Center and constituent laboratories to provide a process whereby the entire range of environmental research and analysis can be viewed and assessed as a systematic whole. S. 1113. P/S 12–7–71.

National park system

Increases ceilings in appropriations for land acquisition at eight areas in the national park system; increases ceilings on appropriations for development at three areas; and authorizes boundary revisions at nine areas. S. 2601. P/S 11–19–71.

Oregon Dunes National Recreation Area

Establishes the Oregon Dunes National Recreation Area of 32,237 acres within and adjacent to the Siuslaw National Forest in Oregon. S. 1977. P/S 11–4–71.

Pacific Coral Reefs

Amends Public Law 92–427, which provides for the conservation of coral reefs, and a "Crown of Thorns" starfish study and control program, to place joint responsibility with the Smithsonian Institution for the administration thereof in the Secretary of Commerce rather than in the Secretary of the Interior. S. 1733. P/S 9/27/71.

Pine Mountain Wilderness, Arizona

Establishes the Pine Mountain Wilderness within and as a part of the Prescott and Tonto National Forests, Arizona, comprising an area of 19,569 acres. S. 959. P/S 8/2/71.

Preservation of historic monuments

Assists State and local governments to acquire surplus Federal property for use as historic monuments by allowing the property, pursuant to explicit criteria and Federal approval, to be used for revenue purposes. S. 1152. P/S 9/28/71.

Preservation of historical and archeological data

Amends a 1960 law under which the Secretary of the Interior, through the National Park Service, conducts archeological salvage programs at reservoir construction sites, to include within the scope of such activity all Federal or federally assisted or authorized construction projects, such as major airports, roads, and public housing projects, and other construction which alters the terrain; authorizes construction agencies to use or transfer up to one percent of funds appropriated for a project to the Secretary for survey and salvage work; and contains other provisions. S. 1245. P/S 8/5/71.

Reclamation investigation costs

Made the costs of investigations of potential Federal reclamation projects nonreimbursable. Public Law 92–149.

Reclamation project feasibility studies

Authorizes the Secretary of the Interior to undertake feasibility investigations of ten Federal reclamation projects. S. 2248. Public Law 92– .

River basin projects

Provided increased authorizations for 14 comprehensive river basin plans previously approved by Congress and provided for additional modifications of existing authorizations. S. 2887. Public Law 92– .

Saline water conversion program

Extended the Federal saline water conversion program for 5 fiscal years after fiscal year 1972 and authorized $27,025,000 for fiscal year 1972; redirected and extended the Federal research and development program; and contained other provisions. Public Law 92–60.

Sante Fe, Gila, Cibola, and Carson National Forest boundaries, New Mexico

Extends the boundaries of the Santa Fe, Gila, Cibola, and Carson National Forests, New Mexico, to include certain public and private lands. S. 447. P/S 8/2/71.

Shooting animals from aircraft

Made it unlawful, subject to certain exceptions, for anyone while airborne to shoot or attempt to shoot for the purpose of capturing, killing, or harassing any bird, fish, or other animal, and provided criminal penalties. Public Law 92–59.

Small Reclamation Loan Program Act

Removed the requirement that irrigation be the primary purpose of a project; increased the limit on the total cost of each eligible project; increased the amount of loan funds authorized for each proposal; and increased the total authorization for program appropriations from $200 million to $300 million. Public Law 92–167.

Sycamore Canyon Wilderness, Arizona

Designates 46,500 acres as the Sycamore Canyon Wilderness within and as a part of the Coconino, Kaibab, and Prescott National Forests, Arizona. S. 960. P/S 8/2/71.

Upper Snake River reclamation project

Authorizes construction, operation and maintenance of the potential Salmon Falls division of the Upper Snake River reclamation project in south-central Idaho, which would provide irrigation water and minor fish and wildlife conservation benefits. S. 432. P/S 6/28/71.

Washakie Wilderness and the Shoshone National Forest, Wyoming

Designates the Stratified Primitive Area as a part of the Washakie Wilderness, heretofore known as the South Absaroka Wilderness, Shoshone National Forest, Wyoming. S. 166. P/S 5/31/71.

Water Pollution Control Act Amendments

Establishes a policy that the discharge of pollutants should be eliminated by 1985, that the national chemical, physical, and biological integrity of the Nation's waters be restored and maintained, and that an interim goal of water quality providing for the protection of fish, shellfish, and wildlife and for recreation in and on the water be achieved by 1981; changes the enforcement mechanism of the Federal water pollution control program from water quality standards to effluent limits; balances the Federal-State effort in the pollutant discharge permit system; authorizes $14 billion during fiscal years 1972 through 1975 for Federal grants to communities for construction of sewage treatment facilities; and contains other provisions. S. 2270. P/S 11/2/71.

Water Pollution Control Act extensions

Extended for 3 months (through September 30, 1971) authorizations for administration of the Federal Water Pollution Control Act. Public Law 92–50.

Extended for an additional month (through October 31, 1971) authorizations for administration of the Federal Water Pollution Control Act. Public Law 92–137.

Extends for an additional month (through November 30, 1971) authorizations for administration of the Federal Water Pollution Control Act. H.R. 11423. P/H 10/28/71. P/S amended 11/3/71.

Water Resources Planning Act Amendments

Placed an authorization ceiling of $1.5 million annually on administrative expenses of the Water Resources Council and retained the existing authorization ceiling of $6 million annually on funding for river basin commissions. Public Law 92–27.

Water resources research

Amended the Water Resources Research Act of 1964 to increase the amount authorized to support a water resources center in each of the States; provided for information retrieval and dissemination activities at each research center; and contained other provisions. Public Law 92–175.

Whales—Moratorium on killing

Requests the Secretary of State to call for an international moratorium of 10 years on the killing of all species of whales. S.J. Res. 115. P/S 6/29/71. H. Con. Res. 387. House adopted 11/1/71.

SPACE

National Aeronautics and Space Administration authorization

Authorized $3,354,950,000 for NASA for fiscal year 1972 as follows: $2,603,200,000 for research and development; $58,400,000 for construction of facilities; and $693,350,000 for research and program management. Public Law 92–68.

TRANSPORTATION AND COMMUNICATIONS

Amateur radio operators

Amended the Communications Act of 1934 to permit the Federal Communications Commission to issue licenses for the operation of amateur radio stations by aliens who have filed a declaration of intention to become citizens of the United States. Public Law 92–81.

Barge cargo

Reciprocally permitted foreign-flag specialty barges, specifically designed for carriage aboard a barge carrying ship in foreign trade, to carry export or import cargo between U.S. points which has been transferred from one barge to another, for the purpose of obtaining for U.S.-flag companies the operating flexibility in foreign waters necessary for the efficient and economical operation of barge carrying ships. Public Law 92–163.

Boat Safety Act

Provided a coordinated national boating safety program involving both the Federal Government and the States; required manufacturers to provide safer boats and boating equipment to the public through compliance with safety standards to be promulgated by the Secretary of Transportation; authorized federal grant-in-aid incentive payments to States which have an accepted State boating safety program or indicate an intention to establish such a program; and contained other provisions. Public Law 92–75.

Cargo Commission Act

Provides for a coordinated national approach toward the solution of the cargo theft problem through the establishment of a Presidentially appointed Commission on security and safety of cargo to conduct an inquiry into cargo security matters and develop a program for maximum cargo safety. S. 942. P/S 9/8/71.

Coast Guard authorization

Authorized $239,210,000 for fiscal year 1972 for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard; and contained other provisions. Public Law 92–118.

Federal-State Communications Joint Board

Established a Federal-State Joint Board to consider matters regarding jurisdictional separation of communications common carrier property and expenses between interstate and intrastate operation. Public Law 92–131.

High Speed Ground Transportation Act extension

Removes the ceiling and termination date on authorization for research and development in the field of high speed ground transportation. S. 979. P/S 6/15/71.

Maritime authorization, 1972

Authorized $229,687,000 for acquisition, construction, or reconstruction of vessels and construction differential subsidy and cost of national defense features incident to the construction, reconstruction, and reconditioning of ships; $239,145,000 for payment of obligations incurred for operating-differential subsidy; $25 million for research and development activities; $4,318,000 for reserve fleet expenses; $7.3 million for maritime training at the Merchant Marine Academy at Kings Point, N.Y.; and $2,370,000 for State marine schools. Public Law 92–53.

Maritime lien

Permitted a supplier who furnishes necessaries to a vessel to acquire a lien on a chartered vessel for such necessaries despite a "prohibition of lien" clause in the charter party. Public Law 92–79.

Motor Vehicle Information and Cost Savings Act

Requires the Secretary of Transportation to set property loss reduction standards for passenger motor vehicles; establishes an Automobile Consumer Information study to determine how to provide consumers with meaningful information about the operating costs and safety characteristics of particular vehicles; establishes demonstration projects to test the design and feasibility of diagnostic test inspection facilities; and establishes a national policy against odometer tampering. S. 976. P/S 11/3/71.

Rail passenger system review

Directs the National Railroad Passenger Corporation to make a study with respect to expanding the basic national rail passenger system; authorizes therefor $100,000; and requires a report thereon to Congress by June 15, 1971. S.J. Res. 92. P/S 5/11/71.

Sonic booms—regulation

Prohibits, with certain exceptions, operation of civil aircraft at a speed greater than sound (Mach 1) over the United States except by authorization of the Federal Aviation Administration; provides that supersonic transport (SST) prototypes comply with existing noise standards applicable to new subsonic jets; and requires the Secretary of Transportation to submit to Congress and the public a report covering all aspects of the prototype program when it is completed. S. 1117. P/S 3/19/71.

Supplemental maritime authorization

Authorized an additional $80 million (from $193 million to $273 million) in supplemental appropriations for fiscal year 1971 for payment of obligations incurred for operating-differential subsidy by the Maritime Administration of the Commerce Department. Public Law 92–21.

Uniform Time Act of 1966 amendment

Permits a State split by time zones to exempt that area of the State lying within a given time zone from the provisions of the Uniform Time Act of 1966 providing for the advancement of time (daylight saving time) between 2:00 a.m. on the last Sunday in April and 2:00 a.m. on the last Sunday in October. S. 904. P/S 5/18/71.

Vessel Bridge-to-Bridge Radiotelephone Act

Required a radiotelephone on certain vessels in order to reduce vessel collisions and other mishaps. Public Law 92–63.

VETERANS

Dependency and indemnity compensation

Provides cost-of-living increases in dependency and indemnity compensation benefits to widows, children, and needy parents of veterans who died as a result of service-incurred disabilities. H.R. 11652. Public Law 92– .

Disability and death pension

Increases maximum annual income limitations; provides an average 6.5 percent cost-of-living increase in the pension rates schedule; provides a new formula approach for the payment of pensions; protects individuals receiving "old law" pensions against loss of reduction of pension because of the recent social security increases; and contains other provisions. H.R. 11651. Public Law 92– .

Group mortgage insurance

Authorized the Administrator of Veterans' Affairs to purchase a commercial policy to provide mortgage protection life insurance for seriously disabled veterans—principally service-connected paraplegic and quadriplegic veterans—who have received grants for specially adapted housing. Public Law 92–95.

Medical information exchange program

Extended the authority of the Administrator of Veterans' Affairs to carry out a program of exchange of medical information and authorized such sums as may be necessary through fiscal year 1975. Public Law 92–69.

National service life insurance

Authorized holders of policies of national service life insurance on which dividends are payable to use their dividends to purchase additional paid-up insurance. H.R. 11334. Public Law 92– .

Authorize the conversion or exchange of national service life insurance to a new policy of insurance on the modified life plan under the same terms and conditions as it provided under existing law for modified life plan insurance except that the reduction of the face value by one-half occurs at age 70 instead of age 65. H.R. 11335. Public Law 92– .

Sale of direct loans

Authorized the Administrator of Veterans Affairs to sell at prices which he determines to be reasonable under prevailing mortgage conditions direct loans made to veterans pursuant to chapter 37, title 38, United States Code. Public Law 92–66.

Servicemen's Group Life Insurance

Defined the terms "widow," "widower," "child," and "parent" for Servicemen's Group Life Insurance purposes to provide uniform definitions instead of the present variance under differing State laws. H.R. 9097. Public Law 92– .

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask that morning business be closed.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1972 — CONFERENCE REPORT (H. REPT. NO. 92–754)

Mr. ELLENDER. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11731) making appropriations for the Department of Defense for the fiscal year ending June 30, 1972, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. GRIFFIN). 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 14, 1971, at pp. (46884–46885).

Mr. ELLENDER. Mr. President, the Department of Defense appropriation bill for fiscal year 1972, as it passed the Senate, provided appropriations totaling $70.8 billion—$70,849,113,000—which included $500 million for military credit sales to Israel.

Since the foreign assistance continuing resolution, which will be considered in the very near future, provides funds for the Israel military credit sales program, the Senate receded on the amendment providing $500 million for this purpose in the Department of Defense appropriation bill.

The report of the committee of conference provides appropriations totaling $70.5 billion—$70,518,463,000—which are—over 1971 appropriations by $937,-761,750, below the budget requests by $3,025,366,000, below the House bill by

$529,550,000, and below the Senate bill by $330,650,000.

The action of the committee of conference with respect to each appropriation item in which the Senate bill differed from the House bill is explained in detail in the "Joint Explanatory Statement of the committee of conference" included in the conference report—House Report No. 92-754—that is available to each Member.

I intend to comment briefly on several items that I consider to be of special interest to the Senate. Then I will be glad to respond to any questions on any item.

The Senate disallowed funds included in the House bill for three ships in the Navy's shipbuilding and conversion appropriation. These items were—first, advance procurement for an additional nuclear attack submarine, $22,500,000, second, fleet replenishment oiler, $56,500,000, and third, conversion of a surveying ship, $12,300,000.

The House conferees insisted on the inclusion of funds for all of these ships, and after considerable discussion, the conference committee agreed to the restoration of $22.5 million for the advance procurement for the additional nuclear attack submarine and $56.5 million for the construction of the fleet replenishment oiler. I want to call attention to the fact that the funds provided for the nuclear attack submarine were not included in the budget. I personally feel that funds provided for the procurement and construction of major weapons systems should be in response to specific budget requests submitted by the President. This has been the position of the Committee on Appropriations in considering the bills for the past 2 years. However, the responsibility of a conference committee is to reconcile differences between the two Houses, and the Senate conferees had to recede on funds for these two ships.

The House bill included $5.8 million for advance procurement to support a possible buy of the Air Force's A-7D aircraft in fiscal year 1973, even though the Department of Defense has not made a decision to continue the procurement of this aircraft in fiscal year 1973. However, the House conferees insisted on the inclusion of these funds, and the Senate conferees agreed, after being assured that these funds would, for the most part, be obligated for engines and electronic components that can be used to support existing aircraft in the Air Force inventory in the event there is a decision made not to continue the production of this aircraft. In other words, there is no possibility of the funds being wasted in the event we do not continue the production of A-7Ds.

It will be recalled that, in acting on the bill, the House terminated the Army's XM-803/MBT-70 tank development program and provided $20 million for the initiation of a new prototype tank program. The Senate provided $50 million for the Army tank program and imposed on the Secretary of Defense the responsibility for determining whether the XM-803 program would be terminated. The conference committee agreed to an appropriation of $40 million which is to be used for—

First, termination of the XM-803/MBT-70 tank program, and

Second, initiation of a new Army prototype tank program.

The question of a new main battle tank for the Army has been discussed on the Senate floor on several occasions. It is my personal view that the Army's XM-803 program would not provide for the development of a new tank at a cost that will permit quantity production. The committee was advised that the cost of this tank would run around $1 million each, compared to about $300,000 for the current M-60 tank. It was the view of the conference committee that, in view of these recent cost estimates, there is nothing to be gained by continuing the XM-803 program, and for this reason the Senate conferees agreed to the termination of the XM-803 program and the initiation of a new Army prototype tank program. It is my hope that the Department of Defense and the Army will initiate this new tank program with the objective in mind of developing a new tank at a reasonable cost and still permit the Army to perform its mission.

The junior Senator from Massachusetts (Mr. BROOKE) offered an amendment, which was adopted by the Senate, to restore $600,000 for the Army's food research program. I regret that the Senate conferees were not successful in their efforts to retain these funds.

The conference committee devoted considerable time to the Navy and Marine Corps program for the development of a lift helicopter for the shipboard mission. The House disallowed all funds requested for this program and also directed that $2 million available from prior years for this program be used for other projects. The Senate restored this $2 million, because it was felt that the plans of the Navy and Marines did not conflict with the plans of the Army to develop a crane-type heavy lift helicopter. The conference committee agreed to the Senate restoration, but directed the Department of Defense to consider again the possibility of developing one helicopter that can meet the heavy-lift requirements of the Army, Navy, and Marine Corps. This directive reads as follows:

> The committee of conference recommends the appropriation of $2 million for the heavy lift helicopter development program of the Navy as proposed by the Senate. The House deleted all funds for this program.
>
> In approving the initiation of the development of a heavy lift helicopter by the Navy, the conferees make no commitment to the procurement of any heavy lift helicopter.
>
> The Department of Defense is directed to revise the heavy lift helicopter program of the Army so that the Army HLH is suitable for shipboard use by the Navy and Marine Corps. The two HLH development programs, the Army's and the Navy's, should be conducted as competitive prototype development programs with the objective of the procurement of a single HLH for use by the Army, the Navy, and the Marine Corps.

During consideration of the bill in the Senate, the junior Senator from Colorado (Mr. DOMINICK) offered an amendment to increase funds for the Navy's surface effects ship program from the $15.4 million allowed by the House and recommended by the Senate Committee on Appropriations to $27.7 million—an increase of $12.3 million. The conference committee retained $6.3 million of this increase. Of the increase, $1.5 million is for a test site associated with the testing of the existing two 100-ton prototype surface effects ships, and $4.8 million is for associated technology. The conferees have made it clear that no funds are provided for the initiation of work on the design or construction of the proposed 2,000-ton surface effects ship.

The Senate bill provides for restoration of the $5 million general reduction made by the House in funds for the Advanced Research Projects Agency. These funds were restored by a floor amendment by the junior Senator from New Hampshire (Mr. MCINTYRE). The conference committee retained $2 million of this sum.

It will be recalled that the Senate bill provided for a general transfer authority of $900 million, which was an increase of $300 million over the transfer authority provided in the House bill. The Senate bill also expanded the scope of this authority. The conference committee agreed to provide transfer authority of $750 million and accepted the expanded scope provided in the Senate bill. In other words, we compromised by agreeing to add $150 million over the House.

Mr. President, I will be glad to respond to any questions Members may have on the conference report.

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

Mr. ELLENDER. I yield to the Senator from North Dakota.

Mr. YOUNG. Mr. President, I wish to associate myself with the remarks made by the distinguished chairman of the Appropriations Committee.

This bill certainly does not contain all of the money that the Defense Department believed was necessary, but I believe it will meet their highest priority needs, and they can live with it for another year. I am hopeful, with the chairman, that next year we can pass a Defense appropriation bill much nearer the time it should be passed. When we pass a bill of this magnitude 5 months late, it is a costly business for the Department of Defense, and it presents a real problem for us.

I should like to say a word about one item. As one of the Senate conferees, I was committed to the $500 million put in the bill for credit sales to Israel. It was taken out of this bill only because the House had already put some $500 million in their continuing resolution, which will be before the Senate soon. The Senate Appropriations Committee reduced the amount to $300 million, but I think this could easily be increased to the $500 million that was in the Defense bill to start with that is if a good case were made for the increase.

I want to say that Senator ALLOTT, one of the conferees who is necessarily absent today, felt strongly about the $500 million. I believe that he and the other people interested will be satisfied with the action we took. I can see no other course that we could follow.

Mr. ELLENDER. As the Senator recalls, I preferred leaving it in the for-

eign assistance bill, where it has been provided previously. There would be no trouble in keeping it in there.

Mr. YOUNG. This is a military sales bill. It really belongs in the foreign aid bill.

Mr. ELLENDER. The Senator is correct.

Mr. President, I ask unanimous consent to have printed in the RECORD a tabulation giving the 1971 appropriation, the 1972 budget request, the House allowance, the Senate allowance, and the conference committee allowance for each appropriation included in the bill.

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

DEPARTMENT OF DEFENSE APPROPRIATION BILL, FISCAL YEAR 1972 (H.R. 11731)

TITLE I—MILITARY PERSONNEL

[Note—All amounts are in the form of "appropriations" unless otherwise indicated]

						Increase (+) or decrease (−) conference agreement compared with—			
Item (1)	1971 appropriation (2)	Fiscal year 1972 budget estimate (3)	House allowance (4)	Senate allowance (5)	Conference agreement (6)	1971 appropriation (7)	Fiscal year 1972 budget estimate (8)	House allowance (9)	Senate allowance (10)
Military personnel, Army	$8,502,450,000	$7,483,137,000	$7,315,637,000	$7,319,837,000	$7,315,637,000	−$1,186,813,000	−$167,500,000		−$4,200,000
Military personnel, Navy	4,711,547,000	4,594,111,000	4,555,071,000	4,562,071,000	4,558,571,000	−152,976,000	−35,540,000	+$3,500,000	−3,500,000
Military personnel, Marine Corps	1,408,608,000	1,343,810,000	1,332,550,000	1,332,550,000	1,332,550,000	−136,058,000	−11,260,000		
Military personnel, Air Force	6,504,135,000	6,521,413,000	6,470,283,000	6,470,283,000	6,470,283,000	−33,852,000	−51,130,000		
Reserve personnel, Army	360,600,000	386,139,000	385,084,000	385,084,000	385,084,000	+24,484,000	−1,055,000		
Reserve personnel, Navy	155,983,000	183,011,000	182,791,000	182,791,000	182,791,000	+26,808,000	−220,000		
Reserve personnel, Marine Corps	56,400,000	57,448,000	57,368,000	57,368,000	57,368,000	+968,000	−80,000		
Reserve personnel, Air Force	92,950,000	101,756,000	102,616,000	101,716,000	101,716,000	+8,766,000	−40,000	−900,000	
National Guard personnel, Army	426,584,000	486,444,000	485,954,000	485,954,000	485,954,000	+59,370,000	−490,000		
National Guard personnel, Air Force	118,600,000	134,700,000	134,620,000	134,620,000	134,620,000	+16,020,000	−80,000		
Total, title I—Military personnel	22,397,857,000	21,291,969,000	21,021,974,000	21,032,274,000	21,024,574,000	−1,373,283,000	−267,395,000	+2,600,000	−7,700,000

TITLE II—RETIRED MILITARY PERSONNEL

Item	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Retired pay, Defense	$3,391,032,000	$3,777,134,000	$3,777,134,000	$3,777,134,000	$3,777,134,000	+$386,102,000			

TITLE III—OPERATION AND MAINTENANCE

Item	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Operation and maintenance, Army	$6,521,006,000	$6,864,619,000	$6,735,662,000	$6,598,012,000	$6,661,212,000	+$140,206,000	−$203,407,000	−$74,450,000	+$63,200,000
Operation and maintenance, Navy	4,935,618,000	5,058,740,000	5,039,040,000	5,021,240,000	5,021,740,000	+86,122,000	−37,000,000	−17,300,000	+500,000
Operation and maintenance, Marine Corps	405,268,000	364,991,000	360,553,000	360,077,000	360,553,000	−44,715,000	−4,438,000		+476,000
Operation and maintenance, Air Force	6,342,574,000	6,309,001,000	6,274,381,000	6,211,323,000	6,224,881,000	−117,693,000	−84,120,000	−49,500,000	+13,558,000
Operation and maintenance, Defense Agencies	1,203,207,000	1,244,419,000	1,197,465,000	1,208,565,000	1,202,465,000	−742,000	−41,954,000	+5,000,000	−6,100,000
Operation and maintenance, Army National Guard	311,265,000	365,961,000	369,961,000	365,961,000	369,961,000	+58,696,000	+4,000,000		+4,000,00
Operation and maintenance, Air National Guard	358,037,000	395,128,000	413,428,000	402,328,000	413,428,000	+55,391,000	+18,300,000		+11,100,000
National Board for the Promotion of Rifle Practice, Army	102,000	106,000	122,000	106,000	122,000	+20,000	+16,000		+16,000
Claims, Defense	39,000,000	39,000,000	39,000,000	39,000,000	39,000,000				
Contingencies, Defense	5,000,000	5,000,000	5,000,000	5,000,000	5,000,000				
Court of Military Appeals, Defense	817,000	869,000	869,000	869,000	869,000	+52,000			
Total, title III—Operation and maintenance	20,121,894,000	20,647,834,000	20,435,481,000	20,212,481,000	20,299,231,000	+177,337,000	−348,603,000	−136,250,000	+86,750,000

TITLE IV—PROCUREMENT

[Note—All amounts are in the form of "appropriations" unless otherwise indicated]

						Increase (+) or decrease (−) conference agreement compared with—			
Item (1)	1971 appropriation (2)	Fiscal year 1972 budget estimate (3)	House allowance (4)	Senate allowance (5)	Conference agreement (6)	1971 appropriation (7)	Fiscal year 1972 budget estimate (8)	House allowance (9)	Senate allowance (10)
Aircraft procurement, Army	$257,000,000	$124,400,000	$90,400,000	$90,400,000	$90,400,000	−$166,600,000	−$34,000,000		
Missile procurement, Army	991,800,000	1,101,100,000	1,040,820,000	940,820,000	940,820,000	−50,980,000	−160,280,000	−$100,000,000	
Transfer from other accounts				(100,000,000)	(100,000,000)	(+100,000,000)	(+100,000,000)	(+100,000,000)	
Procurement of weapons and tracked combat vehicles, Army	261,500,000	204,600,000	145,500,000	145,500,000	145,500,000	−116,000,000	−59,100,000		
Procurement of ammunition, Army	940,371,000	1,696,300,000	1,496,300,000	1,418,300,000	1,418,300,000	+477,929,000	−278,000,000	−78,000,000	
Transfer from other accounts	(50,000,000)		(200,000,000)	(200,000,000)	(200,000,000)	(+150,000,000)	(+200,000,000)		
Other procurement, Army	457,829,000	593,000,000	527,400,000	597,300,000	512,300,000	+54,471,090	−80,700,000	−15,100,000	+$5,000,000
Procurement of aircraft and missiles, Navy	3,017,900,000	4,069,100,000	3,05,000,000	3,855,000,000	3,855,000,000	+837,100,000	−214,100,000	−50,000,000	
Transfer from other accounts	(100,000,000)		(50,000,000)	(100,000,000)	(100,000,000)		(+100,000,000)	(+50,000,000)	
Shipbuilding and conversion, Navy	2,465,400,000	3,327,900,000	3,017,500,000	2,926,200,000	3,005,200,000	+539,800,000	−322,700,000	−12,300,000	+79,000,000
Transfer from other accounts				(5,000,000)	(5,000,000)	(+5,000,000)	(+5,000,000)	(+5,000,000	
Other procurement, Navy	1,487,300,000	1,795,103,000	1,702,803,000	1,637,803,000	1,641,603,000	+154,303,000	−153,500,000	−61,200,000	+3,800,000
Transfer from other accounts			(50,000,000)	(110,000,000)	(110,000,000)	(+110,000,000)	(+110,000,000)	(+60,000,000)	
Procurement, Marine Corps	175,900,000	128,700,000	118,100,000	103,100,000	103,100,000	−72,800,000	−25,600,000	−15,000,000	
Transfer from other accounts			(10,000,000)	(25,000,000)	(25,000,000)	(+25,000,000)	(+25,000,000)	(+15,000,000)	
Aircraft procurement, Air Force	3,219,300,000	3,116,500,000	2,933,800,000	2,899,000,000	2,899,000,000	−320,300,000	−217,500,000	−34,800,000	
Transfer from other accounts		(58,700,000)	(108,700,000)	(158,700,000)	(158,700,000)	(+158,700,000)	(+100,000,000)	(50,000,000)	
Missile procurement, Air Force	1,377,200,000	1,837,400,000	1,633,700,000	1,633,600,000	1,633,700,000	+256,500,000	−203,700,000		+100,000
Transfer from other accounts	(50,000,000)		(50,000,000)	(50,000,000)	(50,000,000)		(+50,000,000)		
Other procurement, Air Force	1,338,700,000	1,620,998,000	1,510,998,000	1,478,998,000	1,478,998,000	+140,290,000	−142,000,000	−32,000,000	
Transfer from other accounts			(50,000,000)	(90,000,000)	(90,000,000)	(+90,000,000)	(+90,000,000)	(40,000,000)	
Procurement, Defense Agencies	38,910,000	66,559,000	62,971,000	52,971,000	52,971,000	+14,061,000	−13,588,000	−10,000,000	
Transfer from other accounts				(5,000,000)	(5,000,000)	(+5,000,000)	(+5,000,000)	(+5,000,000)	
Total, title IV—	16,029,110,000	19,681,660,000	18,185,292,000	17,688,992,000	17,776,892,000	−1,747,782,000	−1,904,768,000	−408,400,000	+87,900,900

DEPARTMENT OF DEFENSE APPROPRIATION BILL, FISCAL YEAR 1972 (H.R. 11731)—Continued

TITLE V—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION									
Research, development, test, and evaluation, Army	$1,607,889,000	$1,951,456,000	$1,769,656,000	$1,796,256,000	$1,787,656,000	+$179,767,000	−$163,800,000	+$18,000,000	−$8,600,000
Transfer from other accounts			(25,000,000)	(51,900,000)	(51,900,000)	(+51,900,000)	(+51,900,000)	(+26,900,000)	
Research, development, test, and evaluation, Navy	2,151,421,250	2,431,419,000	2,358,319,000	2,352,319,000	2,352,319,000	+200,906,750	−79,100,000	−6,000,000	
Transfer from other accounts			(20,000,000)	(20,000,000)	(20,000,000)	(+20,000,000)	(+20,000,000)		
Research, development, test, and evaluation, Air Force	2,750,322,000	3,017,044,000	2,892,944,000	2,875,944,000	2,887,944,000	+137,622,000	−129,100,000	−5,000,000	+12,000,000
Transfer from other accounts			(25,000,000)	(25,000,000)	(25,000,000)	(+25,000,000)	(+25,000,000)		
Research, development test, and evaluation, Defense agencies	444,564,000	499,443,000	440,843,000	442,143,000	441,143,000	−3,421,000	−58,300,000	+300,000	−1,000,000
Transfer from other accounts			(5,000,000)	(5,000,000)	(5,000,000)	(+5,000,000)	(+5,000,000)		
Emergency fund, Defense	50,000,000	50,000,000	50,000,000	50,000,000	50,000,000				
(Transfer authority)	(50,000,000)	(50,000,000)	(50,000,000)	(50,000,000)	(50,000,000)				
Total, title V—Research, development, test, and evaluation	7,004,187,250	[4] 7,949,362,000	7,511,762,000	7,516,662,000	7,519,062,000	+514,874,750	−430,300,000	+7,300,000	+2,400,000
(Transfer authority)	(50,000,000)	(50,000,000)	(50,000,000)	(50,000,000)	(50,000,000)				
TITLE VI—COMBAT READINESS, SOUTH VIETNAMESE FORCES, DEFENSE									
Combat Readiness, South Vietnamese Forces, Defense	$300,000,000					−$300,000,000			
TITLE VII—SPECIAL FOREIGN CURRENCY PROGRAM									
Special foreign currency program	$2,621,000	$12,300,000	$12,000,000	$12,000,000	$12,000,000	+$9,379,000	−$300,000		
TITLE VIII—GENERAL PROVISIONS									
(Additional transfer authority, sec. 736)	($600,000,000)	($1,000,000,000)	($600,000,000)	($900,000,000)	($750,000,000)	(+$150,000,000)	(−$250,000,000)	(+$150,000,000)	(−$150,000 000)
TITLE IX—ANTI-BALLISTIC MISSILE CONSTRUCTION									
Military construction, Army	[5,6] $325,200,000	$172,500,000	[6] $93,300,000	$98,500,000	$98,500,000	−$226,700,000	−$74,000,000	+$5,200,000	
Family housing, Defense	[5] 8,800,000	11,070,000	11,070,000	11,070,000	11,070,000	+2,270,000			
Total, title VIII—Anti-ballistic missile construction	[5,6] 334,000,000	183,570,000	[6] 104,370,000	109,570,000	109,570,000	−224,430,000	−74,000,000	+5,200,000	
Grand total	69,580,701,250	73,543,829,000	71,048,013,000	70,849,113,000	70,518,463,000	+937,761,750	−3,025,366,000	−529,550,000	−330,650,000
(Transfer authority)	(950,000,000)	(1,050,000,000)	(650,000,000)	(950,000,000)	(800,000,000)	(−150,000,000)	(−250,000,000)	(+150,000,000)	(−150,000,000)
TITLE X—AIRCRAFT AND OTHER EQUIPMENT FOR ISRAEL									
Aircraft and other equipment for Israel				$500,000,000					−$500,000,000

[1] Includes amendments as follows:

H. Doc. 92–93:	
Military personnel, Army	$385,607,000
Military personnel, Navy	246,211,000
Military personnel, Marine Corps	73,610,000
Military personnel, Air Force	345,413,000
Reserve personnel, Army	21,239,000
Reserve personnel, Navy	10,611,000
Reserve personnel, Marine Corps	3,148,000
Reserve personnel, Air Force	5,356,000
National Guard personnel, Army	29,244,000
National Guard personnel, Air Force	7,900,000
Total, military personnel	1,128,339,000

[2] Includes amendments as follows:

H. Doc. 92–93:	
Operation and maintenance, Army	112,320,000
Operation and maintenance, Navy	78,914,000
Operation and maintenance, Marine Corps	4,791,000
Operation and maintenance, Air Force	86,888,000
Operation and maintenance, Defense Agencies	48,919,000
Operation and maintenance, Army National Guard	7,861,000
Operation and maintenance, Air National Guard	5,828,000
Rifle practice Army I	4,000
Court of Military Appeals, Defense	38,000
Tota', operation and maintenance	345,563,000
H. Doc. 92–133:	
Operation and maintenance, Army	$18,199,000
Operation and maintenance, Navy	2,826,000
Operation and maintenance, Air Force	11,113,000
Total, operation maintenance	32,138,000

[3] Includes amendments as follows:

H. Doc. 92–133:	
Other procurement Navy	$405,000
Other procurement, Air Force	182,000
Total, procurement	587,000
H. Doc. 92–150:	
Shipbuilding and conversion, Navy	—$1,000,000
Aircraft procurement, Air Force	[a] 219,000,000
Missile procurement, Air Force	—107,000,000
Total procurement	111,000,000

[a] In addition $58,700,000 to be derived by transfer from Air Force stock fund.

[4] Includes amendment as follows: H. Doc 92–133: Research, development, test and evaluation, Army $1,500,000

[5] Funds provided in the Military Construction Appropriation Act for fiscal year 1971.

[6] In addition $31,800,000 in fiscal year 1971 and $20,500,000 for fiscal year 1972 for which permanent authorization is available are provided in Military Construction Appropriation Acts.

[7] Includes $300,000,000 provided for combat readiness, South Vietnamese Forces, Defense, for fiscal year 1971.

Mr. ELLENDER. Mr. President, I ask unanimous consent that the requirement that the conference report on the Department of Defense appropriation bill, 1972, H.R. 11731, be printed as a Senate report be waived, inasmuch as the report has been printed as a report of the House of Representatives.

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

Mr. STENNIS. Mr. President, first, I should like to make a brief reference to an item or two in the bill as handled by the conferees.

One is that there are no funds in here now for a continuation of the tank known as the MB–70. This is a matter I have followed for several years, and I bring it up now not in criticism of what the conferees did, but to underscore that we still do need, in the opinion of the Senator from Mississippi, a tank that carries the technology that has been developed since our last usable model.

Also, I want to underscore that we have had fair warning about the tank as a project; and I say now that the Senate Armed Services Committee is going to try to keep a constant surveillance over this new start, so that we will track from year to year just what this money is spent for. I think some good will come from the research on the MB–70, which has to be abandoned. As I recall, we spent more than $400 million trying to carry out the mission of the Army having a tank that

carries the modern technology. It got into this field, costing approximately $1 million each, as the Senator from Louisiana has pointed out, which is an extremely large sum for a tank. I was concerned about that; and my position was that if they did not come forth with something more constructive and positive during this fiscal year, I would be in opposition to a continuation of the project.

I would have liked to see Mr. Packard at least have a chance to further his work on it, but Mr. Packard resigned during the conference on this bill and that part of it was out. But we are certainly going to have someone competent in this field represent the Armed Services Committee, as the Army pursues this new concept, this new start on the tank.

I also want to back up the Senator from Louisiana and the Senator from North Dakota in their actions with reference to the matter of funds for Israel. I signed the report unconditionally, and it is no repudiation of what the Senate had done here with reference to that matter; but there is another way to take care of whatever the needs of Israel may be.

Mr. President, I use this occasion to point out the outstanding work that has been done this year by the chairman of the Committee on Appropriations, the Senator from Louisiana (Mr. ELLENDER). I know personally of the work he has done, day and night. He had plenty of help from many other Senators, both on the majority side and the minority side, but he was the spearhead, the driving force, and he is in large measure responsible for most of the appropriation bills being signed into law as early as August 1971—early August—which is really just 30 or 40 days after the beginning of the new fiscal year. That is an extraordinary achievement in itself, considering the volume of work that goes with it and the many problems that come up. For example, I know that as late as July 31, 1971, the administration was recommending to the authorization committee new budget requests for a new ship system that cost more than $2 billion. This shows how we have gotten into the habit here of carrying on these considerations in an entire year.

I believe that the President has signed all these bills or they are on his desk. I believe he has signed all except Defense and the District of Columbia and the last supplemental. Of course, the foreign aid bill has been tied up and is yet to be considered.

This is an extraordinary achievement. Not only has the Senator from Louisiana shown skill and splendid judgment, but also, he has demonstrated an enormous amount of energy in bringing this about. It is a great credit to the Senate. It took more vigor and personal stamina and endurance than I have.

On this particular bill, as well as other bills, the Senator from North Dakota has been right in stride all the time, with the same objectives, the same dedication, and the same effectiveness. As the ranking minority member of this subcommittee, the Senator from North Dakota has worked long hours, and has done highly creditable work. Few Members of the Senate could fully know the magnitude of the work involved in the Department of Defense Appropriation bill, and few members of the public have a chance to realize what goes into it.

I am not in the habit of extending compliments as an exercise but I want to mention the outstanding work that I have observed over the years that has been done by the chief staff member connected with this bill, Mr. William Woodruff. The extraordinary knowledge he has of the workings and machinations of all these accounts and items in the Department makes his services highly valuable and is one of the most valuable men on Capitol Hill. He has been assisted effectively and ably by Mr. Francis Hewitt, a valuable member of the staff, as well as our friend over here, representing the minority, Mr. Edmund L. Hartung. I have observed his work and he deserves the finest kind of commendation, which I extend to him.

I am especially thankful that they could get this bill concluded for this year. I know that the Senator from Louisiana and the Senator from North Dakota have special plans to get it out even earlier next year. As chairman of the Armed Services Committee we have to handle authorization items for over one-third of this bill, and we will certainly redouble every effort to get the authorization bill completed and on the President's desk next year even earlier than in 1971.

This year there were 7 weeks of debate on the draft bill which had a lot of policy questions in it, and then later there were 4 weeks of debate on the procurement bill, followed by 3 or 4 weeks in active conference on the procurement bill. It was hard to get the bill before the Appropriations Committee for consideration.

I thank all Senators once more.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BYRD of West Virginia). The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. ELLENDER. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. YOUNG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NEW APPROPRIATIONS PROCEDURE

Mr. ELLENDER. I wish to thank my good friend from Mississippi. He has worked very hard and nobly in assisting us to expedite action on this and other appropriations bills.

I have been discussing early action on appropriations with the leadership of the Senate as well as some of the leaders in the House and I wish to say that next year we hope to have all of the major appropriations bills reported earlier. This is no idle talk.

I am hopeful that we can pass every major appropriation bill and have it on the President's desk on or before June 30.

I think that can be done. The reason we were detained this year and in years past is that quite a few of the bills could not be completed because authorizations were delayed.

In discussing the matter with the leadership, it has been decided to present to the Senate early nekt year a program whereby all authorizing bills must be enacted on or before June 1, if those are to be funded in the regular appropriation bills.

All programs authorized after June 1 will be funded in a supplemental bill. Of course this bill will be a big one, but there is absolutely no excuse for us not to have all the regular bills on the President's desk on or before June 30, the end of the fiscal year.

I pledge that I will do all that I can. I know that I will get the full cooperation of every member of the committee, because we discussed the matter with most of them, particularly with my good friend from North Dakota, and we have been promised by the leadership that next month there will be a joint statement made asking full cooperation from other committees, particularly the authorizing committees, such as the Senate Armed Services Committee, which my good friend from Mississippi (Mr. STENNIS) is chairman, and the House Armed Services Committee, of which my colleague and friend EDDIE HÉBERT, is chairman.

If we can get the authorizing committees to work with the Appropriations Committees, and if we work as we did this year, there is absolutely no doubt in my mind that we can get the bills out on or before June 30.

Mr. YOUNG. Mr. President, I want to thank the distinguished Senator from Mississippi (Mr. STENNIS) for his comments awhile ago.

I could not help observing that this year the Senator spent more than 2 months on the Senate floor defending two authorizing bills.

I believe that few men in this body possess the kind of endurance, patience or as much effectiveness as the Senator from Mississippi. I do not know how one man could have mustered the stamina, the resourcefulness, and the knowledge necessary to have carried these bills through during those 2 months.

During the nearly 27 years I have served in this body, I have voted for cloture only twice until this year. Watching the proceedings of the Senate this summer convinced me that we are going to have to have more limits on debate if the Senate is going to conduct its business.

Observing what the distinguished Senator from Mississippi had to go through to get these two bills through this summer, I know that I shall be voting for cloture more often in the future.

Mr. BYRD of West Virginia. Mr. President, I join my colleagues in expressing not only gratitude but also admiration for the distinguished Senator from Louisiana (Mr. ELLENDER) who, as chairman of the Appropriations Committee, has performed a very, very remarkable job this year.

I join him, too, in expressing the hope that, next year, action on all regular appropriation bills can be completed and

they can be on the President's desk for his signature prior to July 1, the beginning of the new fiscal year.

I have marveled at the tenacity and the determination of the distinguished chairman. I salute him for a job extremely well done.

I also want to compliment the distinguished Senator from North Dakota (Mr. YOUNG), the ranking Republican member on the committee, and all other members of the Appropriations Committee.

The Appropriations Committee is the salt mine of the Senate. There is enough work on any one of its subcommittees to keep a Senator busy full time, if he wants to give that much time and attention to it. He cannot, of course, because he has so many other duties to perform as well.

I hope that the distinguished chairman will be able to realize his goal. He will have on his side all the members of the Appropriations Committee and the leadership, certainly, on both sides of the aisle. But, what about the House? What are the prospects for cooperation on the part of the House leadership, so that the Senate can work its will and have the bills on the desk of the President for his signature by July 1.

Mr. ELLENDER. Mr. President, I want to say to my good friend, the Senator from West Virginia, that I have been discussing plans with the chairman of the House committee, my counterpart, and I have no doubt that he will also put his shoulder to the wheel.

I have also discussed the matter with our majority leader as well as with the Speaker of the House. I have also discussed it with the Senator from Pennsylvania, the minority leader (Mr. SCOTT), and he is in agreement. We will try to have a meeting, if possible, as soon as we return next month, to formulate a precise proposal to lay before the Senate.

I might say to my good friend, the Senator from West Virginia, that for the past 34 years I have found time on various weekends and holidays to visit every parish of my State.

I really believe, if we do our work, we ought to be able to adjourn by July 31, without any question.

Mr. BYRD of West Virginia. Mr. President, I share the opinion of the Senator from Louisiana. If I might ask a question, do I understand that the joint statement to which the Senator from Louisiana has alluded will be a statement joined in by the leadership of the other body?

Mr. ELLENDER. Oh, yes.

Mr. BYRD of West Virginia. Mr. President, I thank the distinguished Senator from Louisiana.

NEW HEARINGS ON OVERALL BUDGET

Mr. ELLENDER. In this connection, Mr. President, last February I initiated hearings by the full committee on the overall budget estimates for fiscal year 1972. This was prior to the time the various subcommittees scheduled hearings and began their respective line-by-line deliberations. This year's session was limited to testimony from the Director of the Office of Management and Budget, the Secretary of the Treasury, and the Chairman of the Council on Economic Advisers. They were all witnesses in support of the administration budget presentation. Considerable testimony was elicited concerning economic prospects, the public debt increase, gross national product projections, the budget deficit, and administration proposals for economies and reforms. It was a very valuable opportunity for members of the committee to question and probe these and allied matters, such as foreign trade, the balance of payments, unemployment, inflation, interest rates, and tax reform proposals.

These hearings were instructive and most interesting. But their scope was limited by the 2-day period. Therefore, it is my intention to convene the full committee early next year for a more protracted session. It may be 4 or 5 days, maybe longer if it seems advisable as we progress. I also intend to invite not only governmental witnesses, but qualified public witnesses as well. We will ask them to present their views on national goals and priorities as reflected in the new budget document, which will have been submitted to the Congress by that time. These comments could be related to the final appropriation figures for the fiscal year 1972 and/or the new fiscal year 1973 budget. This testimony could include recommendations for program reductions or increases. We would welcome witnesses representing organizations concerned with national issues, as opposed to local issues. We would invite them to testify on general goals and priorities, rather than on specific appropriation line items. The line items will be considered by the subcommittees at a later date.

In summary, it would be my hope to direct attention toward realistic alternatives, to some of the administration requests.

Mr. President, a formal announcement of these hearings will be made very early in the next year. Interested public witnesses will be given time to prepare their presentations.

We are optimistic that these public hearings can make a substantial contribution to our thinking in these days of rapidly changing priorities.

These open hearings should give our committee and the entire Senate a stronger voice in the spending process. We all have seen evidence of our declining role in this area. We must reverse that trend.

The Congress is given the responsibility of making appropriations. But too often we are exposed to only the administration thinking on overall priorities and national goals. For too many years we have limited our thinking in the Congress to how money should be spent within the major budgetary areas. It is time we expand our scope to take an overall look at spending practices. These hearings should help us measure our domestic appropriations against our foreign spending—our social and welfare programs compared to our defense programs—our total spending against our total revenues, and against our total debt. These public hearings may help remind us, especially during an election year, that there is more to changing priorities than just spending additional money. When you owe over $400 billion as we do, we must keep in mind that changing priorities areas, plus cutting back spending in other areas. These hearings next year can help us make these important decisions. I will appreciate the cooperation of the entire Senate in this new undertaking.

Mr. STENNIS. Mr. President, I applaud the efforts of the Senator from Louisiana and the Senator from North Dakota. I point out, though, that there is a problem here with reference to the military authorization bill, which has to precede the military appropriation bill. And I am not complaining in the least. Every Senator knows that I believe in all Senators having all of his rights, including his full right to offer and debate amendments.

The authorization bill for military weapons has to precede the appropriations bill. And if we continue to use that measure for extended debate on matters that are related, but are primarily policy questions, after all—and, as an illustration, I might refer to the end-the-war amendment—and if we continue to add amendments to the military procurement authorization measure and then have to go through cloture to get the conference report approved, that course will cause much delay. That is my only comment, and this not critical of any Senator. However, that process does take time.

This year the military procurement bill, after 7 weeks of debate here, stayed in an active Senate-House conference for 4 weeks. Then, when it came back to the Senate, it took an additional 2 weeks to resist a motion to table the conference report. Afterwards, it took the imposition of cloture to get to a vote and approve the conference report.

My only point is that this all takes time. If an amendment, such as the troop-withdrawal-from-Europe amendment—which is a related military matter, but it does involve a policy question—had been tied to this appropriation bill, I do not know whether you would have been back yet with a conference report. But that was excluded from the bill. It is not going to be easy to do this pattern as outlined for earlier passage of appropriation bills. We have to have self-discipline in order to do it.

I will certainly cooperate with the distinguished senior Senator from Louisiana and will try to expedite the work of the Armed Services Committee.

I, also, think that the Members of the Senate need more time at home to mix and mingle and to go around among the people they represent.

I know that for the past 3 years, with the exception of last August, we have not had time to do so. Just visiting among our constituents is something that we need to do. It is a great principle of representative government. This requires more contact than I have been able to have with the people in Mississippi whom I am honored to represent. I hope that we will have a chance to do this in the years ahead.

Mr. BYRD of West Virginia. Mr. President, if I might add one postscript with respect to our need to return home and visit with our constituents, I join with what the Senators have had to say. I think it would be good for the people

back home if Congress were to be out of session for 3 months every year.

I think it must be said, to the credit of Congress—and the majority leader will go into this in more detail—that Senators have worked hard. We would have been able to adjourn long before this had it not been for the phase I and phase II legislation that was dumped into the hands of the House and Senate, and quite appropriately. I do not say this as a reflection on the President. Something had to be done, and it is our responsibility in the Congress to respond to the needs that arise. The Senate has responded. However, had it not been for these matters and for the two vacancies on the Supreme Court, on which the Senate had to act—which were unforeseen and occurred very late in the session—Senators would have been back home among their constituents long before this.

I want to say further that I appreciate the splendid cooperation that Senators on both sides of the aisle have given all during this year with respect to time agreements on legislation, all of which have helped to expedite the work of the Senate.

The Members are to be congratulated on the fine way in which they have worked with the leadership on both sides of the aisle. The majority leader may go into detail at an appropriate time with respect to what the overall accomplishments have been. However, I want to express this word of thanks to all Senators for the courtesy and cooperation they have extended to the leadership and the fine work which they and all committees have done.

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

Mr. BYRD of West Virginia. I yield to the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, I join in the colloquy and express my thanks to the Senator from Louisiana for his tenacity and his dedication to the public service in his role as chairman of the Appropriations Committee. Some of us have been around here for a goodly number of years. I do not think there has ever been a time that the Appropriations Committee has done a better job and has been more on target than in this particular session of the 92d Congress.

The chairman of the committee, the distinguished senior Senator from Louisiana (Mr. ELLENDER), is known and respected in this body as a tremendous worker, and a man of great stamina and perseverance.

I have come to him with problems in areas in which he may not always have the most personal interest, and he has always responded in a helpful and friendly way. I want him to know this and I thank him publicly, as well as having told him in private.

One of the most difficult assignments of a Senator is to be chairman of any committee.

One always gets criticism if things do not work out, and if a good job is done everyone kind of expects it and one seldom gets a pat on the back.

The Committee on Appropriations is the committee that carries a tremendous load in this body. I know the Senator from Louisiana has been fortunate in having a truly fine, cooperative, and friendly associate from the minority side, the Senator from North Dakota (Mr. YOUNG). I happen to have a great personal friendship for the Senator from North Dakota (Mr. YOUNG). That friendship is of many years' standing, and it is known by Democrats and Republicans alike in North Dakota and in Minnesota.

So I salute the Senator from Louisiana and I thank him for a good job and for really giving leadership to expediting the work of the Senate insofar as appropriations are concerned. That is true not only in the Senate, but also it should be noted that he has taken leadership in both bodies and has done a fine job.

Now, I wish to say to the majority whip that he has had to carry a tremendous burden here to keep this body moving. He has always been respectful of our rights. I thank him for his cooperation, recognizing that it is not always possible to please everybody on every occasion. But we do pass a lot of legislation and the Senate is vitally interested in matters of concern to the future of this Republic.

We are going through a period of discussion, debate, and dialog on the respective roles of the executive branch and the legislative branch that is of historical significance. This is not going to be settled quickly. We Americans do not have a plan of action, so to speak; we do not live by doctrine or dictation, but we are very pragmatic and practical people, and we will debate these matters through amendments—that is a vehicle we use in the Senate to precipitate debate—to redefine the power of the respective branches of Government or get a better focus on it.

In the second session we will take up the war powers of the President. This is a matter of tremendous importance that has been precipitated by not only the war in Vietnam but also the accumulation of power over the years since World War II. I think that the debate which will take place on the so-called war powers of the President will be one of the most historic debates in the history of Congress since the mid-1800's. It will take time and I do not think we should apologize for the fact we take some time. These things need amending, and they need to be discussed, and the time used is a valuable asset. It is the time that is not used that is a waste. So we will move along and I think next year will be a productive year.

I see a number of items which will be carried over and we should get those items out of the way soon.

Mr. President, I salute the chairman of the Committee on Appropriations.

Mr. ELLENDER. I thank the Senator.

ORDER FOR ADJOURNMENT TO 9 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 9 o'clock tomorrow morning.

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

ORDER FOR TRANSACTION OF ADDITIONAL ROUTINE MORNING BUSINESS TODAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, during the session of the Senate today, at such times as conference reports or other business is not before the Senate, morning business be in order with statements by Senators, limited each to 10 minutes.

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, announced that the House had agreed to the amendments of the Senate to the bill (H.R. 5419) for the relief of Corbie F. Cochran, Jr.

The mesage also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11932) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1972, and for other purposes; and that the House receded from its disagreement to the amendments of the Senate numbered 1, 3, 4, and 33 to the bill, and concurred therein, severally with an amendment, in which it requested the concurrence of the Senate.

A RÉSUMÉ OF THE HEARINGS HELD BY THE COMMITTEE ON ARMED SERVICES

Mr. STENNIS. Mr. President, at this point in the session I am reluctant to take the time of the Senate. I think I should give Senators a brief sketch, however, on general hearings held recently by the Senate Armed Services Committee on the process through which we buy modern weapon systems.

In the period of December third through ninth, the Armed Services Committee heard nine witnesses on the weapon system acquisition process. I stress that we have been examining the process. We have not tried to hunt Pentagon scapegoats or tarnish the reputation of industries which have helped to make the United States and its strength respected in all the world.

We heard Mr. Gilbert Fitzhugh, chairman of the board of the Metropolitan Life Insurance Co. and chairman of President Nixon's blue ribbon defense panel. Then we talked with Dr. John S. Foster, Jr., who, as Director of Defense Research and Engineering, oversees the Pentagon's weapon development.

The committee asked Mr. Jacob Stockfisch of the Rand Corp. about operational test of weapons and test evaluation. We heard Dr. Fredric M. Scherer, an economist from the University of Michigan, review the evolution of the weapons ac-

quisition process and the structure of industry and the Government arsenals here in the United States.

Then we asked two researchers from the Rand Corp.—Mr. Robert Perry and Mr. Arthur J. Alexander—to talk to us about the procedures under which weapons are bought by European nations including the Soviet Union.

We talked to Dr. William B. McLean, a Navy weapons engineer, about the development of the highly successful Sidewinder missile and we asked Mr. Pierre Sprey, a former Pentagon official, to talk to us about simpler weapon systems.

Finally, we heard Adm. Hyman G. Rickover, developer of the nuclear submarine, comment in his own inimitable way about procurement process.

I want to make two points about these hearings, Mr. President. In the first place, these witnesses, with a couple of exceptions, are not now actively involved in the weapon acquisition process. All have expertise, and some insight, on the problems—but they were not, for the most part, in-house witnesses.

Secondly, and, as I have said, quite intentionally we tried to focus on process and procedure. A great number of controversial weapon systems were mentioned in passing, but the committee centered on what the process is and what happens in the process.

I need not say, Mr. President, that after 5 days of hearings, the committee has barely scratched the surface with respect to weapons acquisition. It is a subject which asks for continuing attention, and I think our committee wants to provide it.

I believe, however, that I can report a very carefully qualified optimism. I think it is an instance where we can make significant improvements, if we have the will.

Reporting on the procurement bill, in September, the committee said that:

> If the geometric cost increase for weapon systems is not sharply reversed, then even significant increases in the Defense budget may not insure the force levels required for our national security.

A number of our witnesses underscored that concern.

In their testimony, however, they said that there are techniques—strategies, if you like—to reverse or at least restrain these cost increases and obtain better weapons in the process.

For example, the committee was told that:

First. More realistic and less detailed specifications, less burdensome documentation, and authentic independent operational testing would reduce some of our weapons procurement costs, and increase effectiveness.

Second. Smaller weapons development teams can produce simple and effective weapons. This is being done, in some cases, in the United States as well as in Western Europe and in Russia.

Third. Deputy Defense Secretary David Packard is beginning to work toward a strategy which will incorporate these elements.

As I have said, Mr. President, much more attention must be addressed to this subject. I think it is fair to conclude, however, that alternative procedures are available to us.

We can minimize overlap—concurrency—between research and development on the one hand and production on the other.

We can make wider use of prototypes in the development process instead of generating studies by our computers.

We can simplify our weapons, and our weapon specifications, and make use of smaller, less costly development teams to work more effectively.

We can have the best weapons in the world, and our fighting men deserve nothing less.

Mr. President, the Armed Services Committee will decide, in the weeks ahead, how to proceed with this study. I know we will want to get information from industry leaders and from other experts as we examine weapons acquisition.

As our hearings go forward, we will provide further reports to the Senate.

SOUTH ASIA: A WORLD CRISIS

Mr. HUMPHREY. Mr. President, I wish to take a few minutes of the Senate's time to talk about the very critical situation which exists and persists in South Asia, which I consider to be a matter of world crisis.

Mr. President, the votes have been cast in the United Nations, the President has cut U.S. military and a good portion of economic assistance to India, and our Government has enunciated what it claims to be a policy of absolute neutrality between Pakistan and India. Does the curtain now close; do we all applaud and leave, praising or condemning the actors depending upon our own viewpoint? Is what we are witnessing in south Asia really a play?

The facts certainly belie this impression. One report comes in more devastating than the other. First came the welcome news of the general elections in Pakistan offering the promise of the installation of a genuinely democratic form of government in both East and West Pakistan. In East Pakistan the almost total support for the Awami League was virtually a referendum for the autonomy of East Bengal, or East Pakistan. Failing to recognize a movement that had its embryonic beginnings at the time of the formation of Pakistan in 1947, President Yahya Khan tried to reverse at an irreversible stage the decision of the East Pakistani electorate.

On March 25, the date scheduled for the transfer of power to the elected leaders and the constituent assembly, the ax fell. Sheikh Mujibur Rahman, head of the Awami League, was accused of treason and incarcerated. Roughly 80,000 West Pakistani troops were deployed in East Pakistan. East Pakistan then became an army garrison and the Bengali people became prisoners. Those who escaped flowed over into India at the rate of over 50,000 people per day to become citizens of refugee camps. Their refuge has been overcrowded camps and the open air where survival is a daily question.

Mr. President, I must pause here in this brief rundown of events to stress the portent of this fact. Fifty thousand refugees per day brought a total of over 8 million East Pakistanis in India by the end of August. Now the figure is somewhere in the range of 10 million, a figure almost too startling to imagine in human terms. For those of us who tried to grasp what this meant in human suffering and in international tension, there was a realization of the ominous urgency of this problem. At stake were people's lives, the dynamic stability of both Pakistan and India, and the fragile foundation of international cooperation.

At this point the judgment that the crisis in East Pakistan had become a matter of international concern could no longer be disputed.

A number of Senators in this body have visited Pakistan or East Pakistan and have brought us reports underlining the seriousness of the situation, calling to our attention that the crisis in East Pakistan had, indeed, become a matter of international concern.

Any hesitation on the part of our Government to become involved for geopolitical reasons or ostensibly for avoiding another Vietnam was totally inexcusable.

The fear of another Vietnam was and remains unfounded. If we were to go through the historical exercise of our involvement in Vietnam, we would conclude that the situation is completely different in the subcontinent. No one was talking about intervention militarily. Some of us were, however, hoping for intensive diplomatic involvement at all levels.

If the specter of Vietnam is supposed to require passive restraint in every world crisis, then we have learned little from our brutal experience in Southeast Asia. The way to avoid future Vietnams is to have a clearer sense of where our true interests lie and what we can do to improve man's lot throughout the world. We have to behave in a way that combines national and human interests. In South Asia we acted on another principle—the pursuit of geopolitical gain—which has led us astray. We have not yet realized the full implications of Vietnam in terms of our own foreign policy.

Clearly, the undertaking of a Presidential visit to Peking was not worth the stand-off posture that the United States assumed—a posture which soon enough became identified with support of Pakistan. I contend that this visit, and the subsequent normalization of relations between the United States and China would not have been endangered by a different policy, actively engaged in working out a political settlement which fully recognizes the realities of the situation and our own interests. Paradoxically enough, the Chinese government has learned to view issues *separately*, *despite* their revolutionary dogma of universal application. When the United States mistakenly pressed for the acceptance of its resolution on Taiwan, Dr. Kissinger was talking with Chou En-lai in Peking. When the President was making commitments to Taiwan, Peking was working out details for the President's visit. Taiwan, we had thought, was the king pin in any easing

of relations between the United States and Peking. It has not been.

The Chinese have accepted an acting principle of international relations of separability and coincidence of interests. The United States apparently has not.

How else can we explain the administration's policy than out of its concern for the successful completion of the President's trip to China. The "Nixon doctrine" has openly accepted the theory of linkage, and here is an example of how it works. If we offend Pakistan, a close ally of China through public and private entreaties to end martial rule in East Pakistan and to release Sheik Mujibur as a step towards a true political settlement, then the China trip may be jeopardized. I cannot agree with such a sequence.

In the middle of the Pakistani crisis, our Government remained motionless. Despite the public outcry, military shipments to Pakistan continued to trickle in. Militarily, as the administration has been quick to point out, the amount of equipment actually shipped to Pakistan was of trifling importance to the campaign of repression the West Pakistani Army was raging in East Pakistan.

Politically and diplomatically, the effect was significant mainly because of the contradictory statements coming from the State Department, Department of Defense, and the White House. At one point we were denying the existence of continued arms shipments; at another we were discounting amounts being shipped. Throughout this whole affair, there has been no single, dependable expression of our Government's position. In Indian eyes and in many other parts of the world, no matter what the tally of the vote in the General Assembly, we were guilty by association and deceptiveness, our contradictory statements were confusing our silence was condemning.

The story with respect to other forms of assistance is worse. It was Congress initiative, not the President's, that recognized the importance of remaining absolutely neutral by withholding any form of assistance to Pakistan. It was members of the Congress including myself, who first called for relief assistance for the refugees run under international auspices. Not once has President Nixon made a public declaration cutlining our Government's position. Not once has he drawn attention to the plight of the refugees, the likes of which have never before been witnessed in history.

It was only in the last instance that our Government took the question to the Security Council. However, before the actual outbreak in major hostilities between the Pakistani and Indian armed forces, I had urged the President to take the matter to the Security Council. To insure fair representation of the issues involved in the present crisis, I urged, and would still urge, the President to call for the participation of members of the Bangla Desh movement in the Security Council sessions. Other Members of Congress, of course, have done the same. Almost as if succumbing to outside pressure, instead of taking the initiative on his own, the President finally turned to the United Nations—in this instance, as the place of last resort.

Once we got there, our handling of the situation was almost like a charade. We were going through the motions without believing in them. We introduced our resolutions out of a policy of strict neutrality, except that we called India the aggressor, holding major responsibility for the crisis in South Asia. In this way, we defied all rules of diplomacy, sacrificing any chance of being effective.

We submitted the latest resolution before the Security Council in this same spirit. Once again we violated the rules of effective diplomacy. We apparently hoped to incorporate in this resolution calling for a cessation of hostilities, a clause reprimanding India. At the same time, rumors are becoming louder and louder that the United States is moving the *Enterprise*, a nuclear-powered aircraft carrier and a navy flotilla assigned to the 7th Fleet off Vietnam, to the Bay of Bengal. Noises are also being made of the Soviet presence in the Indian Ocean. Secretary Laird, when asked about this story, said he could not disclose any contingency plans of an operational nature. Far from reassuring, this statement and the studied silence of the President only raises more doubts in an extremely tense situation. Official briefings do not help either. Dr. Kissinger's comments the other day were most notable for what remains undisclosed rather than for what is revealed.

What we should expect from the United States and the other powers concerned is responsible behavior. In this regard, I urge the Soviet Union to assume a less intransigent position and use its influence to secure a cessation of the present conflict. I hope that the rumors of Chinese troop movements on the Chinese-Indian frontier are as unfounded as those about the U.S. and Soviet Navies. Our only recourse for resolution of the conflict comes from the United Nations, or among the parties directly involved, not through gunboat diplomacy or a massive troop movement tease.

Now that we are at the point where Dacca is about to fall, Dr. Malik, Governor of East Pakistan, has just resigned, and news reports indicate that Lieutenant General Niazi is about to resign.

Also, groups within the West Pakistani government have given indications of a readiness to reach a settlement. This situation, however unsettling it may appear at face value, offers great room for negotiations. I would hope that India might now demonstrate the flexibility necessary to obtain a cease-fire and conclude a satisfactory settlement. Because the situation remains extremely precarious, with a full-scale war still going on, there is no point in continuing the game of accusation and counter-accusation. Clearly, both sides share the blame. Certainly the United States, the Soviet Union, and China are also at fault.

To reach this conclusion does not mean that the curtain is dropped and the play is at an end. Mr. President, the war is still going on and the conditions that sparked things off still remain unresolved. There are still 10 million refugees in India. The West Pakistani army is still in East Pakistan, and until they leave, the war will continue. I, therefore, call upon the United States to reverse its past policies and take a more active role in establishing a settlement. I call upon all parties involved to concentrate on restoring peace and security in the subcontinent.

In this spirit, I would suggest that any setltement must take account the fact that Bangla Desh exists de facto, if not de jure. For this reason, I call upon the United States to consider the possibility of extending recognition to the government of Bangla Desh in the near future.

In order to effectuate a settlement as rapidly as possible, the first item to be worked out is the implementation of a cease-fire on all fronts, followed by troop withdrawals from East Pakistan. During the time of withdrawal, the United Nations could have an important role to play. U.N. peacekeeping forces as provided under article 43 of the U.N. Charter, could be charged with the responsibility of enforcing a cease-fire and assisting in troop withdrawals.

On the political agenda, there are a number of steps which must be taken. First, Sheikh Mujibur Rahman, as the elected leader of the Awami League and the most popular political figure in East Bengal, must be released from prison. Securing the status and government of Bangla Desh will provide the basic incentive necessary for the repatriation of refugees. But their repatriation will undoubtedly be a long and delicate process. Here again, the United Nations can play an important part by helping to provide the additional incentives necessary to induce the refugees to return to East Bengal.

My point, however, Mr. President, is that the United States must use its resources and its influence within the the United Nations to bring about action from the United Nations.

The United States also can play an important part by taking initiatives under the United Nations and other international organization auspices. Stepped-up international assistance programs should begin promptly. We must make certain that relief assistance from the United States will be forthcoming no matter what the legal change in the status of East Pakistan. The Congress has authorized money for this purpose, so it is up to the administration to make it available.

In fact, our Government should do all it can to encourage a reconstruction program for Bangla Desh run through the specialized agencies of the United Nations. Throughout this crisis critics of the U.N. have said "See, we told you so. When faced with a threat to international peace and security, the U.N. is just not prepared to handle it." Admittedly, the U.N.'s performance has not been as effective as we would like up to this date, but the solution is not to disband this great organization or return to the bilateral nation-state principle of diplomacy. I maintain, as a firm proponent of the United Nations, that it is a workable institution if we use it properly.

The PRESIDING OFFICER (Mr. NELSON). The Senator's time has expired.

Mr. BYRD of West Virginia. Mr. Pres-

ident, I yield the Senator from Minnesota my 10 minutes.

Mr. HUMPHREY. Mr. President, I have no time limitation.

The PRESIDING OFFICER. The Senate is operating under a 10-minute limitation.

Mr. HUMPHREY. I was unaware of that. I thank the Senator from West Virginia.

It is truly regrettable that the administration has chosen to forego this chance so far, but the proposals I am offering today would give the United Nations the support it needs for its programs to be effective. There is no doubt that the U.N. could handle peacekeeping operations or a Bangla Desh reconstruction program. What is more doubtful, is whether the great powers like the United States and Soviet Union are prepared to endorse this effort wholeheartedly. I urge our Government to take this initiative.

A rehabilitative program for Bangla Desh offers a truly constructive opportunity. Amidst all this fighting, the deleterious effect on the people of East Bengal has somehow eluded our attention. It we want to be certain that Bangla Desh does not become a mere client state or a pawn in international politics, then it would be most worthwhile for us to begin thinking along the lines of international rehabilitative assistance for East Bengal. After all, the principal cause of this conflict has been the movement for independence in East Bengal. Assuming that Bangla Desh will eventually become an independent legal entity, the United States also helps it in this way to become a viable state in the international community.

There are additional matters of concern which will have to be settled. Account in any settlement must be taken for the Bengali population in West Pakistan which may be desirous of returning to East Bengal and of the West Pakistani Army and minority populations who choose to live in West Pakistan. Finally, consideration should be given to the settlement of differences on the western border. This question becomes more important each hour, as the battle in East Bengal hastens to an end. It could also lay the foundation for a more permanent understanding between India and Pakistan.

The steps which I have outlined are intended to serve as guidelines. They are intended to clarify, not to confuse. My interest is that peace be restored to South Asia and that we take the initiative as peacemaker; that the plight of human beings be attended without further delay; and that the United States, through the U.N., assume the role of an actively concerned neutral power, ready to assist in any way possible. Mr. President, I have no other concern, and among those I have listed, none is stronger than my desire to alleviate human suffering.

Mr. President, I yield the floor.

DISTRICT OF COLUMBIA APPROPRIATIONS, 1972 — CONFERENCE REPORT (H. REPT. 92-755)

Mr. INOUYE. Mr. President, I submit the long-awaited report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11932) making apppropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1972, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. 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 today at pp. 47139–47141.)

Mr. INOUYE. Mr. President, the amount agreed to in conference was $272,597,000 in Federal funds which is $16,600,000 below the revised budget estimate, $4 million over the amount recommended in the House bill and $13 million below the Senate bill.

With reference to District of Columbia funds, the amount agreed to was $932,512,700 which is $112,769,000 less than the budget estimate, $41,450,000 less than the House bill and $50,472,000 more than the Senate bill.

Mr. President, while the Senate did not obtain everything which it felt essential for maintaining necessary District of Columbia services, the results of the conference are as good as could be obtained under the circumstances.

I ask unanimous consent to have printed in the RECORD a statement showing the major increases recommended by the Senate and as approved by the conference committee.

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

Major increases recommended by the Senate and sustained in conference

Under "General Operating Expenses":	
6 additional positions for the Office of Public Affairs	$95,000
10 additional positions (includes 8 attorneys) for the Office of the Corporation Counsel	140,000
3 positions for the Office of Consumer Affairs	29,400
2 positions for the Commission on the Status of Women	25,000
2 positions for the Commission on the Arts	30,000
7 positions for the Board of Labor Relations	89,000
Under "Public Safety":	
22 positions for the Narcotics Control Project under Department of Corrections	265,900
Under "Education":	
Additional positions and related cost for:	
Special education	900,000
Federal City College	3,000,000
Washington Technical Institute	900,000
Under "Human Resources":	
Additional welfare funds to cope with	
Increased caseload	3,000,000
Income supplementation (WIN Program)	500,000
Quality control investigative positions (45)	$203,800
Under "Capital Outlay":	
Additional funds to finance the Psychiatric Treatment Center, a project planned by the Health Services Administration	1,200,000
Total	10,378,100

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

Mr. BYRD of West Virginia subsequently said: Mr. President, I ask unanimous consent that the conference report on H.R. 11932, the District of Columbia appropriations bill for 1972, not be printed as a Senate report in view of the fact that the other body has printed it as a report.

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

The clerk will state the amendments in disagreement.

The legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 1 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: "$166,000,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 3 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: "$58,757,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 4 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: "$168,275,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 33 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the matter stricken out and inserted by said amendment, insert:

SEC. 16. No part of any funds appropriated by this Act shall be used to pay the compensation (whether by contract or otherwise) of any individual for performing services as a chauffeur or driver for any designated officer or employee of the District of Columbia government (other than the Commissioner of the District of Columbia, Chief of Police and Fire Chief), or for performing services as a chauffeur or driver of a motor vehicle assigned for the personal or individual use of any such officer or employee (other than the Commissioner of the District of Columbia, Chief of Police and Fire Chief). No part of any funds appropriated by this Act, in excess of $12,000 in the aggregate, shall, in any fiscal year, be used to pay the compensation (whether by contract or otherwise) of individuals for performing services as a chauffeur or driver for the Commissioner of the District of Columbia, or for performing services as a chauffeur or driver of a motor vehicle assigned for the personal or individual use of the Commissioner of the District of Columbia.

Mr. INOUYE. Mr. President, I move that the Senate agree to the amendments of the House to the amendments of the Senate numbered 1, 3, 4, and 33.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Hawaii.

The motion was agreed to.

Mr. HUMPHREY. Mr. President, the Senator from Minnesota wishes to include at this point in the RECORD his congratulations to the distinguished Senator from Hawaii for his splendid work as chairman of the Appropriations Subcommittee on the District of Columbia.

The PRESIDING OFFICER. What is the pleasure of the Senate?

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

REPORT TO THE PEOPLE OF MISSISSIPPI FOR 1971

Mr. STENNIS. Mr. President, once more, as the end of a calendar year approaches, it becomes my privilege to make a report to the people of the State of Mississippi. I wish to tell them of those matters on which I have been working during the first session of the 92d Congress, that I think are of particular interest to them. Primarily this is a report to my constituents for the year 1971 of my stewardship of the responsibilities they have vested in me.

This also constitutes an opportunity for me to thank my constituents for the trust they have placed in me, and for their assistance, support, and encouragement. No man could have better friends for whom to work. To the other members of the Mississippi delegation I also owe a debt, for their unfailing assistance and for their strong spirit of cooperation. My colleagues in the Senate have been very generous in their courtesies to me, and in the support of legislation of importance to my State. My office staff has been dedicated and loyal in their efforts, as have been the committee staffs with whom I work. My gratitude for all that has been done for me is warm and deep.

Our country and our people have had many difficult problems imposed upon them during the course of 1971, and commonly accepted solutions to collective problems have not always been achieved. However, as our part in the war in Southeast Asia draws to a close, I believe we can begin again to move toward a greater spirit of national unity. We also need and can hope for a national resurgence of moral and spiritual values, so that the country may attain again the national qualities that have strengthened us for 200 years.

The circumstances during the year have been difficult, but constructive work has been done. Of those matters in Congress in which I have had a part, I submit this report, under the following headings, to the people of Mississippi.

SCHOOL DESEGREGATION

Over the last several years, I have been speaking regularly on the Senate floor regarding the dual standards of school desegregation that exist in our country. I have pointed out the destruction of effective school systems in the South, undertaken in the name of obliteration of de jure segregation, while racial isolation in schools continued in the North on a massive and increasing scale, and was left untouched because it was said to be de facto segregation. I have said that in many places in the North and West, this racial isolation is really de jure segregation because it originated in actual official actions of school boards and local governments, although sometimes, subtle and disguised, in establishing school district lines, housing programs, and the like. I have also said that if and when the time should come that the citizens of the North and West should be required to accept the enforced racial balance that is imposed on southern schools, they would reject it out of hand, and would make their views known to Congress. I have expressed the hope and belief that this national hypocrisy will in due time give way to a single national policy; and that, because everyone will have to follow it, it will have to be moderate, practical, sensible, and aimed at the true purpose of schools, which is to educate children.

On February 18, 1970, the Senate by a vote of 56 to 31 passed an amendment which I had introduced to the Elementary and Secondary Education Act. It provided that it is the policy of the United States that guidelines and criteria shall be applied uniformly in all regions of the United States in dealing with conditions of segregation by race whether de jure or de facto in the schools of the local educational agencies of any State without regard to the origin or cause of such segregation. The amendment was lost, in effect, in conference, by the changes made in it.

I offered the same amendment in 1971, this time to the emergency school aid bill. It passed the Senate on April 22. On November 4, the House of Representatives passed the amendment but deleted references to title VI of the Civil Rights Act of 1964 and the Elementary and Secondary Education Amendments of 1966, making it applicable only to the Emergency School Aid measure. It now is in conference committee, awaiting action to resolve the differences between the Senate and House bills.

Since school began this fall it has been clear that school busing for racial balance is a very intense issue in the North. This has come about because Federal courts have ruled in a number of cases that segregation in northern cities has been deliberate in nature, and have ordered northern school districts to bus their children to obtain a racial mix. There has been an immediate reaction from many northern Members of Congress, seeking legislative relief from these very unpopular court orders. There is a growing interest in Congress in a constitutional amendment that would prevent assignment of children to schools on the basis of race, color, or creed, aimed at restoration of the concept of neighborhood schools. When the time is appropriate we shall move to limit the jurisdiction of the courts and thus prevent the courts from assigning or busing children on the basis of race.

The confusion, turmoil, and unhappiness among parents, children, and other citizens of Pontiac, Detroit, and other cities in the North and West were inevitable. Unfortunately, those in other parts of the Nation could not realize what the Supreme Court of the United States and the Congress had forced upon those in the South and what irreparable damage was being done to our schools and to our communities until they in the North and West could see and feel at least a small token of the same serious problem.

These busing disputes mean the dislocation of children from their schools, unhappiness for the children and their families, lost time, lost money, and lost educational opportunities. I say only that the time had to come when the dispute would occur in the North and the West. The people are not going to like it. They have shown they do not like it in San Francisco, Pontiac, Boston, and elsewhere. There should be no need for any violence in showing their displeasure. It would be deplorable, and it is entirely unnecessary. These are areas of great political strength in our country, and they can make their voices heard, according to established democratic processes, as they are presently doing in Congress. I believe that when the full strength of their voices is heard, we are going to be on our way back to neighborhood schools and spending the money to make those schools the very best this country can afford.

REVITALIZATION OF RURAL AREAS

The Agriculture Act of 1970, passed last October, said:

> The Congress commits itself to a sound balance between urban and rural America. The Congress considers this balance so essential to the peace, prosperity, and welfare of all our citizens that the highest priority must be given to the revitalization and development of rural areas.

There is no doubt that the rural areas of our country need assistance to maintain or recover their economic vitality. There is presently and has been for some time a widespread trend of migration toward the big cities. For the most part, of course, the people who leave the country for the city do so in search of opportunity. Many are young people, who may not wish to leave home, but are forced to do so if they hope to prosper.

Of the more than 3,000 counties in the United States, over half lost population between 1960 and 1970. Our State increased moderately in population between 1960 and 1970, by about 1.8 percent. Nevertheless, of the 82 counties in Mississippi, 48 declined in population. These are rural counties, of course, for we are, in general, a rural State, and it means that over half our counties are in economic difficulty.

The great migration to the large urban areas has caused many problems in the big cities. They include almost every aspect of community life—high costs of living, poor transportation, poor schools,

deteriorating housing, and bankrupt local governments. They all are related to the overcrowded conditions.

This situation is directly related to the declining vitality of rural areas. Fortunately, the two problems can be solved to a large degree by the same program. That program is an all-out, massive project to rebuild our rural communities and thus stop our people from having to leave them because of lack of money and business opportunities. Of course, I am interested also in building them up to such a degree that those who have already left through necessity over the last 10 to 20 years will come back.

The people go where the jobs are, and the rural areas need jobs. I agree with the President's Report on Financial Assistance to Rural Areas, where it says that:

> Rural development is primarily dependent upon expansion in non-farm job opportunities in rural areas.

In 1970, farm people received only 78 percent as much income as nonfarm people, and almost half of the farm population's income was from nonfarm sources.

It is obvious that if rural areas are to be revitalized by providing new job opportunities, they must be made attractive to light industry, to new businesses, and new commerce. This means providing incentives, and making it possible for people who are willing to invest in rural areas to get the capital that is needed to make those investments.

There are two bills presently under consideration in committees of the Senate that are aimed toward those two objectives. I am a cosponsor and a strong supporter of both.

One bill was introduced by Senator McClellan, and is in the Government Operations Committee. It is intended to provide incentives for a more even distribution of industrial growth throughout our country. Preference would be given to rural areas in Federal grant programs and in awarding Federal contracts; and manpower training programs would be used to provide the necessary trained work force in the rural areas.

The other bill is in the Senate Agriculture Committee. It was introduced by Senator Talmadge of Georgia and is called the Rural Development Act. Its intent is to provide capital for rural areas to finance public facilities, and business and industrial development. It would set up a system which would work like the Federal Land Bank, and eventually be owned by the borrowers themselves, and it would not interfere with the Farm Credit Administration, or the Farmers Home Administration, or any other funds presently available to farmers. Ten regional rural development banks would be set up, with the Federal Government subscribing money for them for the first 10 years. The banks would sell debentures, loan the money to rural development borrowers, who in turn would buy some stock in the banks. The regional banks would work through existing multi-county planning agencies. We have 10 such agencies in Mississippi, seven under the Economic Development Administration and three under the Appalachian Commission, covering all 82 counties. The whole idea is to provide capital, at reasonable rates and terms, so that public facilities can be built and businesses established in rural areas.

In addition to what may be accomplished in rural areas by new legislation, it is necessary to take full advantage of existing programs, a number of which are discussed in other sections of this report. In general, I think Mississippi is doing pretty well at this.

However, there is much more that needs to be done. Rural areas are entitled to a chance to have good standard of living, for they are willing to work for it. Means must be found to provide them with the opportunity and to give them a greater control over their own destiny. This subject is very much in the mind of Congress today, and in mine, and I intend to press for suitable legislation aimed at the revitalization of rural areas.

WORK INSTEAD OF WELFARE

In our country today, a crisis situation exists with respect to welfare. The numbers of people on welfare rolls, and the costs of welfare programs, are growing so rapidly that there literally is a danger to our ability to operate a financially sound government.

In addition, as too many American citizens know, the situation is worsened by the fact that the rate of unemployment is very high. I am afraid that the years ahead are going to continue to present unemployment problems. Over the past 30 years, our economy has been strong, but it must be remembered that it was stimulated by three wars and that this was a period of great increase in industrial technology. The unfortunate people who desire work, but are unable to obtain it, need and deserve help in getting employment. I view this as a problem that is going to be with us, in varying degrees, for a long time.

Even more disturbing, however, is the welfare situation, which if abuses continue will threaten the character of our Nation. I want to say in the strongest terms that welfare costs in this country are absolutely out of hand, and promising to get worse.

Last December the Secretary of HEW was proposing a minimum family income of $1,600 for a welfare family of four. Within a short time, the administration had changed the figure to $2,200. Now the amount proposed is $2,400, and a bill has passed the House that would provide this amount. The bill is presently in the Finance Committee of the Senate for consideration. In October, 18 Senators joined in introducing a new bill that is backed by a coalition of Governors, mayors, and various private organizations. This bill would provide a minimum family income of $3,000 a year now, and would increase it to $3,920, plus intervening cost-of-living increases, in 4 years.

Also, in the last 2 months, five Senators cosponsored a bill that would pay a minimum family income to a welfare family of four of $4,000 now, and step it up to $6,500 by 1976. It is certain that every election would bring pressures for further increases in welfare payments.

All of this is occurring in a fiscal atmosphere that leads thinking men to very grave concern. Last year the Federal deficit was $30 billion, and it will be $35 billion this year. A deficit of $65 billion in 2 years is facing us, yet the administration welfare bill would increase the number of people on welfare from about 13.5 million to 26 million, and increase welfare costs by $5 billion, to $14.9 billion a year, all out of the taxpayers' pockets.

I say let us provide jobs for these people and pay them to work at constructive tasks. One way to do this, as at least a partial remedy, is through a large, long-range program of public works, to provide work for people who are looking for it, and to take the able bodied off the welfare rolls. The regular public works program makes a substantial investment in our Nation's future by developing our rivers, harbors, and waterways; by flood prevention; and by land and water conservation measures. I would like to see a standby plan, over and above the regular public works program, for the Federal Government to develop parks, lakes, reservoirs, and recreation projects; to combat pollution and clean up the environment; and to provide essential public facilities at the local level that will stimulate prosperity as well as take care of environmental problems.

This standby plan would be used by successive Presidents, when required by the situation. It would provide work for those who through unfortunate circumstances are out of work, and also to provide useful work for those who are on welfare. A program of this kind would require widespread support of the people as a whole, and of the President, the Congress, and State and local officials. It would do four things. It would provide work for those who are looking for employment. It would provide useful work for those who are on welfare but are able to work. It would develop and protect our natural resources and environment for the benefit of generations to come. And over a long period it would stimulate each local economy, providing a growing tax base and increased payrolls, all to the benefit of future regional and national prosperity.

I intend to continue to work toward the adoption on a national scale of a plan of this nature.

RURAL WATER WORKS AND WASTE SYSTEMS

One of he most important Federal programs, from the point of view of the prosperity and health of rural areas, is the rural water works and waste program of the Farmers Home Administration. Nonprofit organizations or local public bodies can obtain loans and grants to construct water and sewer systems in rural areas and in towns of less than 5,500 population.

It has been difficult to achieve adequate funding for this valuable program, for the needs are great, and much of the membership of Congress, particularly in the House, is oriented toward the problems of the big cities rather than the countryside.

There are over 30,000 small communities in the United States that do not have adequate water and sewer systems. It would cost over $11 billion to provide currently needed systems in these areas.

I am glad to say, however, that in re-

cent years it has been possible to steadily increase the FHA funds for this purpose. Our State is the leading user of these funds, on a per capita basis, and in total loans and grants made to date ranks second among all the States.

In 1971, the Farmers Home Administration made 128 loans for water and sewer systems in Mississippi, totaling $18,444,000. There were 44 grants, amounting to $2,176,800. This makes a total investment of over $20 million this year, as compared with about $14 million in 1970, and $7.4 million in 1969.

I am pleased to have had a part in obtaining additional money for the FHA programs, and I intend to press for increased funds for rural water works and waste systems year after year. They constitute one of the most effective means of attracting industry to come to rural communities, as well as providing for the comfort and health of rural families, and are a most valuable investment. A great part of these funds is repaid as to both principal and interest.

URBAN WATER AND WASTE SYSTEMS

For towns larger than 5,500 in population, there are programs similar to the Farmers Home Administration program in rural areas to provide Federal assistance for waterworks and waste systems. The urban programs are administered by the Department of Housing and Urban Development, by the Economic Development Administration, and by the Environmental Protection Agency. All are being used in Mississippi to good effect.

In 1971, the HUD urban grants made available in Mississippi, as a Federal share in new water and sewer projects, amounted to $1,210,500. Loans to cities for this purpose amounted to $2,153,000.

The Economic Development Administration assists in the development of the economy, in areas that need such help by making loans for industrial facilities, or by assisting the local governments by making grants and loans for public works, such as waterworks and waste systems that will encourage new industries or businesses to locate in that area. EDA disbursements for these purposes in Mississippi in 1971 totaled $6,882,038.

A Federal agency deeply involved in maintaining the quality of water and air throughout the country is the Environmental Protection Agency, into which was incorporated, about a year ago, the Federal Water Quality Administration. The Environmental Protection Agency works closely with our State agencies, with the objective of furthering the construction of waste treatment plants, so that our streams can remain unpolluted. The Federal contribution toward such plants can be as much as 55 percent of the cost, if both State and local funds are also provided. Obligations in Mississippi in 1971 by the Environmental Protection Agency totaled $16,305,000, which was a very substantial contribution toward necessary waste treatment plants to keep our streams and rivers clean.

The quality of our water and air in Mississippi is extremely important for our future. We are very fortunate in having relatively low pollution levels at this time, and we must take all necessary precautions to maintain high standards for the future.

APPALACHIA PROGRAMS

The 20 northeast counties of Mississippi are eligible for economic benefits of the Appalachian Regional Development Act of 1965. The original act did not include any part of the State in the Appalachian Region, but in 1967, when additions under the act were being examined, I offered a Senate amendment that gave the start in adding this area under criteria set forth in my amendment.

In the subsequent 4 fiscal years, projects costing a total of $40,133,178 were undertaken under the authority of this act. Of this total, $12,754,151 was Appalachian Regional Commission money, $10,836,077 was other Federal money, and $16,542,980 was from the State, county, or local money. The projects were of many types, but all were aimed at economic development, educational improvements, or health facilities. They included university, junior college, and vocational school facilities, rural water systems, airports, hospital facilities, and library buildings. Also, during this time, 26 access highways for economic development have been built, at a cost of $9,256,406.

In the past 12 months, Appalachian funds amounting to $4,500,000 have been obligated in Mississippi. I expect the program to continue actively in our State in coming years, bringing economic benefits of both a local and regional nature.

I have an opportunity to review in detail the activities in the Appalachia program, for these funds come under the Senate Appropriations Subcommittee on Public Works of which I am chairman. For fiscal year 1972, I have been able to add a substantial amount to the program, for very worthy projects throughout the Appalachian region, and I intend to press for continued growth of the program in the future. It means a great deal to our State.

PUBLIC WORKS PROJECTS

In January 1971, I became the chairman of the Public Works Subcommittee of the Senate Appropriations Committee. I had served for many years as a member of this subcommittee, and prior to that as a member of the Senate Public Works Authorization Committee, so I have been privileged to have a direct role in the entire public works program throughout the United States.

However, as chairman of the subcommittee that acts on the funding of each project, each year, I have a greatly increased responsibility, which I welcome, for I view the public works program as one of the primary keys to the conservation of our natural resources and the continued economic prosperity of our Nation.

My subcommittee has jurisdiction over the programs of the Corps of Engineers rivers and harbors and flood control work, the Tennessee Valley Authority, the Bureau of Reclamation, the Atomic Energy Commission, the Appalachian Regional Commission, the Federal Power Commission, all of the regional power adminstrations, and a number of independent boards and councils that work in the public works field.

After hearings are conducted, the subcommittee acts on the appropriation bill, and makes specific recommendations to the full Appropriations Committee. When the bill comes to the floor of the Senate for debate, I am the floor manager of the bill, and when it is sent to conference to resolve differences between the Senate and House bills, I act as chairman of the Senate conferees.

This year, for the Army engineer project, Tallahala Creek Lake, the appropriations bill, as finally passed, provided $300,000 for engineering design, an increase of $70,000 over the budget request. This makes a total of $600,000 allocated to this project to date. If the budget request for next fiscal year provides the $400,000 to complete design of the project, I hope to be able to add money in Congress so as to initiate, in fiscal year 1973, the construction of this fine project, which is needed to prevent flooding in Laurel, and to provide municipal and industrial water supply.

The flood control project on the Tombigbee River and its tributaries, which is just getting well started, was funded at $1,300,000 which was the maximum amount the engineers could use. Next year I expect their capability to be considerably increased and hope to increase the funding for this very necessary work. The Tennessee-Tombigbee Waterway project constitutes a special problem, and I will discuss that project in a separate section of this report.

Much of the Army engineer work in our stream basins that drain to the westward is done under the authorization called "Mississippi River and Tributaries," or M.R. & T. for short. This work is very essential to us, for it includes the work on the mainstem of the Mississippi River and the reaches of the tributaries that are subject to backwater flooding from the main River. M.R. & T. had a budget request for $80,966,000, which also was the figure passed by the House. The Senate raised the amount to $91,501,000. We were able to hold half of the increase in conference, for a total of $86 million.

I am glad to say that the increases provided additional money for the Vicksburg Harbor study; for levee, channel, and revetment work on the main river; for the Greenwood project, and a substantial amount for the work on the Yazoo backwater project, which protects that basin from water which, at high stages on the main river, backs up the Yazoo River behind the main Mississippi River levees.

For the Tennessee Valley Authority, the Senate provided $67,250,000, rather than $56,600,000 as set forth in the budget request, and I am glad to say that most of it was held in conference. The appropriation included $1,250,000 for our Yellow Creek project in Tishomingo County, as well as a number of other TVA activities that are of regional importance in our area.

This year, for the first time in several years, it appears that most of the public works money added by Congress will not be impounded by the administration. Practically all of it was apportioned to the agencies by the Budget Office in November.

I am totally dedicated to the premise that a continued active public works program is absolutely essential to the future welfare of our Nation. It can be carried out in harmony with the concept of preservation of the environment, and it must be done for the sake of preserving our basic natural resources of soil and water, and thus is one of our soundest and most beneficial investments for the present and future generations.

THE TENNESSEE-TOMBIGBEE WATERWAY

Last year, after many years of effort, we obtained $1 million to start construction of the Tennessee-Tombigbee Waterway, which would provide barge navigation between the Tennessee River at Pickwick Lake and the Port of Mobile, by way of the Tombigbee River. This year, $6 million was added, making a substantial sum available to start work on this vast project, which can provide such a tremendous economic stimulation for our entire region. The President presided at the official groundbreaking for the project, in May of this year, and it appeared that work would finally be underway.

However, an environmental organization filed suit in district court in Washington, D.C., to halt the work, and the judge has issued a temporary restraining order against proceeding with construction, until the merits of the complaint can be examined in court. This is only one of many projects that have been brought to a halt by such suits, throughout the country, and some of them are in advanced stages of construction. Environmental litigation has become something of a fad in this country, with superficial attractiveness as an indicator of social conscience or civic responsibility. The fact is that litigation of this kind is becoming a real and present danger to the continued orderly growth and prosperity of this country.

Water resource development, when properly planned and carried out with the cooperation of local, State, and Federal governments, can bring growth without pollution, and prosperity without destroying the environmental values that make rural areas attractive. And it is in the rural areas of America, such as in east Missisippi and western Alabama, that economic stimulation is needed.

Water resource projects are normally built in rural areas, with relatively rare exceptions, such as in the case of flood control projects in urban areas. It is natural that the best water resource development should occur where nonpolluted water is available, and where other kinds of development have not escalated land values to the point where resource projects would be prohibitive in cost.

Once built, water resource projects in rural areas attract business, and attract people, so that they promote more uniform distribution of population and of prosperity. When you stop to think about it, this is perhaps the only Federal program that does not tend to concentrate population. It is a program of tested effectiveness, for we have all watched what has occurred along the Ohio River, the Mississippi, the Tennessee, and is occurring along the Arkansas.

There are very few Americans anymore who are not aware of environmental problems, and genuinely interested in preserving environmental values. The most interested of all are those who live in a river basin that is underdeveloped, and intend to go on living there, and want prosperity without environmental destruction. They do not need citizens' organizations from elsewhere to make their judgments for them, and, of course, most of these court suits are filed by such organizations.

It is very true that there have been abuses of environmental values in this country, and it is true that these must be stopped. The fact that these abuses have suddenly become recognized, however, is not a valid reason to take a negative attitude toward the future and condemn all development for environmental reasons. If acceptance of unsubstantiated assertions, half truths, and emotional outcries is to be substituted for rational and scientific analysis, then we are going to be in trouble. Development, but also there probably would be a halt. Eventually, there would come a realization that there had been abuse of environmental litigation. Then the country would not only have lost a period of work on environmentally sound development, but also there probably would be a backlash effect that would harm the essential efforts of those who base their efforts to protect our water, soil, and air on fact and not rhetoric. We can have sound programs both to develop our resources and to protect our environment for our descendants.

I hope that the Government will proceed as rapidly as possibly toward trial of this court case on its merits, and resolve the matter. Then we can get on with the Tennessee-Tombigbee Waterway, and bring prosperity to that area of the South.

REORGANIZATION OF THE EXECUTIVE BRANCH

In his state of the Union message of January 22, 1971, the President proposed a reorganization of the executive branch of the Federal Government. Under the proposal, four new Departments would be created: the Departments of Community Development, Natural Resources, Human Resources, and Economic Affairs. Seven old Departments would be abolished, and their functions divided between the news ones. The Departments abolished would be Agriculture, Interior, Commerce, Transportation, Labor, Housing and Urban Development, and Health, Education, and Welfare. Only four present Departments—Defense, State, Treasury, and Justice—would remain.

This is a very far-reaching proposal, with many serious implications. To give it complete consideration in Congress will require much time. Hearings have been held, but many more will be necessary. I do not wish to prejudge the President's proposal but from the beginning I have had serious reservations about it.

In particular, I have been opposed to any reorganization of the executive branch that would abolish the Department of Agriculture, scattering its functions between the four new Departments. We were told by the administration that the new organization will be better because it is functional in nature, and it will be easier to fix responsibilities.

I maintain that of all the Departments of the executive branch, the one that is already very functional in its composition, and the one where there is no doubt as to who has what responsibility, is the Department of Agriculture.

I am genuinely amazed that it would even be proposed that this Department be abolished. It is possible that the way it came about cast Agriculture in the unfortunate role of the innocent bystander. I can readily understand why some of the programs of Health, Education, and Welfare, Office of Ecoonmic Opportunity, and Housing and Urban Development should be subjected to close scrutiny and found guilty of overlap, duplication, or conflict. These are new departments of government, and their missions appear to contain some intangibles. This is certainly not the case, however, with the Department of Agriculture.

In our State of Mississippi, agricutural pursuits and agriculture-oriented industries are dominant in the economy. The Department of Agriculture, its programs, and its people are of tremendous importance to us. I am unalterably opposed to doing away with this organization. It has been functioning since 1862, and on the whole has been doing a very good job in a broad and highly specialized field of activity.

I venture to say that the average person in this country has a very meager grasp of all the ways that the Department of Agriculture aids the farmers. The programs are many and varied, and they are a crucial part of rural life in America. There are the rural development and conservation programs of the Farmers Cooperative Service, the Farmers Home Administration, the Soil Conservation Service, the Forest Service, and the Rural Electrification Administration.

There are essential marketing and consumer services, and agricultural economics services. Agricultural research and extension service are extremely well done. The Agricultural Stabilization and Conservation Service is absolutely essential to farm production, and the latter is about as important to this country as any single factor that can be named. It is crucial to the city people, whose very lives depend upon the survival and success of a small and usually underpaid group of independent rural businessmen—our farmers.

The dedicated employees of the Department of Agriculture know the farmers' problems. They are trained to help the farmers solve them, and they do it well. They know their business and they are in an organization that is admirably suited to its mission. They should be left where they are, and given the means to do what is required. To break up the organization would create chaos for many years.

I have been very pleased to note within recent weeks that spokesmen in the administration have indicated that the intent to abolish the Department of Agriculture is being dropped from the reorganization plan. I hope this will prove to be the case, and I will continue to oppose any effort to revive the idea.

There are various other aspects of the reorganization plan which in my view are undesirable, such as combining all public works water resources work in a Department of Natural Resources, transferring to it the Forestry Service, and various other drastic proposals. A far-reaching reorganization of most of our Cabinet Departments deserve careful and detailed examination by Congress, and as far as I am concerned, I intend that this shall be done.

THE RESPONSIBILITY OF CONGRESS IN DECLARING WAR

For many years I have been concerned over a constitutional and policy question that in my judgment is one of the most important that faces this Nation today. The question concerns the power of Congress to declare war, as provided in the Constitution, an action that has not been taken since World War II.

In May 1971, after extended consideration of the problem and possible solutions to it, I introduced a Senate joint resolution, which if passed by the Congress would reaffirm the power of the Congress to declare war, and in the absence of such a declaration would limit the President in the commitment of our Armed Forces.

My introduction of this measure is not intended to have anything to do with the war in Indochina, how we got into it, or the procedures the President is following to end our part in that war. The resolution expressly provides that it shall not apply to the war in Indochina. I believe that we are entering a postwar era, and my intent is that for future purposes, the powers of the Congress and of the President should be defined with complete clarity.

I might add that when the United States first sent troops to South Vietnam I opposed that action. In the adoption of mutual defense treaties I repeatedly stressed the necessity for a declaration of war by Congress before we would be committed to a war. After we became involved in Vietnam, I fully supported the President in the pursuit of that war, but I make the point that my position has always been that placing the United States in a state of war is a joint responsibility between the executive and legislative branches.

The decision is too great a responsibility for the President, as one individual, to make alone. Also, it is a decision that, if made by the President, could occur on a step-by-step basis, rather than as a single, total step.

Further, I think we have learned that without the debate and passage of a declaration of war in Congress, the people are denied a sense of participation, and, therefore, a feeling of involvement and commitment to the fulfillment of personal obligations. Peace for our country in years to come will be easier attained, I believe, if we are on the one hand militarily prepared to defend ourselves if attacked, and on the other are committied to the policy that our Nation will not go to war unless the Congress makes a declaration of war.

The legislation I have introduced safeguards the necessity of the President to take emergency actions to meet contingencies, but reserves to the Congress the making of a declaration of war. This, I am convinced, is intended by the Constitution, and it is a principle that should be reaffirmed by specific law. I introduced my resolution this session, and testified on it before the Senate Foreign Relations Committee, with the intent of stimulating thought and discussion on the subject this year, rather than seeking immediate passage. It is a matter that will require careful deliberation, but it is a subject that I consider timely and appropriate, as we approach what we will hope will be an era of peace.

SUPREME COURT JUSTICES

I am very pleased with the appointment of Mr. Lewis Powell of Virginia and Mr. William Rehnquist of Arizona to the Supreme Court. The confirmation of Mr. Powell by the Senate lacked only one dissent from being unanimous. Mr. Rehnquist's confirmation was voted by a wider margin than had originally been expected. These two distinguished lawyers are considered to be conservatives, as the last two appointees, Chief Justice Burger and Justice Blackmun.

The impact of additional conservatives on the decisions of the Supreme Court is bound to be felt. I do not mean that Justices could or should render decisions based on personal opinions. Nevertheless there is room within the law for the expression of a conservative philosophy, and it seems probable that when the new members of the Court become accustomed to the procedures, and the preparation of opinions, we will begin to see this expressed.

It is not just learning in the law that makes a capable member of the Court. The measure of the contribution of a member to the Court's work is the application of the law to a given set of facts. Both of the new Associate Justices are unusually well qualified because of extensive law practice. The trial courtroom is the place where judicial competence is grown, and each of the new Court members has had the benefit of much experience in the courtroom.

I hope and expect that in due time we will see reflected in the Court's decisions an increased concern for the safety of the public, and less preoccupation with the rights of those who violate the law. We need a more practical and realistic approach to criminal law. People who obey the law need more protection from those who imperil their lives and safety, on the streets and in their own homes. Those who attack all of society in anarchistic assaults heedless of the rights of the public also need to be dealt with sternly.

I think that it is absolutely necessary that the Supreme Court make a ruling at an early date on school desegregation cases in northern schools. In my view this is an essential element in arriving at a practical and moderate policy on busing and the concept of neighborhood schools. Perhaps now that the Court is restored to full membership by the two new appointments, we can hope for action in this important question, which is causing turmoil in schools and homes throughout the land.

Finally, I hope and believe that we are well on our way back to the kind of a Supreme Court that confines itself to interpreting the law as passed by Congress, rather than expanding the law into what the Court members think it should be.

MISSISSIPPI TEST FACILITY

For years, since the phasing out of the Saturn rocket program of the National Aeronautics and Space Administration, I and other members of the delegation have spent considerable effort in interesting various Federal agencies in locating some of their scientific activities at the Mississippi Test Facility in Hancock County. To close out this facility would have been uneconomical from the government point of view and would have had serious economic impact on that area of our State.

The concept has been to utilize the support capabilities of the NASA organization, together with the highly developed physical facilities of MTF, to attract government operations that can mutually share and utilize scientific activities and information.

We are continuing to be successful in this endeavor, and look forward to further future increases in personnel and activities at MTF. Presently there—or in the process of moving there—are elements from many Federal departments and agencies, including the Environmental Protection Agency, the U.S. Geological Survey and other Department of Interior activities, certain tests of the U.S. Army Corps of Engineers, several activities of the National Oceanic and Atmospheric Administration, and others—as well as NASA itself. Mississippi State University and Louisiana State University have programs at MTF, and as the facilities are more and more adapted to scientific investigation, we hope that other universities will be attracted. Additional Federal agencies are examining the site for their possible use, including the Department of Agriculture. The State governments of Mississippi, Louisiana, and Arkansas have established full time liaison with MTF.

The opportunity is present to build up a thriving community of scientific activity at MTF, and I intend to do all I can toward that end. Also, of course, I intend to take full advantage of any elements of future space programs of NASA that can be carried out at MTF.

THE GUNBOAT "CAIRO"

On April 1, 1971, I introduced a bill, together with Senator EASTLAND, to authorize the National Park Service to reconstruct, restore, and exhibit the gunboat *Cairo*, at the Vicksburg National Military Park.

The delegation from Mississippi introduced an identical bill in the House of Representatives on March 23.

The Union gunboat *Cairo* was sunk by naval torpedoes in the Yazoo River, Mississippi, during the seige of Vicksburg in 1862. It sank quickly—with its cargo, weapons, equipment and fittings almost intact. It was covered deeply by silt and for over a hundred years was preserved with remarkably little deterioration. It was raised during the period 1960 to 1963, with money contributed privately by interested individuals together with

county and State funds. It is now at a shipyard at Pascagoula, where intensive care is necessary to prevent deterioration prior to restoration.

The Department of Interior has looked carefully at the gunboat, and concludes that it is restorable, and would be a very valuable adjunct to the National Military Park at Vicksburg, as a naval museum. It is estimated that visitation to the *Cairo* will be heavy, and that the income to the Federal Treasury from additional admission fees would be applied toward amortizing the initial investment, as well as covering operating costs. Needless to say, the exhibit will be a tremendous attraction to tourists, and should attract many to Mississippi.

In 1966, the Mississippi Legislature passed an act providing for an agreement with the National Park Service for the project. Since that time, the Legislature has provided funds to cover the cost of preserving the *Cairo* prior to restoration, and the amounts have been substantial.

We had hoped for some years that the project could be funded under existing broad authorizations, but it was finally necessary to seek specific authorization this year. In the Senate, after hearings at which I testified, the Subcommittee on Parks and Recreation, of the Interior Committee, has made a favorable report on the project, and passage of the bill early in the next session appears to have excellent prospects.

This historic vessel, with its many artifacts, will be a unique exhibit of great historic value. The vast numbers of Americans, from all areas of our country, who visit it in the years to come will have a highly interesting and educational experience in viewing this chapter from our Nation's past.

HIGHWAY PROGRAMS

For fiscal year 1972, the apportionment of Federal-aid highway funds to Mississippi totals $52,892,324. This very substantial sum will enable our State to continue the improvement and construction of our highway systems. These include primary, secondary, urban, and interstate highways; primary and secondary rural highways; and forest highways.

These funds, together with very substantial amounts from the State have an impact in every country, and are enabling us to attain the highway network that is so essential to our rapidly growing economy. In the half year ending June 30, 1971, for example, the expenditures authorized on the Federal-aid system in Mississippi totaled $54,446,792, of which over $40 million was in Federal funds. These amounts were to do work on 233 miles of road and 45 bridges.

Also, the National Highway Traffic Safety Administration is spending $558,000 in our State in 1971, on behalf of the safety of the public on our highways.

A number of studies have been made, in 1971, by the Department of Transportation, assisting in transit problems in our cities. These were done on our gulf coast, in Jackson, and in Hattiesburg, at a cost of about $100,000. Grants to assist in improving our airports totaled about $3,650,000 for the year.

WATERSHED PROJECTS

The Department of Agriculture, through the Soil Conservation Service, provides a means of undertaking land treatment and structural measures for flood prevention, water supply, fish and wildlife development, and recreation in upstream watersheds. Technical assistance and financial help can be obtained from the Federal Government for these projects, which have been used extensively in Mississippi, with consistent success.

This year, $7,293,000 has been obligated in Mississippi, for watershed projects, by the Soil Conservation Service. These Federal funds will pay big dividends in conserving our land and water resources, and in contributing toward assured future growth of our economy.

I expect this program to continue to grow in Mississippi. It will receive my strong support and my close attention, as a means of meeting some of the needs of rural areas, and at the same time conserving two natural resources, soil and water.

EDUCATION FUNDS

The Federal funds for education obtained in 1971 were very substantial in amount and covered a great variety of programs. The total was over $122 million in Mississippi.

The largest part of this went for grants for elementary and secondary education, in the amount of $37 million. Over $4 million more was spent for school assistance in federally affected areas, and almost $10 million in addition in emergency school assistance.

Vocational and adult education programs totaled about $8,300,000, and higher education about $11,500,000.

HEALTH PROGRAMS

I am particularly interested in insuring that our health programs in Mississippi receive their fair share of the money available under the various programs. I am fortunate that my membership on the HEW Subcommittee of the Senate Appropriations Committee gives me a very good opportunity to do this. The figures that follow all are for calendar year 1971, and indicate the scope of some of the programs in our State.

We received about $14 million from the Health Services and Mental Health Administration, and I am glad to say that about $4 million of this was for hospital construction. Substantial sums went for comprehensive health services and regional medical programs, as well as for many other very worthy and valuable general health programs. Funding under the National Institutes of Health, for various specialized programs, was a little over $4 million.

Other HEW programs, especially that of the Social Security Administration, spent very large sums in our State in 1971. About $52 million each was spent on hospital insurance and disability insurance payments, and $23 million on medical insurance. Old-age and survivors insurance benefit payments came to about $132 million. These programs are very expensive, but they are essential to the elderly, and those who are ill.

COMMITTEE WORK

The matters I have discussed in the preceding sections of this report are primarily those that have direct effects on the people of Mississippi, and that I think are of the most interest to them. They represent a large part of my work here in the Senate, but there are, of course, many other legislative responsibilities in which I am involved. Every Senator, by reason of his committee assignments, participates in the formulation and passage of legislation of national importance.

I welcome my committee assignments as an opportunity to serve our Nation, as well as our State, and I am fortunate enough to have membership in committees that provide excellent opportunities for constructive contributions on my part. These assignments take time and hard work, but they perform essential functions in important areas of activity of our government. I serve as chairman of the Senate Armed Services Committee, a major committee of the Senate, which deals with all military affairs including the security and military protection of the people of our Nation. Our committee works with much vital legislation and I have the privilege of being floor manager during the debates. Besides purely military matters, the committee deals with conservation of strategic and critical materials, and petroleum resources; with aeronautical and space activities of military application; and which has committee jurisdiction of the Panama Canal and the Canal Zone. I also chair the Preparedness Investigating Subcommittee of the Armed Services Committee.

As chairman of the full Armed Services Committee, I have held hearings and been floor manager in long debates on several bills that became law this year. The draft bill took 32 days of debate—54 rollcalls—plus another 7 days of debate after a month-long conference with the House. The weapons procurement bill required 13 days of debate and 21 rollcalls. Those two bills were pending for more than 2 months on the Senate floor.

As floor leader and as chairman of the committee, I felt it was my clear responsibility to press very vigorously and unremittingly for those bills. I felt—and still feel—that the military draft is vitally necessary under present circumstances. I think we need weapons, and weapons development on about the present scale—at least until there is some change in international affairs.

In these debates, I have tried to facilitate an orderly U.S. withdrawal from Vietnam. I have resisted a premature, unilateral withdrawal of U.S. forces from Western Europe. I want to thank all those who have, as supporters or opponents, accommodated me in these and other efforts.

I strongly favor, and in fact vigorously insist that we stay out of this conflict—the India-Pakistan war. We have no role there except to urge settlement. I greatly deplore the conflict, of course.

I am chairman of the Select Committee on Standards and Conduct of the Senate, and I serve on the Aeronautical and Space Committee, a major committee.

Membership on the Appropriations Committee, which is the third major committee on which I serve, affords spe-

cial opportunity to take part in the early stages of the appropriation of funds for specific programs and projects. Many of these actions are particularly important to Mississippians, and membership on this committee is especially useful to me. As I mentioned previously, I chair the Subcommittee on Public Works of the Appropriations Committee, and I am a member of five other subcommittees, which deal with the money for funding the programs for agriculture, environmental, and consumer protection matters; defense; housing and urban development; space and science; labor, health, education, and welfare; and transportation. Membership on these subcommittees also permits me to serve on the conference committees which resolve appropriation differences between House and Senate bills, and which have much to do with the substance of these bills as they are signed into law. All of my committee assignments, but especially the work on the Appropriation Committee, give me the chance to insure that our State has a fair part in the national programs. I welcome the opportunity to serve on these committees.

CONCLUSION

The year 1971 brought many significant events, and complex problems to confront our people and the Congress. I sense, however, that it was a less tumultuous year than 1970, with perhaps a little more national unity of thought on some problems. There has been constructive work done in the Congress, and there is much more to do in 1972, the second session of the 92d Congress.

With gratitude to the people of Mississippi for giving me the privilege to serve them in the Senate and with warm thanks for sustaining me with their support, confidence, and assistance, I look forward to 1972 as a new challenge, to which I will devote my most vigorous efforts.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries.

REPORT OF THE OFFICE OF ALIEN PROPERTY—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 92–185)

The PRESIDING OFFICER (Mr. HANSEN) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on the Judiciary:

To the Congress of the United States:

I herewith transmit the annual report of the Office of Alien Property, Department of Justice, for the fiscal year ended June 30, 1970, in accordance with section 6 of the Trading With the Enemy Act.

RICHARD NIXON.

THE WHITE HOUSE, *December 15, 1971.*

REPORT OF NATIONAL ADVISORY COUNCIL ON ECONOMIC OPPORTUNITY—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 92–185)

The PRESIDING OFFICER (Mr. HANSEN) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

Pursuant to Public Law 89–794, I have the honor to transmit herewith the Fourth Annual Report of the National Advisory Council on Economic Opportunity.

RICHARD NIXON.

THE WHITE HOUSE, *December 15, 1971.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. HANSEN) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Foreign Relations.

(The nominations received today are printed at the end of Senate proceedings.)

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 3 p.m. today.

The motion was agreed to; and (at 1:52 p.m.) the Senate took a recess, subject to the call of the Chair.

The Senate reassembled at 3 p.m., when called to order by the Presiding Officer (Mr. HANSEN).

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that today, December 15, 1971, he presented to the President of the United States the following enrolled bills:

S. 1938. An act to amend certain provisions of subtitle II of title 28, District of Columbia Code, relating to interest and usury; and

S. 2429. An act to amend the District of Columbia Unemployment Compensation Act in order to conform to Federal law, and for other purposes.

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.

The motion was agreed to; and (at 3:01 p.m.) the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 4:49 p.m., when called to order by the Presiding Officer (Mr. AIKEN).

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 amendments of the Senate to the bill (H.R. 6065) to amend section 903(c)(2) of the Social Security Act.

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 4:50 p.m.) the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 5:57 p.m. when called to order by the Presiding Officer (Mr. ALLEN).

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed a joint resolution (H.J. Res. 1005) making further continuing appropriations for fiscal year 1972, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H.J. Res. 1005) making further continuing appropriations for fiscal year 1972, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

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 7 p.m. today.

The motion was agreed to; and (at 5:58 p.m.) the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 6:17 p.m. when called to order by the Presiding Officer (Mr. ALLEN).

UNEMPLOYMENT COMPENSATION—CONFERENCE REPORT

Mr. CURTIS. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6065) to amend section 903(c)(2) of the Social Security Act. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. ALLEN). 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 14, 1971 at pp. 46775–46776.)

Mr. CURTIS. Mr. President, H.R. 6065 is a noncontroversial bill extending for a period of 10 years during which the States may use certain unemployment

insurance funds for administrative purposes. There is no controversy about this matter. It is just something that had to be done in the statute.

The matter making a conference necessary was the unemployment compensation amendment offered by the distinguished Senator from Washington (Mr. MAGNUSON). The Senator from Washington appeared before the Senate Finance Committee and pointed out the need for an extended period of unemployment compensation in his State and in other States where the unemployment was quite severe. Later on that amendment was offered on the floor of the Senate to the tax bill. A rollcall vote was had, and it was carried by a substantial vote.

Mr. President, in that conference the House conferees declined to accept any amendment that was not an amendment to the Internal Revenue Code, so thereafter it was placed as an amendment to H.R. 6065 on the floor. That bill did deal with unemployment compensation.

The amendment offered by the Senator from Washington (Mr. MAGNUSON) provided for an additional period of unemployment compensation for 26 weeks, financed as the present program is to a certain extent. The House did not hold hearings on this matter. It is true that the Senator from Washington (Mr. MAGNUSON) made a statement before the Committee on Finance but hearings were not held in the sense that parties were invited to testify.

There was some objection on the part of employers that their tax would be increased and that the period of unemployment would be increased without their testifying, and that was one of the matters concerning the conference. As a result the Senate conferees did not come back with House approval of the amendment as passed by the Senate. A compromise was made which will benefit the States which are interested, to a considerable extent. These important changes were made in the conference.

There is no additional tax placed on the employers. The proposal expires on July 1, 1972, in other words in just 6 months. It will provide an opportunity for hearings in depth, should it be decided to have them. There will be 13 weeks of benefits instead of 6; and additional benefits are provided when a State's unemployment reaches 6.5 percent rather than the 6 percent fixed by the Senate.

I said awhile ago there would be no additional tax on employers. This tax would be financed out of general funds. It is not intended that that should be a permanent arrangement, but this was the compromise entered into so that something might be done; that a short period of time be provided wherein they would draw the benefits and still provide an opportunity for the Committee on Ways and Means in the House to look into it further, should they decide to do so.

Mr. President, the distinguished chairman of the Committee on Finance (Mr. LONG) has submitted a statement urging that the conference report be adopted. I send the statement to the desk and ask that it be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. CURTIS. Mr. President, as it stands now, H.R. 6065, as amended, as agreed to by the conference committee, will provide some additional unemployment compensation benefits for the following States: Alaska, California, Connecticut, Maine, Massachusetts, Michigan, New Jersey, Oregon, Puerto Rico, Rhode Island, Vermont, and Washington. I understand the cost is estimated to be $150 million.

Mr. President, I have no further remarks. I urge that the conference report be agreed to.

EXHIBIT 1

STATEMENT BY SENATOR LONG

The Senate made no change in the text of the House bill H.R. 6065, a non-controversial bill extending for ten years the period during which States may use certain unemployment insurance funds for administrative purposes.

The Senate did agree, however, to an amendment offered by the distinguished senior Senator from Washington. The Magnuson amendment provided for a temporary program of additional unemployment compensation benefits, expiring July, 1973. Under the amendment, these benefits would have been payable for up to 26 weeks to individuals having exhausted their right to regular and extended unemployment insurance benefits in States where the rate of insured unemployment, adjusted to include the average number of persons exhausting their unemployment benefits, exceeded 6.0 percent.

The Senate amendment would have been funded by an increase of 0.09 percent in the Federal unemployment tax in 1972 and 1973.

The conferees agreed on a compromise version which will provide up to 13 weeks of additional extended benefits in States where the rate of insured unemployment, adjusted for exhaustions, exceeds 6.5 percent. Under the conference agreement, the program would expire at the end of June, 1972; before that time the Secretary of Labor is required to submit a report on this new program to serve as the basis for possible Congressional action to extend the program.

The conference agreement would pay for the additional benefits by authorizing the appropriation of general funds which would have to be paid back ultimately by the States from amounts they would otherwise receive under the law from excess Federal unemployment tax collections.

I urge the Senate to adopt the conference report.

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

Mr. CURTIS. I yield.

Mr. MAGNUSON. Mr. President, I thank the Senator for his consideration of this bill. The Senator from Nebraska and I are hopeful that employment will go up and, therefore, some of these emergency costs will go down. This is what we hope for, regardless of who handles it.

These people are out of work; they have tried to get jobs. I think the Senator from Nebraska has helped them to have a better Christmas.

Mr. CURTIS. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

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 7 p.m. today.

The motion was agreed to; and (at 6:24 p.m.) the Senate took a recess, subject to the call of the Chair.

The Senate reassembled (at 6:41 p.m.) when called to order by the Presiding Officer (Mr. ALLEN).

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 numbered 1, 2, 3, 4, 5, 8, 9, 10, 11, 13, and 14 to the amendment of the House to the bill (S. 2878) entitled "An Act to amend the District of Columbia Election Act, and for other purposes."

The message also announced that the House had disagreed to the amendments of the Senate numbered 6 and 7 to the amendment of the House to the bill, and that the House had agreed to the amendment of the Senate numbered 12 to the amendment of the House to the bill, with an amendment, in which it requests the concurrence of the Senate.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the bill (S. 2891) to extend and amend the Economic Stabilization Act of 1970, as amended, and for other purposes, and the joint resolution (S.J. Res. 184) extending the dates for transmission of the Economic Report and the report of the Joint Economic Committee.

The President pro tempore subsequently signed the enrolled bill and joint resolution.

QUORUM CALL

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

The PRESIDING OFFICER (Mr. ALLEN). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

PERSONAL STATEMENT

Mr. MANSFIELD. Mr. President, just a few moments ago, I was informed that I had reneged on some sort of agreement and that the distinguished minority leader was the one who supposedly had made that statement. I understand that calls have been made to various individuals asking whether this was true. I understand that the distinguished minority leader's office has denied it, and I would like, therefore, to make a statement at this time which I have had on my desk for a number of days.

Mr. President, how Senators act with regard to any issue is up to each of them individually. What they do, they do by choice. As one Senator, I have my responsibilities, and I try to meet them to the best of my ability. With that said, I would like to address for a moment the matter of the so-called Mansfield amendment in the Senate foreign aid bill. It would seem tc violate no confidence to lay before the Senate this entire situation from the standpoint of one who happened to find himself, if not in the middle, then not far from the epicenter.

By way of background, let me note that the going for foreign aid this year has not been without difficulty and complexity. There was the bill that passed the House; but just barely. There was the bill the Senate defeated—by a substantial vote. There were two bills the Senate later passed and then, later still, there was the appropriations bill passed by the House. To date, there is no fiscal year 1972 authority for the bulk of the foreign assistance programs. For several weeks, at least, there have been two main themes running on how to handle the matter—if it was to be handled at all—during the closing days of this session.

First, there has been a series of conferences between the respective authorizing committees in both the House and the Senate. They have met in an effort to iron out the differences between all versions of the proposed foreign aid authorizations and matters related thereto. As of a few days ago, the conferees from the Senate Foreign Relations Committee and the House Foreign Affairs Committee had agreed on all points in dispute save the so-called Mansfield amendment, to terminate the military involvement in Vietnam within 6 months, and the Cambodian amendment. Those amendments were in the Senate version of the authorization but not in the House bill.

As a way around the impasse, I suggested that, since the Senate has three times approved the terms of the amendment on withdrawal from Vietnam and has done so overwhelmingly, and since the House has never faced the issue directly, the most equitable way to settle the matter would be to take it before the full House for an up or down vote. That would have been an honest test of the matter. May I say that I would ask for no more on the Vietnamese question at this time.

In response, however, the House conferees were adamant. For whatever reasons, they insisted that the Mansfield amendment would not be taken back to the House for a straight up or down vote. Thereafter, in other quarters, the drums began to beat louder, urging the Congress to forget the authorizing legislation and pass just an appropriation for foreign aid.

While such a practice may be tolerated in the House, it is not to be tolerated here. In my judgment, it is an invitation to reduce the function of the two Houses of Congress to money shoveling. If it comes to that, a handful of foremen in Congress will stand over the pick-and-shovel representatives of the Nation, and that handful, together with the executive branch, will decide on the disposition of the people's intent.

In particular, bypassing the regular legislative process in that manner perverts the integrity of the Senate. If I have anything at all to say now or hereafter, the Senate will not go the way of the House of Lords. It will remain—the entire membership will remain—wedded to their responsibilities to the people and do half of the legislative business of this Nation with respect to foreign aid or whatever. An appropriations process begun in the House and concluded without final action on a prior authorization by Congress violates the institutional integrity of the Senate. It throws doubts on the relevance of the work of 16 of 17 standing committees of the Senate. So the regular appropriations bill on foreign aid; when it arrived here without prior authorization, was consigned to where it belongs—to the pigeonholes of the Senate Appropriations Committee, and there it rests today.

The drums for foreign aid without authorization, nevertheless, continued to beat in some quarters, next in connection with an extension of the continuing resolution—the law which is designed to permit agencies to spend on a stop-gap basis in order to carry on government programs. The practice is not a good one, but it is unavoidable where authorizations and final appropriations have not yet been approved and where there is little doubt of the intent in both Houses.

Strictly speaking, the legislative situation with regard to foreign aid may fit the use for which the continuing resolution was intended. However, as one Senator, I opposed even that approach from the start and said so publicly from the start, because I believe there are ample funds in the foreign aid programs to keep them going for a long time even without further authorizations. To run through another continuing resolution, in this instance, therefore, seems to me to say to the people of the Nation that Congress simply cannot face up to the question of setting a deadline on trying to get out of the military involvement in Vietnam. Rather than reach a decision on that question, the Congress says that it will go on accepting, as is, the waste and the distortion and corruption of the purposes of foreign aid. But a majority of the Senate is prepared to face the question of Vietnam withdrawal. Indeed, the Senate has already faced the issue and acted on it several times.

Therefore, to express that point of view to the House, which is where the reluctance is to be found, I prepared a memorandum last Wednesday, December 8, for discussion with various Members. The main points in the memo were as follows:

First. I am opposed to any authorization for foreign aid which does not contain the amendment to end the involvement in Vietnam within 6 months;

Second. The quickest and the cleanest answer to the foreign aid hangup between the two Houses is for an up-and-down vote in the House on the Vietnam amendment which is in the Senate's version of the foreign aid bill; if the vote is obtained—win or lose—that would be the end of it;

Third. The Appropriations Committees should go ahead immediately on the District of Columbia supplemental and the defense appropriations conference reports and, thus, reduce what is standing in the way of adjournment to this one issue of Vietnam withdrawal and the Cambodian question.

The proposals did not end the stalemate. Late last week, therefore, I was approached to discuss a possible solution in terms of dropping the Mansfield amendment to the foreign aid authorization in order to salvage other parts of the bill which represent an improvement—a decided improvement—in the present foreign aid program. There is, for example, the matter of regaining congressional initiatives in other areas of foreign affairs, the question of trying to put additional limits on the Cambodian involvement, and of requiring; the release of funds bottled up by the executive branch for needs at homes if there is to be continued spending abroad. All of these new additions to the foreign aid program are most important. But none of them, in my judgment, equals at this time the question of Indochina, the release of the U.S. prisoners and the return of recoverable missing in action.

Moreover, the other meritorious additions to the foreign aid authorization bill are not scuttled by holding them in abeyance. They can be dealt with along with Indochina and whatever else is contained in the authorization for foreign assistance in the future. I could not concur, in good conscience, therefore, to dropping the amendment to end the Vietnamese involvement, might or might not have then been blocked and delayed by some other tactic in the House.

Its sacrifice by compromise now, even in the name of salvaging some other part of the foreign aid bill, however meritorious, would be a prohibitive price to pay. So long as the involvement continues, the amendment to end it will also continue before the Congress. The issue of Vietnam may be deflected but it will not disappear.

Late last Friday, the distinguished minority leader (Mr. SCOTT) and I met with the leadership of the House, including the Speaker, the Democratic majority and the Republican minority leaders to discuss the question of a continuing resolution which would prolong foreign aid, as is, for another interim period. Once again, there was no compromise, no decision on my part to abandon the amendment or to bypass it in any way, shape, or form. Nor was I asked to change my position. There was a good all-around understanding on our respective differing positions.

At the moment, however, I have no difficulty in reading the facts before me. A continuing resolution on foreign aid will soon be pending. I will not vote for it. But I will not resort in this matter any more than any other to parliamentary shenanigans in order to prevent it. The Senate runs on the basis of mutual consideration, mutual restraint, and mutual civility. I know of no other way, on foreign aid, civil rights, or on the whole

gamut of controversial legislation which has passed through this body during the past decade. That has been the practice of the Senate leadership and it is not going to change now, notwithstanding my deep concern with the Vietnam amendment.

No, Mr. President, insofar as I am concerned, the continuing resolution on foreign aid will get, in the Senate, what the Vietnam amendment did not get in the House, a vote. If the resolution is adopted, by the Senate, it will be the Senate's decision. The decision will postpone for several weeks the issue of the foreign aid authorization and related matters but it will not resolve them. It will also postpone for several week—and only for several weeks—the obligation of this Congress to face up to the question of Indochina.

If adopted, I repeat, the underlying issue of the Vietnam amendment will not be ended as it may well have been, by default, had the Senate agreed to its abandonment in the conference on the aid-authorization. The issue of Vietnam will arise at a different time, under the same and, perhaps, also in different circumstances. But Vietnam will not be out until this involvement is cut loose from the life of this Nation.

Mr. President, I hope that explanation suffices for all the rumors which I understand are spreading around the Capitol this evening.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. PROXMIRE, from the Committee on Appropriations, with an amendment:

H.J. Res. 1005. A joint resolution making further continuing appropriations for the fiscal year 1972, and for other purposes. (Rept. No. 92-585.)

FURTHER CONTINUING APPROPRIATIONS, 1972

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.J. Res. 1005.

The PRESIDING OFFICER. The resolution will be stated.

The legislative clerk read as follows:

H.J. Res. 1005, making further continuing appropriations for the fiscal year 1972, and for other purposes, reported with an amendment.

The PRESIDING OFFICER. Is there objection to consideration of the joint resoution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. PROXMIRE. Mr. President, previous obligational authority for those agencies and activities authorized by the Foreign Assistance Act and other departments whose appropriations had not been previously enacted expired on December 8—last Wednesday, a week ago.

House Joint Resolution 1005, as passed by the House, would continue Foreign Assistance Act activities generally on the basis of an annual rate of $3,100,932,000 and other agencies normally receiving appropriations in the foreign assistance and related agencies appropriation bill at an annual rate of $330,906,000. Thus, the continuing resolution, as passed by the House—the one before us—would continue all agencies normally included in the Foreign Assistance Act and related agencies appropriation bill at a grand total annual rate of $3,431,838,000.

On the other hand, the amended version of the resolution, as reported by the Senate Appropriations Committee, would continue Foreign Assistance Act activities at an annual rate of $2,698,552,000 and other agencies and activities at an annual rate of $204,600,000, for a grand total annual rate of $2,903,152,000 all agencies and activities normally included in the foreign assistance and related agencies appropriation bill.

Thus, continuing authority for all of these agencies is $528,686,000 less in the Senate version of the continuing resolution than under the version as passed by the House of Representatives.

In addition, the continuing resolution, as reported by the Senate committee, would provide for continuing authority to spend at annual rates indicated previously until: First, enactment into law of an appropriation which is available for any project or activity provided for in this joint resolution; or second, enactment of the applicable appropriation act by both Houses without any provision for such project or activity; or third, March 1, 1972, whichever occurs first.

The latter date of March 1 is accelerated from the March 15 date included in the House version of the continuing resolution.

In addition, the Senate version of the continuing resolution provides advance appropriations to extend unemployment compensation which is presently in arrears to the States by $61 million. It is estimated that the extended unemployment compensation account owed the States would be $233 million by June 30, 1972. Further explanation of this matter is contained on page 3 of the Senate report. Also included is continuing resolution authority for first, administrative operations for emergency school assistance activities; second, activities in support of Radio Free Europe, Inc., and Radio Liberty, Inc.; and third, activities of the American Revolution Bicentennial Commission.

Mr. President, I would just add in conclusion that to be frank with the Senate, I opposed this resolution in the Appropriations Committee. I voted against it. I strongly support the sentiment just expressed by our distinguished majority leader. I think he is absolutely right. I think a continuing resolution undermines the function of our authorization committee. The Senate must rely on its authorizing committee. The committee has not been able to reach agreement with the House.

The principal issue dividing the Senate and House is the Mansfield amendment. That amendment passed the Senate repeatedly. It never had a chance for an up and down vote in the House. Normally, when we have conference committees in disagreement, the solution is to go back to the other body to get their instruction and permit them to vote on the matter in disagreement. The House has refused to do that.

I think that if the Senate is going to pass the continuing resolution—as I expect it will do tonight—it will tend to undermine the Senate authorization committee on the principal issue dividing the House and Senate on the foreign aid authorization bill. This is the reason I voted against the measure. The chairman of the committee, the Senator from Louisiana (Mr. ELLENDER) has asked me to report the measure to the floor, and I do so.

The PRESIDING OFFICER. Before recognizing the Senator from Arkansas (Mr. FULBRIGHT), the Chair asks the clerk to state the committee amendment.

The assistant legislative clerk read as follows:

On page 1, line 4, after the words "further amended" strike out "as follows:

"(1) Section 102 is amended to read:

" 'SEC. 102. Appropriations and funds made available and authority granted pursuant to this joint resolution shall remain available until (a) enactment into law of an appropriation which is available for any project or activity provided for in this joint resolution, or (b) enactment of the applicable appropriation Act by both Houses without any provisions for such project or activity, or (c) March 15, 1972, whichever first occurs.'

"(2) Section 108 is amended to read:

" 'SEC. 108. Except as hereinafter provided in this section, and notwithstanding the provisions of any other sections of this joint resolution, obligations incurred hereunder for foreign economic assistance, military assistance and sales, security supporting assistance, the Overseas Private Investment Corporation, and activities provided for in titles III and IV of H.R. 12067, 92nd Congress, shall not exceed the lowest of (i) the rate for operations which would be authorized under H.R. 9910, 92nd Congress, as passed by the House, (ii) the rate for operations which would be authorized under S. 2819 and S. 2820, 92nd Congress, both as passed by the Senate, or (iii) the rate for operations which would be provided by H.R. 12067, 92nd Congress, as passed by the House: *Provided*, That military credit sales to Israel may be conducted at not to exceed the rate for operations provided for under section 101 (d) of this joint resolution: *Provided further*, That foreign military sales activities (other than with respect to Israel) may be conducted at a rate of operations not exceeding $175,-000,000: *Provided further*, That activities for the Indus Basin development fund (loans), administrative and other expenses (other than section 637(a)), the Overseas Private Investment Corporation, the Peace Corps, Ryukyu Islands administration, assistance to refugees in the United States, migration and refugee assistance, the Inter-American Development Bank, and the Export Import Bank of the United States may be conducted at not to exceed the rates which would be provided for under H.R. 12067, 92nd Congress, as passed by the House.'

"(3) by adding a new section as follows:

" 'SEC. 109. Notwithstanding section 102 of this joint resolution, as amended, emergency school assistance activities for which an appropriation was made in the Office of Education Appropriation Act, 1971, may continue to be conducted at a rate for administrative operations not to exceed the fiscal year 1971 rate.'

"SEC. 2. This joint resolution shall take effect December 9, 1971." and insert "(1) by striking out 'December 8, 1971' in clause (c) of section 102 and inserting in lieu thereof 'March 1, 1972'; (2) by adding at the end of section 108, before the period, the following proviso: ': *Provided further*, That, of the sums made available for foreign military

credit sales herein, $300,000,000 shall be available for such sales to Israel'; and (3) by adding at the end thereof the following new sections: 'SEC. 109. For making the repayable advances authorized to be appropriated to the extended unemployment compensation account in the Unemployment Trust Fund by section 905(d) of title IX of the Social Security Act or any other provision of law, such sums as may be necessary to enable the Secretary of Treasury to make such advances until June 30, 1972. The Secretary of Treasury shall make such repayable advances at such times as he may determine, in consultation with the Secretary of Labor, that the amount in the extended unemployment compensation account is insufficient for the payments required by law to be paid therefrom to States.'; and

" 'SEC. 110. Notwithstanding section 102 of this joint resolution, as amended, (a) administrative operations for emergency school assistance activities for which an appropriation was made in the Office of Education Appropriation Act, 1971, (b) activities in support of Radio Free Europe, Incorporated, and Radio Liberty, Incorporated, pursuant to authority contained in the United States Information and Education Act of 1948, as amended (22 U.S.C. 1437), but no other funds made available under this resolution shall be available for these activities, and (c) activities of the American Revolution Bicentennial Commission, may continue to be conducted at rates for operations not to exceed the fiscal year 1971 rates or the rates provided for in the budget estimates, whichever may be lower.'

"SEC. 2. This joint resolution shall take effect December 9, 1971."

Mr. FULBRIGHT. Mr. President, before I offer an amendment to the resolution I want to say with regard to the comments of the majority leader that I do not understand how any rumor got around the Capitol. His position has been very clear. I have joined in his position, and I think I am correct in doing so.

I think the position of the conferees of the Senate has been most reasonable and I do not understand why any rumors should have been circulated. Certainly the majority leader is one of the most reliable and one of the most honest men I have ever encountered.

Mr. President, I offer for the RECORD an amendment which I had intended to offer tonight. I only offer it for the RECORD to make it clear what my intentions were prior to some negotiations which have taken place. I ask unanimous consent that the amendment be printed in the RECORD with a statement explaining it.

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

On page 3, strike out lines 19 and 20, and insert in lieu thereof the following: " 'March 1, 1971'; (2) by amending section 108 to read as follows:

"Sec. 108. Notwithstanding any other provision of this joint resolution, obligations for foreign economic and military assistance and sales may be incurred hereunder only in such amounts as may be necessary to (1) pay the compensation and allowances of personnel of the United States Government employed to carry out the provisions of the Foreign Assistance Act of 1961 and the Foreign Military Sales Act, and (2) pay the administrative and other expenses necessary to administer programs under such Acts for which appropriations have heretofore been made; but obligations for such purposes may not exceed the rate at which obligations were incurred for such purposes from November 15, 1971, to December 8, 1971: "Provided,"."

STATEMENT BY SENATOR J. W. FULBRIGHT

I offer an amendment which would limit the funding of foreign aid and military sales activities to salaries and necessary expenses. It would, however, retain the provision in the resolution which provides $300 million for military credits to Israel.

It seems to have become an annual ritual for Congress to end the session with an attempt by the House to force an objectionable foreign aid package down the Senate's throat. Last year they tried to get a $200 million appropriation for military credit sales while the authorization bill was still in conference. The year before they tried to get $54 million for jets for Taiwan, above the amount authorized. This year it is the same story. Executive Branch and the House have teamed up to try to make an end run around the conference on the Senate's foreign aid authorization bills.

This is a rather unusual amendment. But the Senate is faced with an unusual proposal which has been handled in an unusual way. The Appropriations Committee voted to report this continuing resolution before it actually passed the House and without the measure being formally before the Committee members. At the time the Committee acted it was not even aware of what it was voting to continue, since neither the Defense or District appropriation bills had cleared conference.

This resolution would allow spending for foreign aid at a rate of $2.7 billion annually without an authorization and in complete disregard of the spirit of a provision of law which says that any appropriations made for foreign aid cannot be used unless there is an authorization. The two foreign aid authorization bills approved by the Senate last month are hung up in conference because of the refusal of the House conferees to allow the House to have a straight up-or-down vote on the Mansfield amendment. Passage of this continuing resolution, in the form approved by the Appropriations Committee, will take away the only leverage available to the Senate conferees to bring this matter to a satisfactory conclusion. You will probably kill the Senate's work on the foreign aid legislation—to the delight of the House and the Executive Branch—if you approve this proposed new spending authority for foreign aid.

Approval of this resolution undermines the responsibilities of the Senate Foreign Relations Committee, the Senate Foreign Aid Appropriations Subcommittee, the House Foreign Affairs Committee, and the House Foreign Aid Appropriations Subcommittee. The Senate's role in shaping foreign aid policy is particularly affected; the Foreign Relations Committee will lose its policy initiatives in the authorization bill and the Senate Appropriations Subcommittee will be denied the opportunity to work its will on the money items.

This approach destroys the traditional legislative process. If it is followed in the future, it could be used by the Executive Branch to undermine any conference which is having difficulty in reaching agreement on policy issues. If the Executive Branch knows it can count on getting the money it wants, it can kill any controversial item in conference. It is a powerful club for the Executive Branch to hold over the head of all authorizing committees.

If the Senate approves this resolution as is, the Executive Branch will get its money and Congress will get nothing in the way of new policy restrictions. And the Executive Branch will get more money than they could normally expect to get through a compromise between the House Appropriation figures and what the Senate Appropriations Committee is likely to allow. And, I point out that, the spending level allowed by this procedure is $400 million more than Congress appropriated for the 1970 fiscal year. Nineteen seventy-one is not a fair benchmark because the Executive Branch sent up a $1 billion supplemental near the end of the last session, as a follow-up to the Cambodian incursion.

In the process the Executive Branch will avoid policy restrictions such as these that are contained in the Senate authorization bills in conference:

MILITARY AND RELATED ASSISTANCE

1. Declares a national policy that all U.S. forces be withdrawn from Indochina within six months, subject to release of prisoners of war.

2. Provides for funding of military aid to Thailand from the regular Military Assistance Program beginning July 1, 1972.

3. Imposes a ceiling of $341,000,000 on obligations and expenditures in or for Cambodia in FY 1972 and puts a ceiling of 200 on the number of American civilian and military government personnel in Cambodia.

4. Requires the President to submit to Congress a country-by-country list of foreign aid allocations within 30 days after passage of the appropriation bill and permits a maximum 10% increase in aid in each category and country by transfer of funds from other countries or programs without advance notice to Congress.

5. Requires advance notice to Congress before use by the President of the transfer, waiver, and certain other special authorities available to him under the Foreign Assistance Act.

6. Requires a 25% cutback by September 30, 1972 in the number of U.S. military personnel assigned abroad to military advisory missions or similar groups.

7. Requires 25% payment in foreign currency for U.S. military grant aid.

8. Prohibits waiving by the President of the ceilings on military aid and sales to Latin America and Africa.

ECONOMIC AND HUMANITARIAN ASSISTANCE

1. Calls for shifting more of our economic aid to a multilateral basis and requires a phasing-out of the bilateral loan program.

2. Ties the release of funds appropriated for foreign aid and military sales funds to prior release of impounded funds for domestic programs.

3. Provides for annual authorization of appropriations for the Department of State and the United States Information Agency.

4. Authorizes $125,000,000 for population control activities.

5. Authorizes operations by the Overseas Private Investment Corporation in Yugoslavia and Romania.

It is not likely that the conference will be able to reach an agreement after Congress reconvenes if this resolution goes through. Its passage will take away the Senate conferees' leverage. This resolution will expire only four months from the end of the fiscal year. The Administration will, no doubt, seek an extension of the continuing resolution for the remainder of the fiscal year. It will argue that Congress should turn its attention to an authorization bill for the 1973 fiscal year and forget about the bills in conference. But both the House conferees and the Administration will be far more willing to compromise in January if the continuing resolution is limited only to money for salaries and necessary expenses.

The Senate conferees have been reasonable. They have asked only that the House conferees allow a clearcut vote in the House on the Mansfield amendment. There has never been an up-or-down vote in the House on it. Practically all other major issues in the bill have been agreed to. No serious problems will remain after an agreement is reached on the Mansfield amendment.

The foreign aid program would not come to a halt if no new program money is provided in this resolution. There is still $4.7 billion in the foreign aid pipeline. Congressman Passman says that there is a total of $24.5 billion in all of the various pipelines for foreign aid. I also remind my colleagues that military aid (and some economic aid) to South Vietnam, Thailand, and Laos comes out of the Defense Department budget and will not be affected in any way.

But we are not talking about a permanent halt—only a delay of new program authority for approximately 1½ months. We should be able to reach agreement in conference on the authorization bill and get the regular appropriation bill through in short order after Congress reconvenes in January—if the Executive Branch is denied new program money.

Last January there was signed into law section 10 of the Foreign Military Sales Act which prohibits the obligation of appropriations for foreign aid or military sales without an authorization. The pertinent part reads:

"SEC. 10. (a) Notwithstanding any provision of law enacted before the date of enactment of this section, no money appropriated for foreign assistance (including foreign military sales) shall be available for obligation or expenditure—

(1) unless the appropriation thereof has been previously authorized by law; or

(2) in excess of an amount previously prescribed by law. . . .

(c) The provisions of this section shall not be superseded except by a provision of law enacted after the date of enactment of this section which specifically repeals or modifies the provisions of this section."

This provision was designed to prohibit precisely the situation that is confronting the Senate today—attempts to circumvent the regular legislative processes. Although this provision has been waived in earlier continuing resolutions it should not be waived any longer, except for salaries and necessary expenses. This resolution violates both the spirit of that provision, and a principle that the Senate has endorsed overwhelmingly on a number of occasions in recent years. Just last December 30th, by a vote of 60 to 12, the Senate opposed an attempt by the House to appropriate funds for the military sales program while the authorization bill was still in conference, stymied because of the Cooper-Church amendment.

Only six weeks ago, by a vote of 41 to 27, the Senate rejected the foreign aid program proposed to be financed by this resolution. Two weeks afterwards, it started on the path toward creating a new program, geared to the realities of today's world and our own domestic situation. Now you are being asked to vote for a resolution which will have the effect of erasing all that. You are being asked to continue the same old discredited foreign aid program that the Senate rejected. If you want to continue a "business as usual" foreign aid program, vote for the continuing resolution before you. If you want to get the Senate's policy changes enacted and continue down the road to reshaping this program, vote for my amendment.

Mr. President, I do not like to delay adjournment. I know that my colleagues are anxious to terminate this session and join their families and constituents during this holiday season. But it is just at times like this, when members are too anxious to call it quits that grievous errors are made which, later, are regretted. There is much at stake in this spending resolution. This matter involves serious institutional questions which go to the heart of both our system of checks and balances and the traditional procedures of Congress. I hope that my colleagues will vote to uphold the normal legislative processes by adopting my amendment.

One final point, I have received word on good authority that the Executive Branch has started to make plans for a committee shopping operation next session which will involve an effort to transfer all foreign military aid matters from the Foreign Relations Committee to the Armed Services Committee. Apparently, this would be on the theory that military aid would receive less scrutiny by members of the Armed Services Committee and, thereby, get more favorable treatment. That such a possibility is being considered in the Executive Branch is an insult to members of that Committee and is derogatory of Congress as a whole. If the Executive Branch is allowed to go committee shopping, as lawyers go judge shopping, when its proposals are subjected to close scrutiny by the committees with jurisdiction, there is little hope for maintaining any semblance of checks and balances between the two branches. If such an attempt is made next year, I shall do what I can to prevent it and I hope the Senate will not allow such an emasculation of its role to take place.

AMENDMENT NO. 794

Mr. FULBRIGHT. Mr. President, I send to the desk an amendment to the committee amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

On page 3 of the committee amendment strike out lines 19 and 20, and insert in lieu thereof the following: "February 1, 1972"; (2) by amending section 108 to read as follows:

"SEC. 108. Notwithstanding any other provision of this joint resolution, obligations incurred hereunder for foreign economic and military assistance and sales shall not exceed by more than one half the rate provided for under this joint resolution during the period from November 15, 1971, to December 8, 1971, except that obligations may be incurred hereunder at the full rate provided for under this joint resolution during such period to (1) pay the compensation and allowances of personnel of the United States Government employed to carry out the provisions of the Foreign Assistance Act of 1961 and the Foreign Military Sales Act, and (2) pay the administrative and other expenses necessary to administer programs under such Acts for which appropriations have heretofore been made: *Provided*,".

Mr. FULBRIGHT. Mr. President, this is a very simple amendment as the clerk has read it. What it does, in effect, is to provide for a continuing resolution at one-half the rate which existed on December 8 when the continuing resolution elapsed except for the compensation for the employees and administrative expenses of the program.

The other amendment which I had intended to pursue simply provides for the continuation of administrative expenses without any provision for obligations during that period. I merely explain this to show that this would be for a short time. The difference between that period is not very much. The difference between this provision and the other measure is somewhere in the neighborhood of $150 million.

Mr. PROXMIRE. The Senator means at an annual rate.

Mr. FULBRIGHT. The Senator is correct, assuming that we meet about February 1.

Mr. PROXMIRE. The annual difference would be about $1.5 billion.

Mr. FULBRIGHT. The Senator is correct.

Mr. PROXMIRE. And because it would be operating for about one-tenth of the year under the continuing resolution, it would be $150 million.

Mr. FULBRIGHT. The Senator is correct. It is a minimal amount. However, from the point of view of the committee and the legislative process, I think this goes very far toward meeting at least this emergency. However, it will still make it necessary for us to have an authorization bill early in the next session.

I think this bill on numerous occasions has come under the kind of criticism that we have seen here recently. It never has gone quite as far as the Senate did in defeating the bill.

We seek to develop a legislative bill in order to provide the alternative to a continuing resolution. That was the reason I introduced the bills, and they were passed by the Senate. They are still in conference.

The distinguished majority leader has already explained the major differences. There is a difference that involves the limit on the ceiling authorized for Cambodia. I expect that can be resolved. I am very reluctant really to proceed with the compromise. However, after long negotiations with the distinguished chairman of the Appropriations Committee and others, I have agreed to support this continuing resolution.

I do think the pending resolution tends to subvert—it not only tends to but it also does subvert—the function of the Senate and Congress generally. It short circuits all of the legislation. One example is in the bill that I very much dislike. It is the continuing resolution for Radio Free Europe and Radio Liberty. Only last week we passed an appropriation, but with the proviso that it was subject to an authorization. We are now undoing that and passing a resolution without an authorization, because that bill authorized these radio programs. It is in conference and has not been resolved. The Senate passed a bill and the conferees have been appointed. However, we have never been able to have a conference. The House passed the bill very recently. There has not been a lot of time, and other matters have intervened.

I would hope that very early in the next session we can have a conference on that bill and pass authorizing legislation.

The amounts authorized are very similar. They are practically the same as in the Senate-passed bill.

I think that operation should be terminated. It is another product of the cold war. Its real purpose is to continue the cold war and to continue inciting and inflaming the differences between Eastern and Western Europe.

I think that is too bad. However, I am not going to object to the resolution because I think that if we can agree on the amendment I have offered, that will resolve the present difficulties and we can have an opportunity to agree on authorizing legislation early in the next session of the Congress.

I do not expect it to be agreed upon before February 1, but that is the limit.

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

Mr. FULBRIGHT. I yield.

Mr. PROXMIRE. First, I think that many Senators and the public are concerned about military sales to Israel. How would that be affected by the amendment?

Mr. FULBRIGHT. That is earmarked in this resolution at the annual rate of $350 million for Israel. That is in the resolution from the committee. My amendment would not affect that.

Mr. PROXMIRE. The amendment would not affect that?

Mr. FULBRIGHT. No.

Mr. PROXMIRE. These other agencies to which the Senator referred, which are outside of the amounts which are in the authorization, would not be affected?

Mr. FULBRIGHT. My amendment does not affect any of the other agencies.

Mr. PROXMIRE. The Cuban refugees, Radio Free Europe, and Radio Liberty are not affected?

Mr. FULBRIGHT. It does not affect any of them.

Mr. PROXMIRE. This would reduce the amount available for foreign aid but does so for a definite clear-cut purpose, not with any notion that this is the amount that should be available for foreign aid during the year, but because this is the one way the Senate can continue these programs on an emergency basis. Is that right?

Mr. FULBRIGHT. That is right.

Mr. PROXMIRE. And at the same time provide incentive for a meaningful basis and have the House vote up or down on the Mansfield amendment.

Mr. FULBRIGHT. That is the purpose, and I think it will have that effect.

Mr. PROXMIRE. I thank the Senator, and I shall support his amendment.

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

Mr. FULBRIGHT. I yield.

Mr. CRANSTON. The purpose, I understand, is not only to have a situation develop where there would be an up and down vote in the House on the Mansfield amendment, but also the purpose is to have the opportunity to consider other reforms of foreign aid that the Committee on Foreign Relations has been deeply interested in, such as reducing the President's ability to transfer funds from one place to another, placing a limit on funds for Cambodia, and a limit on funds for USIA. Is that correct?

Mr. FULBRIGHT. The Senator is correct. The reason we feel so strongly about the authorizing legislation is the reforms, aside from the amount. The amount is not the biggest problem, as to the provisions which have been agreed upon by conferees of the House and the Senate. That is the main reason we get legislative authorization.

Mr. CRANSTON. Another aspect of this relates to the incredible situation in a distant place between India and Pakistan and the United States. I do not know what the President is up to in Pakistan. I ask in the name of God and decency what he is doing. He seems to be involving us in a war in which we have no right to be involved.

The move we seek to accomplish is another way to get at that situation. We will be closing off funds that the President would be free to turn over to aid Pakistan, if he wishes to do so, unless we end the President's ability to switch funds from one program to another.

We have reports of American ships there ostensibly for the purpose of extricating Americans but, according to some reports, for the purposes of evacuating Pakistan armed forces as well. This could be the pattern that leads us to a direct involvement in a war that we should not be in. When the Senate comes back we may be able to close off the administration's option to involve U.S. forces in a way that might lead us into a war in which we should not be involved.

The President earmarked with one stroke of the pen money for Cambodia in 1970 and he could earmark funds for Pakistan in the same way. Is that correct?

Mr. FULBRIGHT. In the bill itself, the authorization limits that.

Mr. CRANSTON. That is another reason we have to get through as fast as we can.

Mr. President, I ask again: What, in the name of God and sanity is the administration doing in South Asia?

If President Nixon had conscientiously set out on a deliberate program to alienate every friend of democracy in the region, and in the process, to guarantee the establishment of a permanent Soviet military presence in the Indian Ocean, he could not have done a better job.

In the past year, the world has seen a repressive military dictatorship in Pakistan disregard the results of a free election, clap the winner of that election in jail, and then systematically destroy his supporters in East Pakistan in a bloody massacre that has killed upward of 200,000 people last March and that has driven 10 million refugees into neighboring India.

In the 9 months that followed the beginning of the blood bath, India attempted to feed, clothe, and house this growing tide of refugees, almost singlehandedly, while Pakistan systematically continued to pursue policies designed to keep them flowing into India. When fighting between India and Pakistan at last broke out on December 3, it was Pakistan that initiated the first bombing raids on eight Indian cities.

What did the United States do in those 9 months?

The administration did not make a public peep about the massacre of March 25.

It has not made a single public protest about the summary jailing of Sheikh Mujibur Rahman, who is accused of treason, but whose real crime against the Pakistani state was to win an election.

The administration persisted in continuing shipments to the Pakistani Government of arms used to suppress Mujib's supporters, at the same time that it denied it was shipping arms. Then, when it became clear that arms shipments were indeed continuing, the administration declared it had signed no new agreements but was only fulfilling the terms of the old ones.

When war between Pakistan and India began, the United States immediately condemned India as the aggressor and cut off all economic and humanitarian aid to India.

This astonishing charge has now been followed by a much more ominous development: The United States has dispatched a naval task force, led by the aircraft carrier *Enterprise*, to the Bay of Bengal, purportedly to stand by in case American and other foreigners in Dacca need to be evacuated. But other reports suggest that the *Enterprise* may have a more ambitious mission: To intervene actively in the war and rescue the remnants of the Pakistani Army in Dacca which are about to be rounded up by the Indian forces.

The latest, equally incomprehensible administration action has been to compound the damage that the mission of the *Enterprise* has already done by calling on the Russians to "exercise a restraining influence" on the Indians; otherwise, it is suggested, the President may reconsider his visit to Moscow.

The White House now denies that President Nixon is contemplating cancelling his Moscow trip, but the charge that Moscow should "restrain" its client has not been denied.

Mr. President, I am 100 percent behind the distinguished minority leader, Mr. SCOTT, when he calls on the administration to observe strict neutrality in this situation. I agree that the administration must reverse its position. But because the United States has so obviously not been neutral, it will be difficult to undo the damage. Nonetheless some positive steps can be taken.

The most immediate is the prompt removal of American warships from the Bay of Bengal. If there are American nationals to be evacuated from Dacca, gunboat diplomacy is not the way to achieve it.

Second, we must adopt a public position of true neutrality and nonintervention. It is fatuous to condemn the Indians as aggressors for sending troops into East Pakistan after lifting not a finger about the use of troops by West Pakistan over the preceding 9 months and after Pakistan had initiated air raids on India on December 3.

Third, the administration must recognize that a monumental job of relief and reconstruction lies ahead. Like it or not, India appears to have succeeded in helping to create the independent state of Bangla Desh. It should not have happened by force, but it is a fait accompli. Millions of homeless and hungry people there must be fed and housed, not only these dispossessed by the fighting, but the 10 million refugees who are already beginning to return to East Bengal. The economy of the area is in disarray; technical and economic assistance, if it can still be offered, will be badly needed. I fear, however that offers of assistance from any nations other than the Soviet Union will be rejected. But it is possible that a sizable effort led by the United Nations could be mounted. It would be welcomed, both in East Bengal and in West Pakistan, which will have lost economically as well as militarily by this self-inflicted wound.

The Nixon administration would do

well to begin now exploring the prospects for a United Nations relief program in all the areas of the subcontinent affected by the war.

Finally, the administration has no business belaboring the Indians. The process of undoing the damage that has been done to United States-Indian relations is immense. But in the long run democracy has no better friend on the subcontinent. If that fact is not recognized and acted upon immediately, we may live to regret the consequences for many years to come.

We in the Congress also have a solemn responsibility in this crisis and we must expect the Congressional power of the purse to block the administration from escalating its policy of "gunboat diplomacy" in the India-Pakistan war.

The dispatch of a naval task force to the Bay of Bengal could be followed by millions of dollars worth of arms for the Pakistanis unless we beat down the continuing appropriation resolution now before it. As much as $4.7 billion is now in the foreign aid pipeline which the administration could tap and use as it wished.

The administration, which has been openly supporting the cause of the Pakistani military dictatorship, could supply Pakistan with millions of dollars worth of military and economic assistance from this source despite Congress' insistence that the United States remain neutral in the South Asia dispute.

Each of the three foreign aid bills passed earlier by the House and Senate expressly prohibits any military or economic aid to Pakistan until the situation there returns to normal.

For all that, the President could once again thumb his nose at Congress by using money appropriated by Congress to implement policies which Congress disapproves. That would be nothing new. He has already thumbed his nose at Congress by announcing that he would ignore the Mansfield amendment to the military procurement bill and by freezing $14 billion in domestic funds appropriated by Congress.

The administration will claim that pipeline funds are already obligated and cannot be used for other purposes. But the fact is they can be "deobligated" and the administration does not hesitate to do just that when it suits its purpose.

The President "deobligated" $100 million in foreign aid funds supposedly firmly earmarked for other purposes to finance the Cambodian invasion in May 1970.

He did it once, he can do it again. All it takes is a stroke of his very busy pen.

All it takes to put a halt to this is action by the Congress—now, or as soon as possible, denying to the President the right to switch foreign aid money about, from one program to another, as he sees fit.

Adoption of the Fulbright amendment now will give us the opportunity to do just that very soon.

Mr. President, the implications of the administrations' incomprehensive actions are manifold. We have alarmed our friends throughout the world, and dismayed and disillusioned many Americans.

The Washington Post this morning reports that many Americans in India are astonished by the administration's position and that at least one high-ranking American embassy official is on the verge of resignation. Other Americans who have worked in India and Pakistan in recent years are equally shocked by the position the administration has taken.

One group of such Americans, specialists in South Asian affairs at the University of California, has recently prepared an informative analysis of the current crisis, which I believe Senators will find most interesting. I ask unanimous consent that their statements of December 8 and December 14, be placed in the RECORD. I also ask that several news articles relating to the U.S. position also be inserted in the RECORD at this time.

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

BERKELEY, CALIF.,
December 8, 1971.

As specialists in South Asian studies at the University of California at Berkeley, we find ourselves profoundly disturbed by U.S. government statements and policy concerning the current conflict in South Asia. We are particularly dismayed by the Administration's failure to relate recent events to the continued campaign of suppression since March 25, 1971 by the Pakistan government against the people of East Bengal and their elected representatives.

Administration statements that a political solution of the Bangla Desh issue was in the offing, and that it was sabotaged by the Government of India, are not warranted by available evidence. Indeed the following facts support the opposite conclusion: (1) recent continued atrocities against unarmed villagers in the vicinity of Dacca which have been reliably reported by Western journalists; (2) the farcical, uncontested "elections" to the National Assembly conducted in the last month by the Pakistan government; and, (3) the continued imprisonment of Sheikh Mujibur Rahman and refusal to negotiate with him as the acknowledged leader of the Bangla Desh movement and the East Bengal people. These facts challenge the Administration's perception of the situation. Additionally, public statements of the Bangla Desh leaders, both in India and abroad, clearly indicate that a political settlement on acceptable terms to them was not in sight.

American policy, no matter how it is rationalized in terms of an attempt to exercise a restraining influence on the Pakistan government, has in effect clearly served the interests of the military regime in Pakistan. It permitted the massive use of force by the Pakistan government while denying the legitimate right of self-defense to the Bengali people. The Administration's concurrence in the continued shipment of military equipment to Pakistan until November, 1971, and its failure to criticize publicly the brutal repressive actions of the Pakistan Army in East Bengal belie professions of neutrality and have undermined the U.S. government's credibility in India. In the face of this, it is not possible for the Indian government to rely on the Administration's professed efforts to secure a political solution.

The most unfortunate effect of the Administration's policies and actions is that it has prevented the U.S. from playing a constructive role in the present conflict contributing to the resolution of these tragic events. Our partisanship has been not only unwise, indeed, immoral, but contrary to U.S. national interests. The Administration's actions have estranged from us the people and government of India, the world's largest democracy, and at the same time have jeopardized our future relationships with the people of Bangla Desh, with a population of seventy-five million.

Even at this late date, we urge the President to reconsider our present policies in Southern Asia to take into consideration the vastly changed circumstances in the subcontinent. Bangla Desh is a reality and will have to be recognized as such if American policy in this region is to be realistic and effective. Only in this way will we be able to implement our professions of humanitarian concern.

LIST OF SIGNERS

Gerald D. Berreman.
Kenneth Bryant.
Belle L. Cole.
Robert H. Cole.
Robert P. Goldman.
Alice S. Ilchman.
Warren F. Ilchman.
Usha Jain.
Mark Juergensmeyer.
David Mandelbaum.
Barbara Metcalf.
Thomas Metcalf.
Ralph Retzlaff.
Leo Rose.
James Schubert.
J. F. Staal.
Barend van Nooten.
Joanna Williams.

BACKGROUND TO THE CRISIS

The anonymous statement issued by the State Department and presumably ordered by the President constitutes a gross distortion of recent history, wantonly squanders America's credibility and influence in India, and betrays a self-destructive insensitivity to the moral issues involved. The statement alleges that "India bears the major responsibility for the broader hostilities that have ensued" since the Indian army began entering East Pakistan to silence artillery positions firing on Indian villages, refugee camps and Bangla Desh staging areas. The statement, read together with the abortive U.S. effort to have the Security Council call for a cease fire, makes clear that the President continues to regard the ruthless use of force in East Pakistan as irrelevant to the outbreak of hostilities between Pakistan and India.

The use of force in East Pakistan repudiated the results of Pakistan's first and only national election held 24 years after independence. Organized and conducted by the Yahya Khan government, the electorate chose a national assembly to form a government and to write a new constitution. The Awami League, led by Sheikh Mujibar Rahman, won a majority of 167 seats in an assembly of 313. President Yahya Khan referred to Rahman as the "future prime minister."

The election result surprised and threatened those accustomed to rule East Pakistan as a dependent and exploited province. East Pakistan, with a majority of Pakistan's population and a claim to a larger share of development expenditure because of its relative poverty, was in fact drained of $2.6 billion over the first three five year plans. The industrialization and relative prosperity of West Pakistan is in considerable measure the result of this transfer of resources. In 1960, only 13 per cent of central government employees were from East Pakistan. The army, which has ruled Pakistan since 1958, is a West Pakistani (primarily Punjabi) force. While some efforts have been made in recent years to reduce the exploitation and domination of East by West Pakistan, the East Bengali's massive vote in support of the Awami League's call for autonomy in the December 1970 election made abundantly clear that nothing less than a fundamental re-adjustment of provincial relationships could save the nation.

It was this re-adjustment that the extremists in the army and among West Pakistan politicians were unwilling to accept. In an effort to save the situation, President Yahya Khan prior to the convening of the assembly called for private negotiations between Rahman and Z. A. Bhutto, leader of the People's Party, which emerged as the largest party in West Pakistan. The West Pakistan military and political leadership in fact called upon Rahman to repudiate his mandate and capitulate to Bhutto *before* the national assembly met by agreeing to abandon key elements of his autonomy program. President Yahya Khan and his advisors pressed this scenario even though the President had reserved to himself the authority to modify or reject the constitution that was to be written within 120 days. Instead of allowing deliberation and bargaining to occur in the assembly itself the Yahya Khan government in fact asked Rahman to enter the assembly in an emasculated condition. Bhutto warned his People's Party representatives that he would call for the use of people's violence against any of them who participated in assembly sessions prior to Rahman's repudiation of key elements in the autonomy demand (e.g. provincial control of public finance and foreign exchange). Extremists in the army no doubt privately issued threats of a like kind. Faced with the choice of disciplining Bhutto and extremist army elements or disciplining Rahman, Yahya Khan postponed, then cancelled the convening of the national assembly. Next, the army fired on an Awami League mass demonstration, killing hundreds. In reply, Sheikh Rahman called for a general strike that clearly demonstrated the Pakistan government legitimacy in East Pakistan depended upon an accommodation with Rahman; the civil adminstration, police and para-military force as well as the electorate were behind the Awami League leader.

Instead of convening the national assembly and encouraging dialogue and bargaining the Yahya Khan government allowed the army to attempt to reestablish its authority by the massive, ruthless and bloody use of force. The result was the murder or exile of Awami League leaders and cadres, the death of thousands of civilians, the wholesale destruction of towns and villages, and the flight of millions to sanctuaries in India.

India's response to these events was to care for the millions of refugees now crowding her borders and draining and disrupting her economy and to attempt to generate international support for achieving a political solution (i.e. the release by the Pakistan government of Sheikh Rahman and negotiations with him) that would recognize East Pakistan's autonomy and thus create conditions under which the refugees would return to their homes. Instead of responding positively to these efforts, the U.S. government continued until very recently to supply arms to the Pakistan government whose army it had equipped with over 2 billion dollars worth of American weapons, to attempt to suppress the International Bank's report (based on an on-the-spot survey between May 30 and June 11, 1971) that documented a reign of terror and to continue to provide economic aid after the other 10 of 11 aid giving nations cut off their's. The U.S. government had the means via the International Bank's report and recommendations and its own command of influence and resources to help achieve a political solution in Pakistan. Instead, it chose to continue to support the suppression through the use of military force and terror of a struggle for provincial autonomy.

It became increasingly clear to India that no meaningful international assistance was forthcoming to help care for the millions of refugees within her borders and that, with the exception of Russia, no nation was prepared to bring meaningful pressure to bear on Pakistan to produce a political settlement with Sheikh Rahman.

What had been possible to define as a struggle for provincial autonomy was being rapidly recast into a struggle for national liberation.

The success of the struggle for Bangla Desh will not only solve India's refugee problem but also will contribute to India's security by establishing India as the dominant power in South Asia region. But to reduce the history of the struggle for Bangla Desh to a maneuver to enhance India's security as the President seems intent on doing, would be to make a traversty of India's conduct in relationship to the unfolding events within Pakistan, within India's borders and in the international community.

During the past few weeks India has moved from providing help to refugees and Bangla Desh freedom fighters on Indian soil to sending elements of its army into Pakistan to silence artillery firing on refugee camps, villages and staging areas. The Pakistan response was air strikes in the east. India responded by larger and more lasting military incursions. Faced with a losing strategy in the East, the Pakistan government turned to air and ground attacks in the West. India replied in kind in the West and with a large scale effort to defeat the Pakistan army in the East.

The state department statement of December 4, by arguing that "since the *beginning* (italic mine) of the crisis Indian policy, in a systematic way, has led to the perpetuation of the crisis, a deepening of the crisis . . ." can be translated as "India has made it difficult if not impossible for the Pakistan army to crush the Bangla Desh political movement and military struggle." Does this reveal what America's position has been and now is? Talk of helping Pakistan in order to maintain our "influence," with the implication that our influence was being directed toward convincing the Pakistan government to negotiate a political settlement with Sheikh Rahman, is exposed as hypocrisy.

The effort by anonymous State Department sources to suggest during the week of December 6 that Indian military action disrupted an American inspired plan to produce a "political solution" to the Bangla Desh crisis is remarkably disingenuous. As discussed publicly in West Pakistan, it called for appointing Nurul Amin, a Bengali, as Prime Minister, and Z. A. Bhutto, the People's Party leader whose refusal to recognize the Awami League majority helped bring on the civil war, as Deputy Prime Minister. Bhutto's characterization of the situation revealed its strictly cosmetic character; Nurul Amin, Bhutto said, represents nobody but himself while I represent West Pakistan. Bhutto added that of course the arrangement was "temporary," an expedient to meet the needs of the immediate situation, since nobody would accept Amin's credentials as a permanent Prime Minister. A political solution that does not involve the release of Sheikh Mujibur Rahman, the leader of the majority Awami League party, and negotiations with him, is not likely to stop the civil war and struggle for national liberation.

PRESS RELEASE, DECEMBER 14, 1971

American policy in South Asia—based on several erroneous assumptions and factual errors—is fixed on a tragic course. At stake are the U.S. capacity to play a constructive role in South Asia and the very future of this vitally important area. The administration admits that the vital national interests of the peoples of West Pakistan, East Bengal, and India are involved; but denies that the United States has the ability to significantly influence the course of events. It publicly proclaims a desire to play a neutral role; but both by word and deed, we have intervened in a manner which is clearly partisan.

This intervention has resulted in destroying the legacy of a quarter century of good-will in South Asia. It has needlessly heightened India's dependence on the Soviet Union. It has also encouraged those in Pakistan who have sought to stifle the legitimate aspirations of the majority of their own population through brutal and repressive measures. While professing concern for the preservation and extension of democratic institutions, the United States has also placed considerable strain, through economic pressure, on the continued functioning of democratic institutions in India.

We still have the opportunity, as well as an obligation, to play a constructive role in South Asian affairs. We urge the President to reconsider our present policies and to take into account the vastly changed circumstances in South Asia. Our old policy, predicated upon maintaining a balance of power between India and Pakistan was never valid. Bangla Desh is a reality and will have to be recognized as such if American policy is to be effective. Economic and humanitarian aid, to the entire region, must be restored and enhanced in order to meet the compelling needs occasioned by the events of the past eight months. In addition, we should seek to play a constructive role in the repatriation and rehabilitation of all persons displaced during the current conflict. Only in this way will we be able to implement our professions of neutrality and humanitarian concern.

[From the Washington Post, Dec. 14, 1971]

UNITED STATES, SOVIET VESSELS IN BAY OF BENGAL

(By Jack Anderson)

A dangerous confrontation is developing between Soviet and American naval forces in the Bay of Bengal.

President Nixon has ordered a naval task force into those troubled waters as a restraint upon India. Now heading for the Bay of Bengal are the aircraft carrier Enterprise, amphibious assault ship Tripoli, guided missile frigate King, and guided missile destroyers Parsons, Decatur and Tartar Sam.

At the same time, Soviet naval ships have been spotted steaming into the Bay of Bengal ostensibly to bolster India.

Even more ominous, intelligence reports claim that Soviet technicians are aboard Indian naval craft that have attacked Pakistani harbor and shore installations. U.S., British and other foreign merchant ships have been hit in these attacks.

Rockets fired from under the ocean have also been tracked. The Pakistani Navy has urgently requested U.S. help in determining whether the rockets could have been launched from a Soviet submarine.

Inside the White House, meanwhile, the President has made no attempt to hide his favoritism for Pakistan. He has developed a close personal relationship with Pakistan's dynamic President Yahya Khan.

Mr. Nixon, accordingly, has ordered his crisis team, known formally as the Washington Special Action Group, to find ways short of direct intervention to help Pakistan. The hush-hush group, headed by presidential policymaker Henry Kissinger, has been meeting almost daily in the White House's fabled secret Situation Room since the Indian-Pakistani outbreak.

NIXON'S SECRET IRE

At the Dec. 3 meeting Kissinger snorted: "I'm getting hell every half-hour from the President that we're not being tough enough on India. He has just called me again. He doesn't believe we're carrying out his wishes. He wants to tilt in favor of Pakistan. He feels everything we do comes out otherwise."

Adm. Thomas Moorer, chairman of the Joint Chiefs of Staff, reviewed the military situation. CIA Chief Richard Helms also reported what his agents had found out about the fighting. Then Kissinger brought up the United Nations.

"If the U.N. can't operate in this kind of situation effectively," he growled, "its utility has come to an end, and it is useless to think of U.N. guarantees in the Middle East."

"We'll have a recommendation for you this afternoon," promised Assistant State Secretary Joseph Sisco.

"We have to take action," pressed Kissinger. "The President is blaming me, but you people are in the clear."

"That's ideal!" retorted Sisco cheerily.

There was discussion about a statement that had been prepared for Ambassador George Bush to deliver at the U.N. Kissinger thought it was "too evenhanded" and ought to be tougher on India.

To maintain a diplomatic balance, Sisco suggested that economic steps could be taken against India but that similar moves against Pakistan should be announced as "under review."

"It's hard to tilt toward Pakistan," grumped Kissinger, "if we have to match every Indian step with a Pakistan step."

UNITED STATES TOO GENTLE?

At the next secret meeting on Dec. 4, Kissinger reported that the President was still fuming over the gentle treatment U.S. spokesmen were giving India.

"The President is under the 'illusion' that he is giving instructions," said Kissinger, "not that he is merely being kept apprised of affairs as they progress."

Mr. Nixon, meanwhile, has disregarded several secret, urgent appeals from Kenneth Keating, the American Ambassador in New Delhi, that the U.S. should be careful not to alienate India.

He reported that he had received personal assurances from Indian Foreign Minister Swaran Singh not only that the populace welcomed the liberation of East Pakistan but that India had no intention of annexing the conquered territory. India had no wish, said Singh, to provide "even a semblance of Indian administration" but would permit the Bengalis to rule themselves.

In another secret message, Keating sharply disputed a story put out by the White House about the Indian-Pakistani developments.

"I have made the foregoing comments," he concluded, "in the full knowledge that I may not have been privy to all the important facts of this tragedy. On the basis of what I do know, I do not believe those elements of the (White House) story either add to our position or, perhaps more importantly, to our credibility."

It would be ironic if Richard Nixon, who mounted the political soapbox in times past to accuse the Democrats of "losing" China to the Communists, should be responsible for pushing India into eager Soviet arms.

INDIANS IRATE OVER U.S. STAND ON WAR

(By Laurence Stern)

CALCUTTA, December 14.—Indian official and public opinion has reached a boiling point over what is seen here as open intercession by the Nixon administration favoring Pakistan in the war on the Subcontinent.

From Prime Minister Indira Gandhi to the most extremist of Communist factions here, there is a unifying and pervasive anger at the American role fueled by a latent Indian mistrust—bordering on paranoia—of the United States.

In this politically volatile city there has been a beginning of organized demonstrations against the visible trappings of American presence—the U.S. consulate, the United States Information Service library, a Pan American airline office, and the Bank of America.

The protests, organized by student groups embracing the middle-of-the-road ruling Congress Party as well as various shades and splinters of Communist activism have been on the whole orderly and mild by Calcutta standards.

Some of the cadre delivered warnings today to the Bank of America, the American Express office and the First National City Bank office that unless they publicly denounced the Nixon administration stand there would be violent actions against them on Wednesday.

But this is only a beginning and worse is expected by those experienced in these matters.

American consul Herbert Gordon is followed about the city by a radio-equipped police van and his home is heavily guarded. Gordon was recently informed by police of a kidnapping threat against him.

Today, hours were sharply curtailed at the U.S. Information Service library and the American University center at Calcutta University, a seedbed of radical political activity here.

This is symptomatic of the general state of dismay with Washington's current posture on the war, both in action and words, and particularly the reported dispatch of the U.S. Seventh Fleet toward the Bay of Bengal.

It is a reaction that is not restricted to Indians. Yesterday, the president of the Indo-American Chamber of Commerce, A. I. Taylor, in behalf of 370 American and Indian businesses, cabled President Nixon and called for a reappraisal of U.S. policy toward India.

"The stand taken by the Nixon administration flouted the democratic traditions of the U.S.A. and violated basic humanitarian principles," the cable said.

Even within the American diplomatic establishment there is strong but privately expressed bafflement at Washington's foreign policy objectives on the Subcontinent which seems to have put the United States in the position, if nothing else, of supporting a loser and deeply antagonizing the prospective winner.

One highly respected embassy official was authoritatively reported to have been on the verge of resignation because of what were considered misrepresentations by White House briefers of India's position in secret negotiations to end the war.

Ambassador Kenneth Keating has secluded himself from the press since the outbreak of the present crisis.

The Times of India today gave the most restrained expression of governmental and private feeling that can be heard in polite circles here. In an editorial entitled "Mr. Dulles Rides Again," the Times said:

"From every point of view, American performance has been a spectacle of stupidity and ignorance incredible on the part of a government that must be assumed to have learned something from its Vietnam experience.

"In the result, Washington has alienated 75 million people in Bangla Desh, bewildered and angered the people of India, closed its eyes to the facts and reality of a new state, aligned itself with a discredited military regime, sanctioned by silence the attempted Pakistani genocide in Bangla Desh, and exposed to ridicule its pretentions to promoting democracy in Asia."

Indians also feel acutely the political irony of Washington's association with China in support of India's enemy. The most visible sign during a recent anti America demonstration in New Delhi was "down with the Mao-Nixon-Yahya conspiracy."

Suspicions are flourishing here that the United States is giving surreptitious military support to the Pakistanis and that there may be an attempt to evacuate what remains of Pakistan's army in East Pakistan on U.S. Navy ships. At a briefing today an Indian correspondent asked in a serious tone about reports that two American nuclear submarines were approaching the Bay of Bengal off the potential Pakistani evacuation route of Chittagong harbor.

In a refugee treatment center on the outskirts of Calcutta, a retired Indian physician, who recently volunteered his services to treat 400 desperately sick and starving patients a day, said the refugees were fearful at reports of American intervention in behalf of Pakistan.

"They were ready to go back to Bangla Desh when India was helping them. Now they have heard that a certain powerful country is coming to Pakistan's aid. They are once again afraid to go back. They have heard about the United States Seventh Fleet."

From the Indian standpoint this has been a debacle for American foreign policy. India has been driven into far closer association with the Soviet Union and East European bloc, which have defended it in the United Nations. At the same time that India is emerging as the clearly dominant influence on the Subcontinent, its relations with the United States have sunk to perhaps an unprecedented low point.

[Several hundred university students marched to the U.S. consulate in Calcutta today to protest what they called an "ugly U.S. conspiracy" against the people of India and Bangla Desh and the reported presence of American warships in the Bay of Bengal, UPI reported. The students shouted "go back Seventh Fleet" as they marched down one of the city's major shopping boulevards.]

MOSCOW WARNED ON INDIA—1972 NIXON VISIT MAY HINGE ON WAR RESTRAINT

(By Stanley Karnow)

The Nixon administration warned the Soviet Union yesterday that the President may reconsider his forthcoming trip to Moscow unless the Russians exercise a restraining influence in the war between India and Pakistan.

The warning was contained in a background briefing given by presidential adviser Henry A. Kissinger to a pool of reporters that accompanied Mr. Nixon on his return from two days of talks with French President Georges Pompidou in the Azores.

Kissinger indicated that the President will observe Soviet behavior in the South Asian crisis over the next few days in order to determine whether the Russians intend to use their influence to curb the Indians.

In the event that the Soviet Union fails to urge restraint on India and continues to encourage Indian military action, Kissinger suggested, plans for the President's trip to Moscow might be changed.

Such a development, Kissinger went on, could lead to a reassessment of the entire relationship between the United States and the Soviet Union.

White House spokesman Ronald L. Ziegler, apparently seeking to reverse the thrust of reports stemming from the Kissinger briefing, said last night that the President had not considered cancelling his Moscow trip. Ziegler was not aboard the aircraft carrying the President and Kissinger.

Summoning reporters on their return from the Azores, Ziegler said that "no U.S. official was suggesting or intending to suggest that the United States was considering cancelling the United States-Soviet summit."

The substance of the administration's warning to the Russians was reportedly conveyed to the Soviet Union through diplomatic channels before it was made known here.

Although administration officials declined to disclose details, it is known that the U.S. ambassador to Moscow, Jacob Beam, explained the President's views to Soviet Foreign Minister Andrei Gromyko on Monday in what was described as "unmistakable terms."

The President is scheduled to visit Moscow in late May, following his seven-day trip to Peking beginning on Feb. 21.

The doubt being cast over the President's Moscow trip is believed to have been inspired by his view that the Soviet Union has been deliberately uncooperative until now in helping to bring about peace in South Asia.

Kissinger reportedly referred with sarcasm to the Soviet effort to restrain India, saying the Russians had repeatedly vetoed United Nations Security Council resolutions calling for a ceasefire and mutual withdrawal of Indian and Pakistani troops.

The White House aide estimated in his briefing that the Soviet attitude toward the South Asian conflict is apparently aimed at humiliating the Chinese by demonstrating to the world that they cannot protect their Pakistani allies.

Meanwhile, in another move evidently calculated to discourage the Russians, the administration is deploying a naval task force in the Bay of Bengal. The task force includes the aircraft carrier Enterprise.

Secretary of Defense Melvin R. Laird declined on Monday to discuss the deployment of the task force. But informed sources intimated yesterday that the deployment is related to the buildup of the Soviet fleet in the Indian Ocean. "It's a question of showing the flag," the sources said.

Speaking to reporters yesterday, Indian Ambassador Lakshmi Kant Jha said that any effort by the U.S. task force to evacuate American or other personnel from East Pakistan would be viewed with the "deepest concern" by the government of India.

Jha convoked the news conference after meeting with Assistant Secretary of State Joseph Sisco, head of the State Department's Bureau of Near Eastern and South Asian Affairs.

The Indian ambassador insisted that he was not issuing a warning but "only spelling out the dangerous potential" in the situation.

Jha said he had been prompted to make his statement after his government had received a report that the objective of the U.S. naval task force was to evacuate not only U.S. personnel but also Pakistani officers and men as well as "civilians who might feel insecure."

Kissinger's warning to the Soviet Union apparently reflected President Nixon's growing irritation with what he regarded as Russian efforts to gain advantages from the South Asian war rather than support peace initiatives.

In a background briefing on Dec. 7, Kissinger voiced the hope that the Soviet Union would "subordinate short-term advantages to the long-term interests of peace."

Kissinger's briefing was made public last week when it was read into the Congressional Record by Sen. Barry Goldwater (R-Ariz.).

NIXON MAY REVIEW TRIP UNLESS SOVIET CURBS INDIA

By James M. Naughton

WASHINGTON, December 14.—The White House is letting it be known that President Nixon will reconsider his planned trip to Moscow unless the Soviet Union uses its influence with India to bring about a ceasefire in her war with Pakistan.

This Administration view was made known to news correspondents today by a high White House official. He said that the President, disturbed by Soviet vetoes of cease-fire resolutions in the United Nations Security Council, believes that Moscow is seeking to humiliate Peking by demonstrating that China—a supporter of Pakistan—cannot prevent Pakistan's defeat.

Meanwhile the Indian Ambassador to Washington, L. K. Jha, charged this afternoon that his Government had information from "a reliable source" that the United States nuclear-equipped and powered carrier *Enterprise* was sailing toward East Pakistan with contingency orders that included the evacuation of Pakistani personnel bottled up by the Indians in Dacca.

Ambassador Jha said that he had raised the matter with Joseph J. Sisco, Assistant Secretary of State for Near Eastern and South Asian Affairs, this afternoon and had not received a categorical denial.

He declined to reveal his sources, but said that such a plan would be regarded in New Delhi as "a very serious matter."

Officially, neither the State Department nor the Pentagon would comment on the charge. But Administration officials said privately that the Enterprise, four destroyers and an amphibious ship carrying two dozen helicopters were under orders to sail from Singapore into the Indian Ocean. They said that no orders had yet been given to proceed from there.

ZIEGLER COMMENTS

Ronald L. Ziegler, the White House press secretary, first learned of the widespread reports of the President's attitude toward Moscow when he arrived in Washington several hours after Mr. Nixon and his official party returned from the Azores.

"The United States is not considering canceling the U.S.-Soviet summit and no U.S. Government official intended to suggest this," Mr. Ziegler insisted.

Despite the clear impressions received by those who heard the official express the White House viewpoint, Mr. Ziegler said that the accounts were "highly speculative and taken out of context."

According to Mr. Ziegler, the official was discussing a "highly hypothetical situation."

"If the Soviets continued to support Indian military action and the Indians should move into West Pakistan, this could very well affect future relations with the Soviet Union," the press secretary said. "But we have no reason to suspect this will occur. We have every expectation the fighting will stop in South Asia."

NIXON BACK FROM AZORES

The White House intention to link the President's Moscow trip to Soviet willingness to promote a cease-fire between India and Pakistan became widely known upon Mr. Nixon's return late today from the Azores, where he conferred with President Pompidou of France on the deteriorating situation on the Indian subcontinent and other international matters.

It was the latest indication that the White House regards India as the aggressor in the war with Pakistan and that Mr. Nixon is disturbed by the lack of evidence that Moscow wants its allies, the Indians, to honor a United Nations General Assembly call for a cease-fire.

The President was said to regard the Russians as capable of restraining the Indians but to believe that if they did not do so within the next few days he would have to reassess the entire relationship between Washington and Moscow.

Unless the Russians indicate quickly that they will seek to restrain India's military thrust into East Pakistan and her combat efforts along the border with West Pakistan, Mr. Nixon will seriously consider holding off attempts to reach a detente with Moscow, it was understood.

DIPLOMATIC EFFORTS CITED

The senior Administration official told reporters the United States is still working on a variety of diplomatic fronts to bring the war to a close. He complained, as officials of the State Department had yesterday, that the Soviet Union had not played a constructive role—"to put it mildly."

The official said that the White House was trying to prevent not only the dismemberment of Pakistan but any military threat to West Pakistan.

Asked if Pakistan could be a viable state should the central Government lose control of East Pakistan, as now seems likely, the official said that the United States view was that Pakistan could survive if there were certain unspecified changes in the eastern region.

The President had tried to win France's support for the cease-fire resolutions at the United Nations. The Pompidou Government has abstained, however, from voting on the issue.

An official familiar with the talks between Presidents Nixon and Pompidou said that the French apparently decided there was nothing to be gained in taking a stand on the cease-fire issue because the resolutions were sure to be vetoed by the Soviet Union in the Security Council.

PREVIOUS COMMENTS NOTED

At a briefing for newsmen last week, Henry A. Kissinger, the President's adviser on national security affairs, said that the White House felt the Soviet Union had not used its influence on the Indians. The briefing was provided on the condition that Mr. Kissinger not be publicly identified. But his identity was subsequently made public by Senator Barry Goldwater of Arizona.

The President's increasing dissatisfaction with Moscow—as it was made known here today—thus represented a low-key attempt to send a signal to the Soviet Union without directly attributing it to Mr. Nixon himself.

Meanwhile, the American carrier Enterprise rendezvoused with the five other Navy ships yesterday off Singapore. It would take the convoy three to four days to travel the 1,600 nautical miles to East Pakistan.

Ambassador Jha said that the Indian Government and the Bangla Desh (Bengal Nation) insurgents in East Pakistan had insured the safety of all foreign nationals in East Pakistan and that all Americans who wished to leave had already done so.

Mr. AIKEN. Mr. President, I think it most unfortunate that a small group in the House did not permit its membership to vote on the Mansfield amendment so that they could register an opinion on that. I hold no brief for them, but I think it would be equally wrong for the Senate to refuse to take a position, or to take a position which would jeopardize or put in question the agreements we have with 50 or more countries around the world.

Therefore, as much as I dislike continuing resolutions and as much as I had expected to oppose the continuing resolution, I feel two wrongs do not make a right, and if we fail to enact continuing legislation we would be even more culpable than the House.

I have just read the amendments proposed by the Committee on Appropriations and also the amendment to the amendment proposed by my able chairman, the Senator from Arkansas. The first question that comes to my mind is the question of the date, the length of this continuing resolution. I would go along with the date of March 1, which was agreed to by the Committee on Appropriations. That would give us about 5 weeks after the start of our second session, but about 2 weeks of that will come out because of Lincoln's Birthday, Washington's Birthday, Jefferson's Birthday, and maybe the birthday of some of the Members of this body. I do not know about that.

But I feel if this continuing resolution gives only about 10 days; and although

Congress expects to come back January 18, if I know my colleagues, and if I know the Members of the other body, it will be January 20 before we get back into working conditions, and that would leave only a few days in which to reach an agreement.

We have already been working for months trying to reach agreement with the House and we have come to this impasse, a very deplorable impasse. I would say it is not too commendatory to Congress as a whole, but we want to get this matter settled. In a bill the Senate agreed to, the foreign aid programs is to be phased out in the next 4 or 5 years. That is about 20 percent a year. But I do not believe we can cut the amount down to one-half of what the House is proposing—roughly $3 billion, and cut it to $1.5 billion at this time, and still keep our understandings with the foreign countries.

If the Senator from Arkansas would make the amount $2 billion instead of $1.5 billion I would go along with him on that; and I would want it thoroughly understood that when this goes to conference, the total amount agreed to be no larger than the amount the Senate has agreed to or about $2,650 million. I would hope my chairman would make the date March 1 instead of February 1 with respect to the time when the continuing resolution would terminate.

Also, as I stated, I think the amount should be $2 billion instead of $1.5 billion. I feel sure cutting the amount to $1.5 billion would create considerable misunderstanding throughout the world.

Mr. PROXMIRE. As far as the date is concerned, I think the suggestion of the Senator is logical. February 1 may be too soon.

One of the reasons the informal meeting of the committee felt February 1 would be desirable is the House has a March 15 date.

Mr. AIKEN. I know.

Mr. PROXMIRE. We felt if this very limited amount of funds—which I agree is not enough, and has to be changed rapidly—persuades the administration and the House that we should act rapidly on it they might prefer to have an earlier date. I shall be a conferee. As far as I am concerned, this is something to compromise. If the House feels strongly about this and prefers a later date, we might well go to March 1, but if the Senate amends it tonight and makes it March 1, we have no leeway. We have no discretion.

Mr. AIKEN. I would hope this extension of time might run until the President makes his February 1 announcement, relating to further troop withdrawal at which time I hope he will pull the rug out from under the Senator from Montana and also for an early date for pulling us out of Indochina lock, stock, and barrel.

Mr. PROXMIRE. Which would make the Senator from Montana very happy.

Mr. AIKEN. Yes, it would make him very happy as he well deserves to be. Also the President, by March 1, will presumably have returned from his trip to China. I do not know what will come from that journey. I do not think that may have too much bearing, but the February 1 announcement will be very important.

I want to go on with the foreign aid program. I think the credibility of our Nation depends upon keeping the agreements which we have now, even though we have been advising the other countries that we are trying to help, that we are not going to keep up the aid program forever. That includes Europe, too. But we should let them know we intend to fund it over a period of time and then proceed to do exactly what we said we intend to do.

Mr. PROXMIRE. It is hard to argue the merits with the Senator, because there is a great deal to be said for the 1st of March date, but it may be, from the viewpoint of the conferees, that they might want a date like February 1, or something between February 1 and March 15, if the House felt that they wanted to get action on this rapidly. It is subject to leeway.

Mr. AIKEN. I think if the conferees agreed on a date between February 15 and March 1—not later than March 1—instead of the 15th of March the House has asked for, that would be very well; but I would like to see this matter cleared out of the way until our birthday celebrations in February are over. But I will trust the conferees to reach a fair agreement on that. Sometimes I think that—well, I guess I will not say what I think. It is better not to.

Mr. FULBRIGHT. Mr. President, if the Senator will yield, I agree with what the Senator has said. I originally had March 1. It is my own feeling we can get an agreement on the bill——

Mr. AIKEN. Why does not the Senator make it February 15 and let the conferees agree on March 1?

Mr. FULBRIGHT. The conferees will have to agree to resolve the difference.

I think one other point to make is that if the House, in view of the reduced amount, does not wish it to run too long, it would have no opportunity to have a shorter time if they wanted it. So that gives the conferees some leeway. The House may say that if we are going to make the amount that small, it wants the period for a short time so that they can get the authorization at the proper level, and they ought to be able to do that. I think the Senate would restrict our own conferees by insisting on a later date. They can fix any date between February 1 and March 15, if we leave it as it is. I changed that date in order to give the conferees some discretion on a date. We do not know what the House will do.

I would suppose the Senator, as a conferee, knows to what extent we had agreed on amounts and other matters, and I would hope we could get a bill very early in the next session, provided we leave the amount at this level. If we make the amount close to what it is in the bill, there will be no incentive to have another bill, because they will be satisfied to continue it at that level. The intent we have is to preserve the legislative process and also to get a bill which has legislation in it which is significant and important to the Congress, in my opinion.

I do not agree with the Senator's suggestion that this is not a commendable action on the part of the Senate. I think the least commendable action is to always defer to the wishes either of the other body or of the administration. I think it is not only within the right of the Senate but its responsibility to assert itself on occasion. This is more in accord with what the Senate did in past actions.

After all, do not forget that the Senate rejected the whole program. It rejected the bill completely in October.

Mr. AIKEN. The Senator's argument is very persuasive. I think the conferees probably will exercise their best judgment in arriving at a date somewhere between February 1 and March 15. However, I do believe that the amount ought to be $2 billion rather than $1.5 billion. Then if they compromise—and we hope they will compromise very rapidly—they could compromise on an amount approximately that which the Senate has already voted to authorize.

Mr. FULBRIGHT. I will say to the Senator that this matter was discussed at considerable length. I could not accept that, because it would end up at about what they have, which would not give them an incentive to enact legislation. One of the important elements is to preserve some incentive for both the administration and the House to arrive at a decision on the legislation itself.

I do not wish to continue these continuing resolutions. I think it completely subverts the legislative process and the Senate. I could not accept that at all. We discussed that, but I personally would not accept that amount. If this goes to conference and they pass a bill which is close to the amount that they passed, I shall oppose it.

Mr. AIKEN. No one dislikes to vote a continuing resolution at this time any more than I do, and I do not absolve the House for their unwillingness to follow the established legislative procedures, but I think it would be even more difficult to swallow if the Senate took any action that put in question, even for a period of 2 months or 2½ months, all of the agreements which we have with many countries of the world, particularly at this time. So I will vote for a continuing resolution, but I would like to vote for the kind of continuing resolution that would be helpful in arriving at a reasonable solution to the foreign aid problem.

Mr. FULBRIGHT. There is $4.7 billion in the pipeline for the servicing of any agreements we have made. Congress has made no agreements. There are no outstanding agreements that are not already funded or agreed to be funded out of the existing authorizations. This is new money that has not been authorized and has no basis whatsoever in any agreement. I do not know what agreements the Senator is talking about.

Mr. AIKEN. It is very difficult to explain to 50 or 60 or 70 other countries that there is no understanding or no implied agreement between us and those small countries that we are trying to help.

Mr. FULBRIGHT. If there are any agreements, they are unauthorized.

Mr. AIKEN. And even though the President has made considerable gains in the field of international relations, I think that we ought not to let these understandings with other countries be questioned at this time. Perhaps during the coming months we may decide to cut it considerably more for the next year. I expect we will. But I think we ought to go through the implied understandings—let me put it that way—that may not all be in writing.

Mr. McGEE. Mr. President, I wanted to express a thought or two on this matter at this late hour of this particular session of Congress for a reason. We spent a lot of time marching up the hill, and back down and then back up and then back down the hill, on the very contentious issue of foreign assistance. Some of us think it ought to be more. A great many of our distinguished colleagues think it ought to be much less. What we have been groping for here is something that comes close to what the Senate has expressed itself on.

My distinguished chairman of the Foreign Relations Committee continues to mention that the Senate voted down much more than this one tonight, but we restored it, and somewhat after, we were shamed by the public lack of acclaim for what we had done.

The Senate's latest action of record was to restore a very minimal foreign assistance figure, and that is where the Senate stands now. That is the last action by this body. Now we are caught in a bind because of the clear will of the Senate that the Mansfield amendment be accepted also as a part of the bill that has been in conference for a very long time. The Senate has made its position very clear on that. But we now find ourselves the hostage of the oncoming Christmas season, and the desire of a great many not only to go home, but a desire that has already been carried out by perhaps too many Members of this body: There is some question, as I understand it, whether there is even a quorum present in town.

Are we to be denied the measure of where this body stands by not having a rollcall vote, not having an up or down vote to determine who it is that is going to stand for the Senate position, and who is not? I need to know that. I need to know what the intention is. There has been a conference going on. I did not know about it until I was taken away from dinner and summoned over here in a hurry.

So I make the plea again to my colleagues in this body that in the Appropriations Committee yesterday we tried to arrive at what was regarded as the closest to a consensus that we could attain. We had several alternatives. McGEE and several others favored a much larger bill, about like the measure now being considered by the House, and that is still low. We are starting out low in this field in terms of what I regard as our proper responsibilities. But I lost. I was voted down in the committee, and that is what this business is all about.

So we had another proposal made to the committee, a proposal advanced by the distinguished chairman of the Committee on Foreign Relations, for a figure of $1.5 billion; and that was not agreed to by the Appropriations Committee. We groped for the best and closest figure to a middle ground that we could find, that would win the support of the committee, and that vote in support was on the lowest of the figures pending under any guise of ratification by the Members of Congress, including the Senate. That figure was the amount of the continuing resolution that had expired on December 8 and the sums appropriated under that bill.

That figure came, as I recall—I have not had time to assemble my materials here—but to about $2.704 billion, as I recall. And that was not only the majority opinion in the Appropriations Committee yesterday, but it was voted out, as I remember, 16 to 4. That was the committee's recommendation, in groping, not for a new foreign aid bill, but for a way to resolve the differences between guys like the Senator from Wyoming on the one hand and gentlemen like the Senator from Arkansas on the other, who are miles apart on this question.

We honorably arrived at a middle ground. Having arrived there, in our urgency for getting out, I would have hoped that after the discussion of our differences here on the Senate floor, and the expression of the fact that we disagreed on that figure—I disagreed with it, too, but I supported it as a good guy trying to find a way to get out of session—that we might sustain the committee.

But now we are being confronted by an effort to slash it clear back to that which has already been rejected by the Appropriations Committee in its own vote, and almost cutting in half even what has been authorized by the Senate—what was authorized by the vote of the Senate of the United States when we returned from the Thanksgiving recess. That figure, as I recall, was about $2.6 billion-plus. I have forgotten the exact figures.

So I implore my colleagues, in the interest of moving along a continuing resolution—this is not an appropriation bill per se, now—why can we not honor the attempt to find a compromise ground between those who think differently on this question?

That is what I thought we had voted out, although there was a clear expression in the meetings that it did not bind anyone to have to vote for it on the floor.

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

Mr. McGEE. But it certainly, it seems to me, reflects the closest approximation to a compromise among gentlemen who honorably disagreed.

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

Mr. McGEE. And that is why I would hope that we will turn down this amendment that is pending at the moment, and that we will sustain the chairman of the committee and the vote of the Appropriations Committee on the continuing figures that prevailed in the continuing resolution which expired on December 8.

That is still different from the House figure, and we will have a chance to talk about those differences with our friends in the House of Representatives. But I just cannot permit this kind of an action to proceed without every protest that I can mobilize, in view of the action of the Senate in full session on this floor last November 30 or 31, whenever it was, when we voted to authorize the funds for foreign aid, and the action of the Appropriations Committee yesterday to compromise on a middle figure.

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

Mr. McGEE. Yes; I am glad to yield to my colleague from Wisconsin, who is the chairman of the subcommittee.

Mr. PROXMIRE. The Senator from Wyoming knows far more about that position than I do. He was chairman of the subcommittee last year and the year before, so he has carried this bill several times, and is extremely well-informed on it.

But I ask the Senator, is it not true that in committee there was no vote rejecting $1.5 billion or any other figure? The only vote taken was a vote to report the bill out; and if the Senator will recall, it was rather humorous that when Senators were called on for their votes, Senator after Senator said, "This does not bind me to vote for the bill on the floor; I have reservations on it and will probably vote against it on the floor."

So this was not any broad consensus that $2.7 billion was just the right amount, or anything of the kind. It was suggested that this was a proper amount to be recommended if we were to have a bill out on the floor, but there was no notion that we did not want to go less than that. No one was bound in any way, shape, or form to feel that he had to support a $2.7 billion figure instead of a lower figure; is that not right?

Mr. McGEE. No, not quite. A similar expression, in an informal way, showed that the Senator from Rhode Island, for example, said, "I cannot buy a lower figure; we have to go for something a little closer to the mark." The Senator from Nevada—I do not see him here now—made a similar statement. But a counting of noses told us that the measure was finished at $1.5 billion, that there was no change, and therefore the Senator from Arkansas reserved the right, as he should have and did, to say that he was going to try the amendment on the floor.

The committee found its consensus on the $2.7 billion figure, which I did not like. I thought we ought to stand by the House figure on a continuing resolution, and get out of here. That was not the figure I thought we ought to have gone along with, in order not to have to wrestle with the House about what we ought to do in the respective areas of foreign aid. But we did arrive. The consensus that was voted out 16 to 4 was the result of a great deal of consensus informally, as the Senator will recall.

Mr. PROXMIRE. There was a great deal of informal conversation, and there were some Senators who indicated that they might accept $1.5 billion. There was no vote other than the vote to report a bill out.

Mr. McGEE. No, that is right. The vote was on the lefthand column of figures.

Mr. PROXMIRE. That was it.

Mr. McGEE. Totaling $2.704 billion.

Mr. PROXMIRE. But that did not indicate that this was the figure that the Appropriations Committee did not want to go below. In fact, I think, if you put any credence at all in the remarks of the members of the committee when they voted on the bill, the feeling was that the figure must be much too high; otherwise, why would so many of the Senators have said they had great reservations, and would probably vote against it on the floor?

Mr. McGEE. Those remarks were also a little ambiguous in separating those who said they were opposed to foreign aid and would vote against foreign aid from those whose reservations involved opposition to a continuing resolution on the agreement that we reached in the committee. So those who made such statements were also split.

Mr. PROXMIRE. Just one further point on this, and that is that nobody, including, I am sure, the Senator from Arkansas, would feel that this is the right figure, or anything like it, for foreign aid for the rest of the 1972 fiscal year. The figure represented by this amendment offered by the Senator from Arkansas, of $1.5 billion, is a figure we arrived at as a basis for securing a conference on the authorization bill. That is its purpose.

So, to argue that this figure is too low, the Senator from Wyoming can make a very strong argument on that. I think many Senators would feel it is too low if it is going to continue until June 30 and that is all that is available.

I was one of the minority who voted for foreign aid at the time it was defeated in the Senate, and I think there is much good in the program. But I think if we are going to get any real, effective results in dealing with the House, a figure like this is the kind of figure we must take to conference. If we have a higher figure, it seems to me—as the Senator from Arkansas has said very persuasively—you are not going to get action on the authorization bill; and I think we have a duty to our own Foreign Relations Committee to support them.

Mr. McGEE. I am on the Foreign Relations Committee, too, and I know all we went through on the committee to try to arrive at a figure; and we arrived at what we all thought was a working figure. Even in the authorization, some votes were 8 to 7 one way and 8 to 7 the other way. It was not a lopsided figure, even there.

I am mindful of the bargaining position that is needed on the Mansfield amendment in the conference on the authorization. But that is the problem of the confrontation in the authorizing conference. We are on the Appropriations Committee, and we are asked somehow to resolve our impasse for the purpose of getting out of here until the 18th of January in order to resume this kind of operation. It is as simple as that.

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

Mr. McGEE. I yield.

Mr. FULBRIGHT. What the Senator's argument overlooks about the bill that was reported is all the policy changes or reforms. I recall that the Senator from New Jersey, in particular, is responsible for a number, but other Senators are, also. But those were very important to the continuation of the program.

This is the evil of a continuing resolution. It deals only with amounts, and the amount is only one aspect of this overall program. There were limitations and changes, and so on, in that bill. That is why it is so important to get it out of the conference.

So it is a little like dealing with horses and rabbits. Here we talk only about amounts in the continuing resolution because there is no possibility of inserting in this kind of legislation, amendments with which the House agreed that are in that bill.

The Senator from Wisconsin has said, properly, that the amount here is not the significant part. It is the parliamentary situation which will allow us, if we take this figure, to get a bill early I think—before the end of January. I think these other differences will be resolved.

Due to the circumstances of the lateness of the session and everything else, this is the way, in the wisdom of the chairman of the committee and others, with the best possibility of getting over this rough place, to get the authorizing legislation. It is that simple. It is a stopgap, pragmatic way to approach a difficult problem.

What is the alternative to this? Does the Senator wish to precipitate a long, delayed action here, for several days, as we had last year? I do not wish to do that; although, if necessary, I would not object. The Senator from Wisconsin rendered a great service to this country last year by doing that very thing. I supported him then, and, in retrospect, I think it was even wiser than I thought. Everything would indicate that that was a great service to the country.

All we are trying to do here is to get over a difficult situation, looking toward the enactment of legislation in the regular way. I think the regular procedures are very important.

The Senator mentions all this action in the Appropriations Committee. Since he has brought it up, the fact is that the Committee on Appropriations took action before the House had taken any action. They took action most informally before a continuing resolution had been reported by the House. There was no absolute assurance that there would be any continuing resolution. We just took it on faith and acted before they acted, which is a little irregular under the usual rules. I do not make any point about it, but that is what has been going on in order to get through a very difficult period with a very controversial bill.

I preferred an amendment that would provide only for administrative expenses, simply because that would make it even more certain that we would get a bill at the earliest opportunity in January, which I would think could well be the 20th, 22d, or 23d of January, because we have gone over all the matter.

Only one or two things, as the Senator knows, are in disagreement. The amount of money, actually, when you reduce it to this short period, is not much. I do not know whether the Senator was here, but the staff has calculated roughly that, reduced to this one-tenth of the difference, it only amounts to approximately $150 million, between taking this amount and the amount in the Senate version of the continuing resolution—reduced to this period of a little more than a month. So it is not such an awful amount. It looks big if one is talking about a full year; but reduced only to a month, it is not such a big difference.

Mr. McGEE. I appreciate the comments of the chairman of the Foreign Relations Committee. I respect him very much in these matters, even though we have very sharp disagreements on some of them. It is the sharpness of those disagreements that requires that men compromise. I thought we had come pretty close to a very good compromise in the meeting yesterday, that it came closest to the record that this body had already written in its last vote on this great question.

Mr. FULBRIGHT. But the Senator is ignoring all the policy questions, all the restrictions and limitations.

Mr. McGEE. I do not agree with that. I am not ignoring those. Those are very important policy limitations. They are in the realm of authorization, and they belong in the conference on authorization. Our problem is to try to get this body out of session through a continuing resolution, not through continuing authorization, not through policies. That is for the new agreement, whenever it is reached. It has nothing to do with the sums under which we already have been operating, under the preceding continuing resolution.

So I do not think we ought to muddy the water with the very able resolutions that are indeed pending. But they are still pending, and because they are still pending, we have to have a continuing resolution. One does not approach a continuing resolution by putting the pending matter that cannot be resolved into a continuing resolution. Therefore, we have to start where we are, and where we are is with the figures on which we were operating on the 8th of December. I do not like those figures. I think they are beneath our responsibility as a great power. Nonetheless, that is where we are, and we have disagreements on that.

I do not buy this pipeline business. The Senator knows much better than I that pipeline moneys are indeed committed. They are the bona fide which the negotiations with individual nations, for whatever the project is, are undertaken; and we dare not play lightly with those sums just because they are in the pipeline. Those are commitments and articles of good faith in the negotiations underway.

For that reason, if we go less than the operating figure, the effect is to slash mercilessly below the figure for foreign aid that we were even operating under before or that we authorized under the leadership of the chairman of the Committee on Foreign Relations. Thus, I think we come back again to the hard rock, which is the position of the Senate that we voted, which is closer to the position of this body, which it corrected after

it had been called into question very seriously by many of the responsible voices around the Nation, after the earlier vote on this matter.

So I just cannot agree with my chairman on that matter. I disagree very sharply. I disagree really with what we are doing in the continuing resolution and the figure we are suggesting. I think we are shirking our responsibility. When we go to conference with the House, we ought not go to conference with the House with a disgraceful figure that we would not be willing to stand up for in its own right. You do not dare go into a bluff and not be prepared to back it up.

One of the dirtiest tricks I remember was one year when we went into conference in which the House was asserted to have said that they deliberately lowered a figure because they knew the Senate would raise it, and that would bail them out, and we did not raise it. They scrambled around in frantic antics.

Mr. PROXMIRE. So far as the continuing resolution is concerned, those figures we will stand by, so far as I am concerned. The figure of $1.5 billion can be justified. I am saying, on a full-year basis, it is too low. We expect the continuing resolution to be in effect only a few weeks. We hope it will be in effect only until February 1. On that basis, it may make an adjustment, as the Senator from Arkansas has said, of $150 million below——

Mr. McGEE. We play the numbers game when we do that.

Mr. PROXMIRE. I am not saying we will not have to fight for it in conference, to get that figure in conference that can be justified for that period.

Mr. McGEE. No use to fight over it if it cannot be justified for a limited period, not with the vote of this body that issued its desires or its "druthers" in the new authorization. That was $2.6 billion. That is where we are playing hanky-panky with this question, by this maneuver. We are not coming to grips with the question to which we committed ourselves. That is why I am asking this body to stand up for what it voted for, or we will look like fools running up and down the hill two or three times.

Mr. PROXMIRE. I know the Senator does not involve himself in strategy but if we provide in the foreign aid bill the $2.7 billion and then the House provides about $3 billion, they compromised in between, so where is the incentive for passing an authorization bill? They are better off to have a continuing resolution until July 1. Where is the incentive?

Mr. McGEE. We cannot cross every bridge with all of its pitfalls for the next 6 months or the next 6 years, or we would quit tonight. We have to cross one bridge at a time. How is the Senate going to look before the world, how is the world going to look before its own people, when we have not taken the action we have committed ourselves to?

Mr. CRANSTON. Mr. President, will the Senator from Wyoming yield?

Mr. McGEE. I yield.

Mr. CRANSTON. I would like to say to the Senator from Wyoming, with whom I have worked closely on many matters, that, in all earnestness, what has been proposed by the Senator from Arkansas represents a compromise.

It represents a compromise on money where the Senate has gone on record. It represents a compromise on the policy matters attached to the earlier authorization bill which has gone through the Senate. That also represents the position of the Senate.

The approach I would have preferred was the original one, the Senator from Arkansas' plan to provide money only for staff and administrative purposes until we resolve the matter. The Senator from Wyoming prefers the $3 billion-plus. So do others. We have hit a midway figure. The other matter is the policy issue.

Tonight, some of us would prefer to be able to come to grips with the Mansfield amendment and get a vote in the House tomorrow at once on that.

Tonight, we would like to agree to a ceiling on Cambodian money.

Tonight, we would like to limit the President's ability to switch money from one program to another. That is urgent tonight in view of the Pakistan situation.

Tonight, we would like to limit the money that goes unilaterally and move to multilateral programs.

Tonight, we would like to get acceptable agreement for annual authorizations for State and for the USIA.

Tonight, we would like to cut back on military missions abroad and begin that process.

Tonight, we would like the Senate to require the President to release the money he has impounded for domestic programs. Others would like that never to be voted on. Others do not want the Mansfield amendment to be brought to a head, or the other policy provisions.

If we accept what the Senator from Arkansas is suggesting, we will have adopted an approach that will give us an opportunity—not tonight, not never, as some would like, or the next time when we get to appropriating next year—but in February, or before February, or if we change the date it can be in March. This is a compromise between two positions. The Senate has approved the larger amount. The Senate also approved each one of the policy provisions. So we are deserting the Senate in one field totally if we stand by the Senate totally in another field. Therefore, we compromise. What we have had is a series of authorizing bills which are part of the process supposedly equal to the appropriating process in this body.

First, we have an authorizing bill from July 1 to August 6. Nothing definitive and final about it. Then another one from August 15 to November 15 and then another from November 15 to December 8. Now again we are being asked to provide enough for them to keep going on the program if the administration wants it. Next they will say, "Why argue about these policy matters now for only a 3-month period. Let us do it in the next year." That would mean there would be a whole year of foreign aid with the Committee on Foreign Relations bypassed and no real authorization measure fully considered by the Congress. Then, when we come to July 1 next year, the same process would start all over again and we would get a continuing resolution, and we would never come to grips with it—Why not adopt the amendment proposed by the Senator from Arkansas?

We have a compromise that permits each of us to come to grips with what we want to see done, but for such a decisionmaking process to start earlier next year, I believe, represents a great compromise. I would like to see all this happen tonight.

Mr. McGEE. I could not agree more with my friend from California. I would like to see it all happen tonight. I would be delighted to see it all happen tonight. Unfortunately, we do not know what the mechanics of the past have been over the machinery of government. They did not give the wise ones over here control over the mechanisms in the House of Representatives. They are the masters of their own house. We are stuck with that operation. We are in an impasse with them over the authorization.

We made a compromise in this body but we made it by the votes of the Senate. We made a compromise on the continuing resolution. They were compromises in the proper procedure. Now, after we have made a compromise twice, not once, which in the authorization represented the best judgment of the majorities as they could be obtained, that was a compromise figure. The compromise out of the committee was an adjustment to the lower figures available through the legislative process of both Houses of Congress, not produced out of the air in one proposal as an amendment, as my colleague from Arkansas is proposing tonight, but by action of Congress we took the lowest figure. That was a compromise. It was not an easy rollover. It was a compromise. The compromises have already been made. Now we are being asked to forfeit, in effect, the foreign aid process in this country by holding us hostage to the end of the session. This did not need to wait that long. We could have got at it earlier. If it had been some other kind of bill we have always managed to come to grips with it. It came last because it is a kind of tradition, when it is a foreign aid bill, somehow, that it should come last.

I play that game, too, with my leader. It is the last thing we consider. But I would think that we could stay hinged on the compromise agreements that we arrive at along the way. We have come a long way down the road in this session. One of those landmarks is compromise — compromise — compromise — on foreign aid. We have got those figures. The committee reported those figures. I do not understand the attempt, then, to assault even that last compromise.

Mr. ELLENDER. Mr. President, will the Senator from Wyoming yield?

Mr. McGEE. I am very glad to yield to my other chairman.

Mr. ELLENDER. Mr. President, I have been wearing out the soles of my shoes going to and from the Senate and House trying to get some accommodation on the amounts involved in the pending resolution.

Before the Thanksgiving holidays, we were operating on a continuing resolution that expired on November 15, 1971.

In order to extend that resolution, meetings were called. In this connection, the President called some of us concerning an extension of the date. The House adopted a resolution providing for the date to be the date Congress adjourned sine die. The Committee on Appropriations provided for the date of December 1, 1971. It was solemnly agreed that by December 1 this whole matter should be resolved.

When the Committee on Appropriations fixed the date of December 1—and that was the date that I suggested—we did not know that the House of Representatives was going to take a 10-day recess before Thanksgiving. That is why I agreed with the other conferees to change the date of the extension from December 1 to December 8, again with another solemn understanding and obligation that this matter would be settled. It is now, December 15, and it is not yet settled.

I did my best to get the House Members to agree to a figure of around $2 billion. But I did not have any success.

In order to get this matter before the Senate, I proposed that we have the figure fixed at the one that was fixed in the resolution that we extended to December 8 merely to bring the matter before the Senate.

Now, my good friend from Wyoming says that the vote was 12 to four.

Mr. McGEE. The total was 16.

Mr. ELLENDER. Whatever it was, I would say that almost half of the Members voted with reservations. I know that I did.

Mr. McGEE. So did I. I voted with reservations.

Mr. ELLENDER. As the Senator knows, I have not voted for a foreign aid bill in almost 20 years. I was instrumental in quite a few cases in chipping away at the amount.

I thought the program should end, but I was never successful in reaching that goal.

The Senator from Vermont just stated a moment ago that he thought that the amount should be fixed at around $2 billion. To approach that figure of $2 billion, in my opinion I believe we ought to make the amount lower than $2 billion.

I suggested that figure to the House Members yesterday. I pointed out that this lower amount was an expression of the views of the Senator from Arkansas (Mr. FULBRIGHT) and others. I stated that it was impossible to get as much as $2.6 billion, in the circumstances. However, my plea fell on deaf ears. They proceeded to vote out the $3,100,932,000.

If we are to get a continuing resolution, I believe that if the figure that is now proposed by the Senator from Arkansas is agreed to, that in the conference we might be able to bring it up to the figure of $2 billion, which I believe the Senator from Vermont just talked about.

So, I believe that if the Senator from Wyoming would permit this figure to be voted on with the proposed expiration date, in conference with the House I feel confident that we can reach a figure of at least $2 billion and a date that would be suitable.

Mr. GRIFFIN. Mr. President, will the Senator yield to the Senator from Vermont?

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

Mr. McGEE. Mr. President, I think that I have the floor. However, I would be glad to yield to the Senator from Vermont.

Mr. ELLENDER. Mr. President, first, I would like to point out that this includes, of course, only title I and title II of the foreign assistance bill. There are other funds amounting to $204 million, which would be in addition to the $2 billion the Senator from Vermont mentioned.

The PRESIDING OFFICER. The Senator from Wyoming has the floor.

Mr. McGEE. Mr. President, I will yield to the Senator from Vermont in a minute.

Mr. ELLENDER. Mr. President, I just thought I would state that although I am opposed to the bills, I felt as chairman that the resolution should be voted out so that the Senate could work its will.

Mr. McGEE. Mr. President, I appreciate the comments of my chairman. I must add that over my many years in the Senate no person or no committee of persons in the Senate has visited as many of the aid areas involved in the appropriations each year and no one person has clamped down harder and in a more responsible way than has the senior Senator from Louisiana.

That is one of the reasons why the program is really a much more responsible program than it once was in the loose days when we were beginning to learn a great deal from the Senator from Louisiana.

However, the point still is that we stand before the world tonight and we do not dare stand before the House of Representatives and say, "Look, the lousy vote we had in the Senate was not the will of the Senate. We were just playing games with the Members of the House. They are stubborn."

We are going to be judged on this. The Senate went up and down the hill once before. We got a lot of complaints from all over the United States for the way in which we approached the question.

I am only pleading that we be responsible tonight. We have made our will known. That is the reason I cannot buy this new compromise figure. We will compromise ourselves right out of the ball park.

Mr. GRIFFIN. Mr. President, will the Senator from Wyoming please yield to give the Senator from Vermont an opportunity to make a correction?

Mr. McGEE. I yield to the Senator from Vermont.

Mr. AIKEN. Mr. President, I want to make it clear that when I mentioned the figure of $2 billion, I was suggesting $2 billion as an amendment to the amendment offered by the Senator from Arkansas and not as an amendment to the figure of the Appropriations Committee.

Mr. McGEE. I understood it that way.

Mr. AIKEN. I felt that if this body agreed to $2 billion, when the conferees met they could then arrive at a figure not far below what the Senate has already authorized. And I believe the Appropriations Committee recommended an appropriation of approximately $2.7 billion. If that figure happens to come down another $100 million—and $100 million is not what it used to be.

Mr. McGEE. I would not know. I never had that much.

Mr. ELLENDER. Mr. President, as the Senator knows, the House figure was $3.1 billion.

Mr. AIKEN. That is too high.

Mr. McGEE. Does that not include a carryover of about $456 million and other items in title III and IV? It really is not that much. It is about $2.7 billion.

Mr. ELLENDER. That includes the carryover.

Mr. McGEE. Yes. The Senator is correct.

Mr. AIKEN. The Senate authorized $2.658 billion; and the Committee on Appropriations agreed on $2.698 billion. That is a cut of about 20 percent from what was provided a year ago. It seems to me if we cut this 20 percent a year and if we could cut other appropriations accordingly in other parts of the world perhaps we might be in a little better condition internationally than we are now.

Mr. McGEE. Mr. President, I am ready to yield the floor.

Mr. COOPER. Mr. President, I oppose the amendment of the chairman of the Committee on Foreign Relations and for a moment or two I would like to give my reasons.

I have served on conference committees and I know the myriad of subjects that have to be dealt with are difficult and compromises have to be made.

I think for the rest of us who are not on that committee I should say we have some duty to try to approximate, if we can, the sense of the Senate as expressed in a vote on this subject.

In writing a continuing resolution there are two questions involved. The first question is the amount and the other question is time.

The Senate expressed itself in the first foreign aid bill, which was defeated, and then, there was the second bill which was laboriously worked out in the Committee on Foreign Relations. The chairman of the committee gave us fine leadership in working out that bill and it was reported unanimously by the Committee on Foreign Relations in two parts and it was adopted by the Senate.

Those two bills, according to the figures which have been given me by Mr. Marcy of the Committee on Foreign Relations indicate that the authorization of those two bills was $2.347 billion. So the Senate did vote for two bills authorizing $2.347 billion.

I think we should be guided by that. In our last conference, where we struggled for days, we made progress all along, except on the amendment of the distinguished Senator from Montana. I believe all of us, even those of us on the minority side, stood by him; we did not retreat, we supported him.

However, it was agreed in committee that we try to resolve at least on a tentative basis the other sections of the bill, hoping we could come to a final resolution on the Mansfield amendment.

I might say the House receded or ten-

tatively receded on practically every other section of the bill.

I made the suggestion in conference that we settle on $2.7 billion. The House conferees opposed it strongly. We took a vote and the committee voted for $2.7 billion. That was the action of the Committee on Foreign Relations, but the Senate did vote earlier and voted for an authorization of $2.347 billion. I think that should be considered.

The chairman gave his point of view that if we want to vote a foreign aid program we can vote the continuing resolution, but if we are to have one we have to have one with some substance to it.

The Senator from Arkansas would authorize one-half of the amount which was authorized under the last continuing resolution, and that would be approximately one-half, or about $1.350 billion.

The report also states that $300 million shall be available for "such sales to Israel." If $300 million were used there would be about $1 billion left for the foreign aid program. I would say that would completely destroy and abrogate the foreign aid program.

I followed the advice of my minority member as to the amount it should be, that should be agreed upon; but I do not think it should be less than $2 billion. I wanted to make my position clear.

I could suggest an amount myself, as could any other Member, but the only guide we have is what the Senate did when it voted on the foreign aid program at $2.347 billion.

Mr. GRIFFIN. Mr. President, I wish briefly to indicate that I agree wholeheartedly with what the distinguished Senator from Kentucky has said, and his evaluation of the pending amendment offered by the distinguished Senator from Arkansas. I also wish to indicate my support for the remarks and the position taken by the distinguished Senator from Wyoming (Mr. McGEE).

So far as the Senate is concerned, I believe some progress has been made in reaching the point where we find ourselves now. But it is obvious that we cannot reach agreement tonight and that we will not be able to adjourn sine die this evening. The House has already gone home for the day, and will be back in session tomorrow.

Obviously, there is strong opposition to the amendment offered by the Senator from Arkansas. The Senator from Vermont (Mr. AIKEN) made a suggestion which, it seems to me, is worthy of overnight consideration. Perhaps something will come of it. I would like to suggest that we have arrived at a point where it might be best to go home for the day and come back in tomorrow. Perhaps we will be ready then to come to an agreement.

Mr. MANSFIELD. I think there is a good deal of merit in what the distinguished acting minority leader said.

I wonder, though, if it would be possible, rather than to have a vote tonight, which would have to be completed automatically tomorrow, if it might not be better to come in at 10 a.m., let us say, rather than 9 a.m. tomorrow, and vote on the pending amendment at 11 a.m.

Mr. FULBRIGHT. I cannot consent to any agreement to vote. I wanted to say to the Senator that this is an unusual situation. I agreed to this reluctantly. As I said, I had a different one. I was only seeking to move the Senate along. If this is to be debated in the regular course as if we were deciding on the merits, that is another thing, but I do not want to mislead anyone to think I would accept $2 billion. I think under the conditions that prevail there are enough of us to see that it is not accepted.

We are dealing with a difficult situation. I was trying to cooperate with the Senator from Louisiana, the chairman of the committee, and other Members of the Senate, so I agreed to this procedure. It does not bind anyone who was not there. Anyone can do as he sees fit, as the Senator from Wyoming has done. But it should be clear under the existing circumstances it is going to be difficult for us to discuss a full scale program. I think it will be very difficult. As a practical matter, being pragmatic about it, in order to move this along and get to a time when we could get a bill, this amendment is about all that can be gotten through under the circumstances now. I think that should be understood. I am not going to accept $2 billion or $2.5 billion, and so on. I am not the only one. I think I speak for a number of Senators.

Mr. McGEE. Will the Senator be willing to leave that to the judgment of this body rather than to his own action? I think that is the question at stake.

Mr. FULBRIGHT. This Senator will abide by the rules of the Senate and do what he thinks is his responsibility. I feel it is my responsibility to do everything in my power to see that the legislative process is not subverted by a continuing resolution. I am a chairman of a legislative committee and I feel my responsibility as much as he feels his.

He has already outlined the differences of view. Within the rules of the Senate, we are entitled to certain privileges of debate, and I do not see, at this late hour, that we are under any illusions. I think it would be unwise to prolong the agony, because I do not see that there is any possibility of getting anything except by unanimous consent under existing circumstances.

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

The PRESIDING OFFICER. The Senator from Michigan has the floor.

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

Mr. GRIFFIN. I yield.

Mr. MANSFIELD. Mr. President, I ask that a Senator relieve the distinguished Senator from Missouri (Mr. EAGLETON) from his duties in the Chair so he can come down here while we are discussing some matters and present an unobjected-to measure affecting the welfare of the District of Columbia.

AMENDMENT OF THE DISTRICT OF COLUMBIA ELECTION ACT

Mr. EAGLETON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2878.

The PRESIDING OFFICER (Mr. CRANSTON) laid before the Senate the amendment of the House of Representatives to the amendment of the Senate numbered 12 to the amendment of the House to the bill (S. 2878) entitled "An Act to amend the District of Columbia Election Act, and for other purposes," which was on page 8 of the Senate engrossed amendments, strike out lines 7 through 13 inclusive, and insert:

(27) Section 13 of such Act (as amended by paragraph (25) of this Act) is amended by adding after subsection (e) the following new subsection:

"(f) (1) Subsection (e) of this section shall not require—

"(A) registration under subsection (e) (1) of any independent committee or party committee which is registered as a political committee under section 303 of the Federal Election Campaign Act of 1971.

"(B) filing of any statement under paragraph (2) of such subsection (e) with respect to an election for Federal office by a candidate or committee required to file a report with respect to such election under section 304 of the Federal Election Campaign Act of 1971, or

"(C) the filing of any statement under paragraph (4) of such subsection (e) with respect to any election for Federal office by any person required to file a report with respect to such election under section 305 of the Federal Election Campaign Act of 1971.

"(2) Paragraphs (5), (6), and (7) of subsection (e) of this section shall not apply to any committee which is not required to register under subsection (e) (1) of this section.

"(3) For purposes of this subsection, the terms 'election' and 'Federal office' have the same meaning as such terms have under section 301 of the Federal Election Campaign Act of 1971.

"(4) This subsection shall take effect on the date on which title III of the Federal Campaign Act of 1971 takes effect."

Mr. EAGLETON. Mr. President, I move that the Senate recede from its amendments numbered 6 and 7 to the amendment of the House to the bill (S. 2878), to amend the District of Columbia Election Act, and for other purposes, and that the Senate concur in the amendments of the House to the amendment No. 12 of the Senate to the amendment of the House to the bill (S. 2878), to amend the District of Columbia Election Act, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Missouri.

The motion was agreed to.

FURTHER CONTINUING APPROPRIATIONS, 1972

The Senate resumed the consideration of the joint resolution (S.J. Res. 1005) making further continuing appropriations for the fiscal year 1972, and for other purposes.

Mr. FULBRIGHT. Mr. President, if this amendment is voted on, itself, and if it carries, of course that ends the matter. If it is defeated, of course the other amendment which I had would be in order, as I understand it. The other amendment is one which I have not offered, but which I have sent to the desk, and it would be in order.

Mr. MANSFIELD. Yes.

Mr. FULBRIGHT. And it would be understood that any agreement on limitation of time on disposition of that I will not agree to, or any other amendment.

Mr. MANSFIELD. That is all right.

Mr. FULBRIGHT. If it is only on this amendment, to vote it up or down, I would not object to voting at 10 o'clock in the morning, if the Senator wishes.

Mr. MANSFIELD. Mr. President, I hope, with the concurrence of the acting minority leader, that it would be possible to vote on the amendment at 11 o'clock tomorrow morning and come in at 10 o'clock.

Mr. GRIFFIN. Mr. President, reserving the right to object, I would rather not agree to it tonight, I will say to the distinguished majority leader.

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

The PRESIDING OFFICER (Mr. EAGLETON). 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.

Mr. FULBRIGHT. Mr. President, reserving the right to object——

Mr. MANSFIELD. To put something in the RECORD.

Mr. FULBRIGHT. I offered to agree to this. If we are going to go this route——

The PRESIDING OFFICER. There is no right on the part of a Senator to reserve objection.

Mr. FULBRIGHT. The Senator asked unanimous consent to withdraw the quorum call. I have the right to object.

The PRESIDING OFFICER. The Senator does not have the right to reserve the right to object. He has the right to object.

Mr. FULBRIGHT. I object.

Mr. MANSFIELD. Mr. President, will the Senator withhold that?

The PRESIDING OFFICER. Objection has been made. The clerk will resume the call of the roll.

The second assistant legislative clerk resumed the call of the roll.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded, in order to have an insertion in the RECORD, and that it then be resumed.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

SUMMARY OF APPROPRIATION BILLS

Mr. ELLENDER. Mr. President, I ask unanimous consent that there be placed in the RECORD at this point a summary of appropriation bills in the Senate reflecting the hearing workload and chronological information relating to the dates of the bills' receipt, referral, reporting, and passage by the Senate.

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

SUMMARY OF APPROPRIATION BILLS IN THE SENATE (JAN. 21–DEC. 9, 1971)

Hearing	Number of days of hearing	1st date of hearing	Number of witnesses	Date bill received and referred to committee	Date bill reported by committee	Date bill passed Senate
FISCAL YEAR 1971						
Continuing Resolution (SST) (H.J. Res. 468)	2	Mar. 10	43	Mar. 19	Mar. 19	Mar. 24
Labor Supplemental (H.J. Res. 465)	1	Mar. 15	6	Mar. 16	Mar. 16	Mar. 16
Second Supplemental (H.R. 8190)	25	Mar. 31	382	May 13	May 13	May 19
Urgent Supplemental (H.J. Res. 567)	6	Mar. 15	30	Apr. 22	Apr. 23	Apr. 23
FISCAL YEAR 1972						
The Budget of the United States	2	Feb. 18	11			
Agriculture-Environmental-Consumer Protection (H.R. 9270)	16	Mar. 30	390	June 24	July 14	July 15
Predator Control (H.R. 9270)	4	June 2	19	[1]	[1]	[1]
Food Programs—Urgent (H.J. Res. 744)				June 24	June 25	June 28
Defense Department (H.R. 11731)	30	Mar. 15	264	Nov. 18	Nov. 18	Nov. 23
District of Columbia (H.R. 11932)	17	do	160	Dec. 2	Dec. 2	Dec. 3
Foreign Assistance (H.R. 12067)	13	June 8	54	Dec. 9	[2]	[2]
Housing and Urban Development-Space-Science-Veterans' Administration (H.R. 9382)	10	May 18	113	July 6	July 15	July 20
Interior (H.R. 9417)	19	Feb. 19	221	June 30	do	July 16
Labor and Health, Education, and Welfare (H.R. 10061)	21	June 9	273	July 28	July 29	July 30
Office of Education (H.R. 7016)	13	Mar. 30	163	Apr. 14	June 8	June 10
Emergency Employment Assistance (H. J. Res. 833)	1	July 27	6	Aug. 5	Aug. 5	Aug. 6
Supplemental (H. J. Res. 915)	1	Sept. 30	5	Oct. 7	Oct. 7	Oct. 8
Legislative Branch (H.R. 8825)	3	June 7	55	June 7	June 18	June 21
Military Construction (H.R. 11418)	7	June 3	58	Oct. 28	Nov. 2	Nov. 3
Public Works-Atomic Energy Commission (H.R. 10090)	38	Mar. 9	1,160	July 30	July 30	July 31
State-Justice-Commerce-Judiciary (H.R. 9272)	8	June 24	174	June 28	July 15	July 19
Transportation (H.R. 9667)	6	June 12	162	July 15	July 20	July 22
Treasury-U.S. Postal Service-General Government (H.R. 9271)	11	Apr. 27	73	June 28	June 28	June 29
Drug Abuse Control and Prevention (H.R. 9271)	1	June 25	5	[1]	[1]	[1]
Supplemental (H.R. 11955)	11	Oct. 13	[3] 250	Dec. 2	Dec. 2	Dec. 3
Total	266		[3] 4,077			

[1] Budget request considered under regular appropriation bill.
[2] Bill (H.R. 12067) passed in House of Representatives Dec. 8, 1971, and referred to Senate Committee on Appropriations Dec. 9.
[3] Estimated.

TABULATION SHOWING BUDGET REQUESTS AND ACTIONS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES

Mr. ELLENDER. Mr. President, I ask unanimous consent that there be placed in the RECORD at this point a summary tabulation showing the budget requests considered by the House, amounts approved by the House, budget requests considered by the Senate, amounts approved by the Senate, and amounts enacted and increases or decreases, comparing amounts enacted with budget estimates to the Senate.

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

COMMITTEE ON APPROPRIATIONS, U.S. SENATE

BUDGET ESTIMATES OF NEW BUDGET AUTHORITY CONSIDERED IN APPROPRIATION BILLS, 92D CONG., 1ST SESS. AS OF DECEMBER

[Does not include any "back-door" type budget or spending authority in legislative bills; or any permanent (Federal or trust) authority, under earlier or "permanent" law,[1] without further or annual action by the Congress]

Bill and fiscal year (1)	Budget requests considered by House [1] (2)	Approved by House (3)	Budget requests considered by Senate [1] (4)	Approved by Senate (5)	Enacted (6)	(+) or (−), enacted compared with budget requests (7)
A. BILLS FOR FISCAL 1972						
1. Education (H.R. 7016)	$5,068,343,000	$4,800,088,000	$5,153,186,000	$5,615,918,000	$5,146,311,000	[3] −$6,875,000
2. Legislative (H.R. 8825)	455,744,595	449,899,605	535,439,607	532,297,749	529,309,749	−6,039,858
3. Agriculture-Environmental and Consumer Protection (H.R. 9270)	12,104,813,850	12,423,896,050	12,104,813,850	13,621,677,050	13,276,900,050	[2] +1,172,086,200

COMMITTEE ON APPROPRIATIONS, U.S. SENATE—Continued

BUDGET ESTIMATES OF NEW BUDGET AUTHORITY CONSIDERED IN APPROPRIATION BILLS, 92D CONG., 1ST SESS. AS OF DECEMBER—Continued

[Does not include any "back-door" type budget or spending authority in legislative bills; or any permanent (Federal or trust) authority, under earlier or "permanent" law,[1] without further or annual action by the Congress]

Bill and fiscal year (1)	[1] Budget requests considered by House (2)	Approved by House (3)	[1] Budget requests considered by Senate (4)	Approved by Senate (5)	Enacted (6)	(+) or (−), enacted compared with budget requests (7)
A. BILLS FOR FISCAL 1972—Continued						
4. State-Justice-Commerce-Judiciary (H.R. 9272)	4,204,997,000	[4] 3,684,183,000	4,216,802,000	4,098,083,000	4,067,116,000	−149,686,000
5. Treasury-Postal Service-General Government (H.R. 9271)	4,780,576,000	4,487,676,190	4,809,216,000	4,752,789,690	4,528,986,690	−280,229,310
6. Interior (H.R. 9417)	2,164,569,035	2,159,508,035	2,194,594,035	2,226,023,035	2,223,980,035	+29,386,000
7. HUD-Space-Science-Veterans (H.R. 9382)	17,457,017,000	18,115,203,000	17,457,107,000	18,698,518,000	18,339,738,000	[3] +882,721,000
8. Transportation (H.R. 9667)	3,007,550,997	2,733,369,997	2,860,237,997	2,958,929,997	2,905,310,997	+44,983,000
Fiscal year 1972 amounts only	(2,833,229,997)	(2,559,048,997)	(2,686,006,997)	(2,784,608,997)	(2,730,989,997)	(+44,893,000)
9. Labor-HEW (H.R. 10061)	19,942,996,000	20,361,247,000	20,123,637,000	21,018,317,000	20,704,662,000	+581,025,000
10. Public Works-AEC (H.R. 10090)	4,616,082,000	4,576,173,000	4,616,082,000	4,716,922,000	4,675,125,000	+59,043,000
11. Military construction (H.R. 11418)	2,129,805,000	2,012,446,000	2,129,805,000	2,002,312,000	2,037,097,000	−92,708,000
12. Defense (H.R. 11731)	73,543,829,000	71,048,013,000	73,543,829,000	70,849,113,000	70,518,463,000	−3,025,366,000
13. District of Columbia (Federal funds) (H.R. 11932)	289,197,000	268,597,000	289,197,000	285,597,000	272,597,000	−16,600,000
14. Emergency employment assistance (H.J. Res. 833)	1,000,000,000	1,000,000,000	1,000,000,000	1,000,000,000	1,000,000,000	
15. Summer feeding programs for children (H.J. Res. 744)		17,000,000		17,000,000	17,000,000	+17,000,000
16. Federal unemployment benefits and allowances (H.J. Res. 915)	270,500,000	270,500,000	270,500,000	270,500,000	270,500,000	
17. Supplemental, 1972 (H.R. 11955)	[5] 769,341,154	[5] 786,282,654	3,254,924,371	3,998,045,371	3,406,385,371	+151,461,000
18. Foreign assistance (H.R. 12067)	[6] (4,342,635,000)	[6] (3,003,461,000)				
Total, bills for fiscal 1972	151,805,361,631	149,194,082,531	154,559,280,860	156,662,042,892	153,919,481,892	−639,798,968
B. BILLS FOR FISCAL 1971						
1. Supplemental, Department of Labor (H.J. Res. 465)	50,675,000	50,675,000	50,675,000	50,675,000	50,675,000	
2. Continuing resolution (Transportation) (H.J. Res. 468)		[7] −55,000,000		[7] −55,000,000	[7] −55,000,000	[7] −55,000,000
3. Urgent supplemental (H.J. Res. 567)	1,042,294,000	1,037,872,000	1,042,294,000	1,037,872,000	1,037,872,000	−4,422,000
4. 2d supplemental (H.R. 8190)	[8] 7,746,078,149	[8] 6,889,152,545	[8] 7,879,740,077	[8] 7,285,468,973	[8] 7,028,195,973	−851,544,104
Total, bills for fiscal 1971	8,839,047,149	7,922,699,545	8,972,709,077	8,319,015,973	8,061,742,973	−910,966,104
C. Total for the session	160,644,468,780	157,116,782,076	163,531,989,937	164,981,058,865	161,981,224,865	−1,550,765,072

[1] The Budget for 1972, as submitted Jan. 29, tentatively estimated total new budget authority for 1972 at $267,437,000,000 gross ($248,965,000,000 net of some $18,472,000,000 interfund and and intragovernmental transactions and certain so-called proprietary receipts handled as offsets for budget summary purposes only). Of this total, an estimated $97,946,000,000 does not require current action by Congress; it involves so-called permanent appropriations such as interest, various trust funds, etc. already provided for in various basic laws. The remainder, $169,491,000,000 is for consideration at this session (mostly in the appropriation bills). About $17,200,000,000 of the $169.5 billion was shown in the January budget as being "for later transmittal" for new or expanded legislation, pay increases, and contingencies, and about $38,114,000,000 of the remainder requires legislative reauthorization through various annual authorization bills or where the authorization expires periodically.

[2] As passed by both House and Senate, the education appropriation bill did not include $400,000,000 requested in the budget for purchase of student loan notes from colleges and universities, contingent upon legislative authority not yet enacted. If the $400,000,000 is excluded from all of the figures shown the amount in the House approved bill is in effect a net increase of $131,745,000 over the budget requests considered by the House; the Senate approved bill on the same basis is $862,732,000 over the budget requests considered by the Senate; and the enacted bill on the same basis is $393,125,000 over the budget requests considered.

[3] There was $1,000,000,000 in the budget as a proposed supplemental for special revenue sharing, or one-half year funding in certain housing and urban development programs. Taking into account that $850,000,000 of that amount was for the HUD-Space-Science-Veterans bill the House bill is $191,814,000 below the budget requests; the Senate bill is $391,501,000 above the requests; and the enacted figure is $32,721,000 above the requests. Taking into account the remaining $150,000,000 of the proposed supplemental which was for the agriculture-environmental and consumer protection bill, the House bill is $169,082,200 above the budget requests; the Senate bill is $1,366,863,200 above the requests; and the enacted figure is $1,022,086,200 above the requests.

[4] Excludes $325,715,000 because all maritime programs and one judiciary item were struck by House floor points of order.

[5] Excludes $2,001,021,000 for programs under Economic Opportunity Act for lack of authorization.

[6] The foreign assistance appropriation bill (H.R. 12067) passed the House with a figure of $3,003,461,000, a reduction under the budget estimate of $1,339,174,000. The bill has not been reported by the Senate Committee on Appropriations because there is no authorization for the economic and military assistance programs. The authority contained in a continuing resolution as reported to the Senate will continue the programs until Mar. 1, 1972.

[7] The budget requests for fiscal 1971, as reflected in the 1971 transportation appropriation bill considered by the Congress during the 2d sess., 91st Cong., of $2,553,816,437, were reduced by $95,681,832 by actions of Congress during the 2d sess., 91st Cong. The amount carried in the fiscal 1972 budget for the 1972 transportation appropriation bill reflected such reductions. It is estimated that congressional action at the current session on 1971 appropriations for the Department of Transportation (killing the SST in H.J. Res. 468) further reduced the amount available for fiscal 1971 by $55,000,000.

[8] Includes advance appropriation of $100,000,000 for 1972 for cancer research.

ORDER FOR ADJOURNMENT UNTIL 10 A.M.

Mr. MANSFIELD. Mr. President, if the Senator will yield, I ask unanimous consent that the order that the Senate convene at 9 o'clock tomorrow morning be vacated and that when the Senate completes its business this evening, it stand in adjournment until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

FURTHER CONTINUING APPROPRIATIONS, 1972

The Senate continued with the consideration of the joint resolution (H.J. Res. 1005) making further continuing appropriations for the fiscal year 1972, and for other purposes.

Mr. FULBRIGHT. Mr. President, do I understand that there is objection to the proposed agreement to vote on this amendment at 11 o'clock?

Mr. GRIFFIN. Mr. President, if the Senator from Arkansas will yield, does the request pending cut off any amendments to the amendment of the Senator from Arkansas?

The PRESIDING OFFICER. No amendment to the amendment of the Senator from Arkansas is in order. It is in the second degree.

Mr. GRIFFIN. What about other amendments that I understand the Senator from Arkansas intends to offer? For example, I understand he has one that would limit the resolution, in effect, to administrative expenses? Is he willing at this time to agree to a limitation of time on that amendment?

Mr. FULBRIGHT. No, not at this time.

Mr. GRIFFIN. No other limitations of time?

Mr. FULBRIGHT. Not at this time.

The PRESIDING OFFICER. The Senator from Arkansas has the floor.

Mr. AIKEN. Mr. President, if the Senator will yield, if we vote on the amendment to the amendment which is offered by the Senator from Arkansas and that is defeated, I shall be glad to propose an amendment making the amount $2 billion. If the amendment of the Senator from Arkansas carries, of course, that is it.

Mr. MANSFIELD. Mr. President, how much will that be under the amount voted by the commitee?

Mr. McGEE. $700 million.

Mr. MANSFIELD. That would be $700 million less.

Mr. AIKEN. Mr. President, that is my idea of a compromise, but sometimes the compromiser gets caught in the middle.

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

Mr. FULBRIGHT. I yield.

Mr. MANSFIELD. Mr. President, it does not appear that we can get anywhere tonight. So first let me suggest the absence of a quorum, with the understanding that it will not be live and that I will be recognized at its conclusion.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. 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. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, I yield to the Senator from Michigan.

CLOTURE MOTION

Mr. GRIFFIN. Mr. President, I send to the desk a cloture motion and ask that it be stated.

The PRESIDING OFFICER. The motion will be stated.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the bill (H.J. Res. 1005), making further continuing appropriations for fiscal year 1972.

1. Hugh Scott.
2. Robert P. Griffin.
3. Marlow W. Cook.
4. J. Glenn Beall, Jr.
5. Clifford P. Hansen.
6. Roman L. Hruska.
7. Jack Miller.
8. Robert Taft, Jr.
9. Strom Thurmond.
10. Carl T. Curtis.
11. Bob Packwood.
12. Edward J. Gurney.
13. Peter H. Dominick.
14. Gale W. McGee.
15. Robert C. Byrd of West Virginia.
16. Milton R. Young.

Mr. GRIFFIN. Mr. President, I yield to the distinguished Senator from North Dakota.

Mr. YOUNG. Mr. President, this is the first time in my nearly 27 years that I have signed a cloture motion. For the first 25 years I voted for cloture only twice.

We have now come to a situation where practically everything is filibustered and there is no chance of coming to any solution so as to enable the majority will to prevail. There is no other solution, I think, than to invoke cloture. That is why, for the first time, I have signed a cloture motion.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MANSFIELD. I yield to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I do not know why cloture is needed when I said I was perfectly willing to vote tomorrow morning, and the minority leader said he did not want to.

Mr. YOUNG. The Senator will agree to a vote on the first amendment, but he has a half dozen other amendments he will filibuster on.

Mr. GRIFFIN. Mr. President, I believe the situation has been described very well by the Senator from North Dakota. We all understand what the situation really is.

ADJOURNMENT UNTIL 10 A.M.

Mr. MANSFIELD. Mr. President, in hopes of achieving peace and harmony and a better feeling of cooperation tomorrow, I move that the Senate stand in adjournment until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 8 o'clock and 45 minutes p.m.) the Senate adjourned until tomorrow, Thursday, December 16, 1971, at 10 a.m.

NOMINATIONS

Executive nomiations received by the Senate December 15, 1971:

DEPUTY SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

William Rinehart Pearce, of Minnesota, to be a Deputy Special Representative for Trade Negotiations, with the rank of Ambassador.

DIPLOMATIC AND FOREIGN SERVICE

Matthew J. Looram, Jr., of the District of Columbia, a Foreign Service Officer of Class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Somali Democratic Republic.

ACTION

Kevin O'Donnell, of Maryland, to be an Associate Director of Action; new position.

HOUSE OF REPRESENTATIVES—*Wednesday, December 15, 1971*

The House met at 11 o'clock a.m.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Fear not: for, behold, I bring you good tidings of great joy, which shall be to all people.—Luke 2: 10.

O Thou who art the source of every noble desire and the inspiration of every worthy devotion, draw us together into a unity of spirit as we worship Thee in spirit and in truth.

May this advent season mark the beginning of a new life for us and for our Nation. Grant that the spirit of Him born on Christmas Day may move in our hearts and in the hearts of our countrymen as we strive to lift our Nation to greater heights of altruistic achievements and patriotic fervor.

Amid the stress and strain of daily toil may the peace of Thy presence abide within us. In the spirit of the Master we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 8312. An act to continue for 2 additional years the duty-free status of certain gifts by members of the Armed Forces serving in combat zones.

The message also announced that the Senate agrees 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. 10367) entitled "An act to provide for the settlement of certain land claims of Alaska Natives, and for other purposes."

The message also announced that the Senate agrees to the amendment of the House with amendments to a bill of the Senate of the following title:

S. 2878. An act to amend the District of Columbia Election Act, and for other purposes.

CONFERENCE REPORT ON H.R. 11731, DEPARTMENT OF DEFENSE APPROPRIATIONS, 1972

The SPEAKER. The unfinished business is the question on the adoption of the conference report on the bill (H.R. 11731) making appropriations for the Department of Defense for the fiscal year ending June 30, 1972, and for other purposes.

The question was taken.

Mr. KYL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 293, nays 39, answered "present" 1, not voting 98, as follows:

[Roll No. 466]

YEAS—293

Abbitt
Abernethy
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Aspinall
Baring
Begich
Bell
Bennett
Bergland
Betts
Bevill
Biester
Blackburn
Blanton
Boggs
Boland
Bow
Brademas
Brasco
Bray
Brinkley
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Byrne, Pa.
Byrnes, Wis.
Byron
Carney
Carter
Celler
Chamberlain
Chappell
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Colmer
Conable
Conte
Corman
Coughlin
Culver
Curlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denholm
Dennis
Dent
Devine
Dickinson
Dingell
Donohue
Dorn
Downing
Dulski
Duncan
du Pont
Edmondson
Edwards, Ala.
Eilberg
Erlenborn
Evans, Colo.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Frenzel
Frey
Galifianakis
Gallagher
Garmatz
Gettys
Giaimo
Gibbons
Gonzalez
Goodling
Green, Oreg.
Griffin
Gross
Grover
Gude
Haley
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harsha
Harvey
Hastings
Hathaway
Hays
Heckler, Mass.
Heinz
Henderson
Hicks, Mass.
Hillis
Hogan
Holifield
Hosmer
Howard
Hull
Hunt
Hutchinson
Ichord