By Mr. ADDABBO:
H.R. 5296. A bill for the relief of Giuseppi and Vincensa Maggio and minor children, Peppino and Antonino Maggio; to the Committee on the Judiciary.
H.R. 5297. A bill for the relief of Kalman Rubinstein; to the Committee on the Judiciary.
H.R. 5298. A bill for the relief of Shum Chun Fat (also known as Shum Chun Fat Sang); to the Committee on the Judiciary.
By Mr. BENNETT:
H.R. 5299. A bill for the relief of Maj. Henry C. Mitchell, retired; to the Committee on the Judiciary.
By Mr. BINGHAM:
H.R. 5300. A bill for the relief of Chung Ping Yung; to the Committee on the Judiciary.
By Mr. BROYHILL of Virginia (by request):
H.R. 5301. A bill for the relief of Liceria M. Bautista; to the Committee on the Judiciary.
By Mr. BURTON:
H.R. 5302. A bill for the relief of Margherita Sarfatti Larson; to the Committee on the Judiciary.
By Mr. BYRNE of Pennsylvania:
H.R. 5303. A bill for the relief of Nunzia Platania; to the Committee on the Judiciary.
By Mr. COTTER:
H.R. 5304. A bill for the relief of Ivo Lopes Mendes Brandao and Jose Mendes Brandao, Jr.; to the Committee on the Judiciary.
By Mr. DANIELSON:
H.R. 5305. A bill for the relief of Lauro Alfonso Ochoa Gonzalez; to the Committee on the Judiciary.
By Mr. EILBERG:
H.R. 5306. A bill for the relief of Alfonso De Laurentiis and Irma De Laurentiis; to the Committee on the Judiciary.
By Mr. FREY:
H.R. 5307. A bill for the relief of Reynaldo Canlas Baecher; to the Committee on the Judiciary.
By Mr. HALPERN:
H.R. 5308. A bill for the relief of Pamella Bernadette Nelson; to the Committee on the Judiciary.
By Mr. HANSEN of Idaho:
H.R. 5309. A bill for the relief of Walter M. Piccirillo, his wife, Emma Piccirillo, and their children, Mario Piccirillo and Daniel Piccirillo; to the Committee on the Judiciary.
By Mr. HELSTOSKI (by request):
H.R. 5310. A bill for the relief of Franco Avorio; to the Committee on the Judiciary.
H.R. 5311. A bill for the relief of Kazimierz Bielecki; to the Committee on the Judiciary.
H.R. 5312. A bill for the relief of Nikolaos M. Parkas (also known as Nick Barkas and Nikolaos Barkas); to the Committee on the Judiciary.
By Mr. HICKS of Washington:
H.R. 5313. A bill for the relief of Santiago D. Sison; to the Committee on the Judiciary.
By Mr. HORTON:
H.R. 5314. A bill for the relief of John R. Groves; to the Committee on the Judiciary.
By Mr. OBEY:
H.R. 5315. A bill for the relief of Gary R. Uttech; to the Committee on the Judiciary.
By Mr. PRICE of Illinois:
H.R. 5316. A bill for the relief of Karen (Byung Yun) Lee; to the Committee on the Judiciary.
By Mr. RUPPE:
H.R. 5317. A bill granting authority to the Secretary of the Army to renew the license of the Ira D. MacLachlan Post No. 3, the American Legion, Sault Sainte Marie, Mich., to use a certain parcel of land in Saint Marys Falls Canal project; to the Committee on Armed Services.
H.R. 5318. A bill for the relief of Mrs. Fernande M. Allen; to the Committee on the Judiciary.
By Mr. SCHEUER:
H.R. 5319. A bill for the relief of Nicola Augelletta, his wife, Ida Augellettaa, and their children, Rosa Augelletta, Maria Carmela Augelletta, and Susanna Augelletta; to the Committee on the Judiciary.
H.R. 5320. A bill for the relief of Mabel Mollineau; to the Committee on the Judiciary.
By Mr. SHIPLEY:
H.R. 5321. A bill for the relief of Ofelia C. Santos; to the Committee on the Judiciary.
By Mr. SKUBITZ:
H.R. 5322. A bill for the relief of Mrs. Nashiki Sugimoto; to the Committee on the Judiciary.
By Mr. THOMPSON of New Jersey:
H.R. 5323. A bill for the relief of Luigi Giuliano and his wife, Giuseppina Testa Giuliano, and their children, Michelina Giuliano and Magdalena Giuliano; to the Committee on the Judiciary.
By Mr. THOMPSON of New Jersey:
H.R. 5324. A bill for the relief of Rosita E. Hodas; to the Committee on the Judiciary.
By Mr. VIGORITO:
H.R. 5325. A bill for the relief of Brenda Wedekind; to the Committee on the Judiciary.
By Mr. WAGGONNER:
H.R. 5326. A bill for the relief of Ivo Tomasovic; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

34. By the SPEAKER: A memorial of the Senate of the State of Indiana, relative to daylight saving time; to the Committee on Interstate and Foreign Commerce.
35. Also, a memorial of the Legislature of the Commonwealth of Massachusetts, relative to the establishment of a Veterans' Administration hospital in the north shore area of Essex County, Mass.; to the Committee on Veterans' Affairs.
36. Also, a memorial of the Legislature of the Commonwealth of Massachusetts, relative to consolidating Federal assistance programs for needy and elderly persons under the social security system; to the Committee on Ways and Means.
37. Also, a memorial of the Legislature of the State of Arkansas, relative to providing incentives for more even and practical geographic distribution of industrial growth; to the Committee on Government Operations.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

35. By the SPEAKER: Petition of David Harold Yates, Vine Grove, Ky., relative to abortions; to the Committee on the Judiciary.
36. Also, a petition of the Steering Committee, National Urban Coalition, relative to declaring the birthday of Martin Luther King, Jr., as a national holiday; to the Committee on the Judiciary.

SENATE—*Monday, March 1, 1971*

(Legislative day of Wednesday, February 17, 1971)

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

The Reverend Donald H. Bowen, pastor, Downtown Baptist Church, Alexandria, Va., offered the following prayer:

Our Lord and our God, we come into Thy holy presence, not as beggars asking crumbs, but as children talking to their Father.

We pray that You will grant to our President his request for an understanding heart in these days when there is so much misunderstanding. And what we ask for him, we ask for these and all others into whose hands world affairs are entrusted.

May we always remember that much is required of those to whom much is given. As a nation, You have blessed us beyond our deserving. May we give back in the same proportion to the end that justice may run down as waters and righteousness as a mighty stream.

If, like Thy servant of old, we are ever offered the desires of our hearts, may we, like that same servant, have vision enough to ask for a double portion of Thy spirit.

In the name of Him who gave His all for us, even Jesus Christ. Amen.

THE JOURNAL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Journal of the proceedings of Friday, February 26, 1971, be approved.

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 be authorized to meet during the session of the Senate today.

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

EXECUTIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination on the Executive Calendar.

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

The PRESIDENT pro tempore. The nomination on the Executive Calendar will be stated.

APPALACHIAN REGIONAL COMMISSION

The assistant legislative clerk read the nomination of Donald W. Whitehead, of Massachusetts, to be Federal cochairman of the Appalachian Regional Commission.

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

Mr. BYRD of West Virginia. Mr. Presi-

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

dent, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

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

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I move that the Senate resume the consideration of legislative business.

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

PRESIDENT NIXON'S HEALTH MESSAGE

Mr. SCOTT. Mr. President, the President's health message includes a proposal that is particularly heartening to me. A health profession scholarship program to begin in fiscal 1972 will provide up to $3,000 per year for students from low-income families and from minority groups. These scholarships will be concentrated in the first 2 years of their training. It is hoped that, during these first 2 years, students will have achieved a level of continuing motivation and commitment to encourage them to seek guaranteed loans for the remaining 2 years of education.

Forgiveness of these loans will be provided for graduates who practice in a scarcity area. This feature will benefit not only the new health professional, but also the sick people who have had inadequate or nonexistent access to needed health care.

Furthermore, a forgiveness feature for those disadvantaged students that are unable to graduate should encourage more of these young people to enter the health careers. I, for one, think that many young people would thereby lose their fear of undertaking indebtedness for education in the health field.

We, here in the 92d Congress, should proceed with dispatch to insure that the health manpower legislation is extended before its expiration date of June 30, 1971.

Our Nation cannot afford any lost time in increasing its health manpower resources.

BOMBING IN SENATE WING OF THE CAPITOL

Mr. SCOTT. Mr. President, the dastardly bombing of the Senate wing in the middle of the night by some person or persons unknown, brings to the Senate wing the terroristic tactics which have been followed by various groups of people in America who believe that if they cannot persuade by reason or by logic perhaps they can terrify the American people.

This bombing appears to have been of a political nature, to have been tied, in some way, into our foreign policy, in view of some of the surrounding circumstances.

One hopes, of course, that they will be apprehended and if apprehended and if guilty will be convicted; and if convicted one would rather expect that the District Court of Appeals in the District of Columbia would find a way to extricate them from that embarrassment and turn them loose on the American people again, because that is the track record of the District Court of Appeals in the District of Columbia. But whether that happens or not, I do not think that we in the Senate should permit, for 1 minute, any impression to go out to the people that we would be led, by this action, into a new form of repressive tactics.

The Senate wing of the Capitol will again be opened to the public just as soon as the damage can be cleaned up.

I am sure that we should not interfere with the right of our people to know what is going on in their Capitol. Indeed, that may be the purpose of this kind of terrorism, to lead us into some kind of excessive or repressive action. Whatever the cause, this is no way by which foreign policy is determined. This is not the way by which the Senate of the United States will make its decisions. We are certainly not going to be terrified by these would-be terrorists.

I hope that we can apprehend them, but whether we apprehend them or not, we will continue to do what we regard as our duty.

Mr. BYRD of West Virginia. Mr. President, I wish to express agreement with what the able minority leader has just said with respect to the necessity for tracking down, apprehending, trying, convicting, and punishing the saboteur or saboteurs who planted the bomb in the Senate wing of the Capitol during the night.

In recent months, too many people in this country have been lulled into believing that these violent acts had passed from the American scene. This is a reminder that they are still with us.

I join the able minority leader in saying that the American public must be allowed continued access to the Capitol of the United States, the seat of their Government. It is the symbol of our American form of constitutional government, and they must be allowed continued access to it.

However, I think we must agree that the security arrangements which have heretofore been in operation around the Capitol—and I cast no reflection on anyone—have not been sufficient. Security must be tightened. Certainly there are areas in the Capitol that should be better controlled and better policed than heretofore has been the case.

There is no assurance whatsoever that this is the last such occurrence we will witness. The people's business must be carried on. The Government must continue to operate. I hope that the joint leadership, in conference with those responsible for effectuating security in the Capitol, will be able to come forward with some additional plans and procedures whereby these security arrangements will be greatly tightened, so that we might at least feel assured this act of violence will not be repeated.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the senior Senator from Georgia (Mr. TALMADGE) is now recognized for 15 minutes.

(Mr. TALMADGE'S remarks, when he introduced S. 1019, are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

The PRESIDENT pro tempore. Under the previous order the Senator from Missouri (Mr. EAGLETON) is recognized for 15 minutes.

(Mr. EAGLETON'S remarks, when he introduced S.J. Res. 59, are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

TRANSACTION OF ROUTINE BUSINESS

The PRESIDING OFFICER (Mr. (TALMADGE). Under the order previously entered, morning business is now in order.

Mr. EAGLETON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

OPERATION OF BOEING 727–200 AIRCRAFT AT WASHINGTON NATIONAL AIRPORT

Mr. BELLMON. Mr. President, on November 14, 1969, I directed a letter to Mr. John H. Shaffer, Administrator of the Federal Aviation Administration, urging the introduction of Boeing 727–200 aircraft at Washington National Airport for the convenience of passengers who find National preferable to other airports in the Washington area. I ask unanimous consent that the text of the letter be printed at this point in the RECORD.

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

NOVEMBER 14, 1969.

HON. JOHN H. SHAFFER,
Administrator, Federal Aviation Administration, Washington, D.C.

DEAR JACK: As one who has frequent occasion to fly from National Airport to Oklahoma, as well as to New York and other points, I am writing to suggest the possibility that the prohibition against the operation of the 727–200 aircraft from National be lifted.

This request is being made for the reason that the extra capacity of the 727–200 would reduce the number of takeoffs and landings from National and thereby lessen congestion. There is presently a high-load factor on the airlines which serve National, and the additional capacity of the 727–200 would provide relief for this situation without adding additional fights.

It is my understanding that the noise record of the 727–200 is excellent, provided these aircraft are equipped with proper noise suppression devices. Therefore, the danger of negative effect on the environment from the use of 727–200 aircraft should not be noticeable and might even be lessened.

While I realize there are many aspects to this problem, I would appreciate any relief which you can provide for those of us who frequently must travel from National to points north and west.

Sincerely,

HENRY BELLMON.

Mr. BELLMON. Mr. President, since I am one who urged the action which the FAA subsequently took in April 1970, I feel constrained to comment on the criticism which has followed this decision.

The Federal Aviation Administration, I feel, has been unjustly and unfairly criticized for permitting the so-called stretched 727 jets to operate at Washington National Airport. Further, it is alleged that these operations have had an adverse impact on the growth of Dulles International Airport.

In this context, I underscore the word "international" for it properly identifies the primary market for which Dulles was originally designed to meet the needs of Washington's highly transient public.

It is vitally important at the outset that we fully understand the relationship between these two airports, as well as Friendship to the north, and the respective roles they play in providing air transportation for those traveling to and from the Metropolitan Washington area.

We must look at Washington National, one of the most convenient close-in airports in the country, as a terminal which very efficiently serves a segment of the public flying relatively short distances.

National's ground handling facilities have increased 60 percent since 1967. There are no international or nonstop transcontinental departures from National. And the vast majority of flights to and from there are under 500 miles.

Dulles, on the other hand, supplies international and intercontinental public air service. It should be noted here that in 1970 the number of international airline passengers using Dulles rose 16 percent over the previous year.

Obviously, the operations at National, whatever they might be, have not impeded the international traffic potential at our majestic gateway to the world—Dulles Airport.

Friendship International Airport, near Baltimore, is more of a composite, in terms of public benefit. It provides air service over short-, medium-, and long-stage lengths. And like Dulles, it does not compete with Washington National. They supplement and complement each other.

In fact, Mr. President, National, Dulles, and Friendship together furnish a quality of public service far superior to that available in any capital on earth.

Contrary to allegations, FAA's analysis of Boeing 727–200 operations at National, submitted recently in response to congressional request, reaches no final conclusion as to the future utilization of aircraft in this category.

It does support the view, however, that there is no evidence that 727–200 operations at National have had any detrimental effect on growth trends at Dulles—or even Friendship.

Mr. President, the complete study, entitled "Analysis of Boeing 727–200 Operations at Washington National Airport," was entered in the CONGRESSIONAL RECORD on February 24, 1971.

However, I think it essential to add the following statistics, which may help bring this criticism of the whole metropolitan airport matter into sharper focus.

The increase in international passenger traffic at Dulles last year, up from 248,063 to 288,269, all but offsets a slight decline in the number of domestic passengers using the airport. This dipped from 1,762,809 passengers in calendar year 1969 to 1,692,722 in 1970.

I wish to stress that the overall drop in the number of passengers using Dulles in 1970 reflected a nationwide trend with most major airports around the country reporting traffic decreases.

At Washington National, for example, it was down 5.1 percent—9,905,134 in 1969 to 9,400,099 in 1970—compared with Dulles' 1.5 percent.

Significantly, international aircargo at Dulles showed gains: Airmail soared 67.6 percent to 2,520,000 pounds, and international freight climbed 24.6 percent to 15,389,000 pounds.

Aircargo shipments were up at both airports—1.3 percent at National and 0.1 percent at Dulles. However, the rise in international cargo at Dulles was offset by a decline in both domestic airmail and domestic freight.

Mr. President, again contrary to what has already been reported, the study submitted by FAA Administrator John H. Shaffer last week did in fact take into account work stoppages affecting air carrier operations at all three of the airports serving the region surrounding Washington.

It is a very honest, objective, straightforward study and in no way implies a final decision as to the future of 727–200 or any other scheduled aircraft operation at Washington National Airport.

During the period of evaluation, as indicated in the official document, the entire air transportation industry experienced unusual financial losses. And as the report states, all three Washington area terminals suffered a decline in business. Labor strikes accounted for much of the drop.

Even so, Mr. President, it is impossible for any one knowledgeable in the air transport industry to flatly state that stretched jet operations at National have had any adverse impact on either Dulles or Friendship.

The data in the analysis is sound. It takes into full account the conditions of the time. The fact that during the period of study air carrier passengers at Friendship declined 0.8 percent, at Dulles 2.8 percent, and at National 7.4 percent is a manifestation of economic conditions, not the type of aircraft being used.

In the light of the foregoing statistics, it is difficult to believe anyone can accuse National of diverting passengers from Dulles, Friendship, or any other public air terminal.

The impact of the criticism is that passengers should be denied the opportunity to use the airport of their choice by limiting seat availability. The critics have put themselves in the position of advocating a policy of subordinating passenger convenience to airport facility welfare.

It it my contention that if passengers find that National serves their needs more conveniently, these needs should be met. The use of the 727–200 is a step in that direction.

There is absolutely no rational justification for any artificial restraint of Washington National Airport's future for the imagined benefit of Dulles. The FAA's objective is to serve all the people.

One thing we must all understand. As long as it serves an existing demand in the public interest, the operation of aircraft in the 727–200 class will not compromise the ability of Dulles, Friendship, or other terminals in the area to grow and prosper.

Each is a unique facility, serving different segments of the public need. And all are vitally essential to our national transportation system.

Interestingly, Mr. President, the 727–200 is virtually identical to its predecessor, the 727–100. It has the same engines, operates at National at the same weights, and is only 20 feet longer—about the length of the average conference table.

Dulles was never intended as a replacement for National. In fact, by 1980 we can anticipate the requirement for a fourth major terminal in the National Capital area.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

PROPOSED LEGISLATION TO AUTHORIZE INSURANCE FOR LOANS FOR THE PRESERVATION OF RESIDENTIAL HISTORIC PROPERTIES

A letter from the Secretary of Housing and Urban Development, transmitting, a draft of proposed legislation to authorize insurance in connection with loans for the preservation of residential historic properties (with accompanying papers); to the Committee on Banking, Housing and Urban Affairs.

REPORT OF FEDERAL AVIATION ADMINISTRATION

A letter from the Secretary of Transportation, transmitting, pursuant to law, a report of the Federal Aviation Administration's operations for the fiscal year ended June 30, 1970, with an accompanying paper); to the Committee on Commerce.

REPORT ON THE HIGHWAY TRUST FUND

A letter from the Secretary of the Treasury, transmitting, pursuant to law, a report on the financial condition and results of the operations of the Highway Trust Fund for the fiscal year ended June 30, 1970 (with an accompanying report); to the Committee on Finance.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on application of "should cost" concepts in reviews of contractors' Operations, Department of Commerce, dated February 26, 1971 (with an accompanying report); to the Committee on Government Operations.

PROPOSED LEGISLATION TO AMEND THE HIGHER EDUCATION ACT OF 1965

A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to extend and amend the Higher Education Act of 1965, and for other purposes (with accompanying papers); to the Committee on Labor and Public Welfare.

REPORTS ON THE URBAN AREA TRAFFIC OPERATIONS IMPROVEMENT AND THE FRINGE PARKING FACILITIES PROGRAMS

A letter from the Secretary of Transportation, transmitting, pursuant to law, the 1971 Annual Reports on the Urban Area Traffic Operations Improvement (TOPICS) and the Fringe Parking Facilities Program (with accompanying reports); to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

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

"RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT A NATIONAL HEALTH INSURANCE PROGRAM

"*Whereas,* Current private health insurance programs are beyond the financial reach of millions of United States citizens, particularly those living on fixed incomes; and

"*Whereas,* Medicare coverage does not apply to all persons upon reaching age sixty-five; and

"*Whereas,* The failure of Medicare to cover all medical expenses, including drug costs, has caused a continuing hardship to those receiving it; and

"*Whereas,* The cost of medical attention has escalated so acutely in recent years that it has become a source of economic deprivation to most United States citizens; and

"*Whereas,* Indications are that such cost will continue to escalate causing even greater hardship in the future; therefore be it

"*Resolved,* That the General Court of Massachusetts hereby respectfully urges the Congress of the United States to enact legislation providing for a national health insurance program covering all United States citizens; and be it further

"*Resolved,* That a copy of these resolutions be transmitted forthwith by the State Secretary to the President of the United States, to the presiding officer of each branch of Congress and to the members thereof from the Commonwealth."

"RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION PROVIDING THAT THE FEDERAL OLD AGE ASSISTANCE PROGRAM BE ADMINISTERED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE THROUGH THE SOCIAL SECURITY SYSTEM

"*Whereas,* There exists an urgent need to consolidate governmental assistance for needy and elderly persons, particularly those less fortunate receiving old age assistance; therefore be it

"*Resolved,* That the General Court of Massachusetts hereby respectfully urges the Congress of the United States to enact legislation providing that the federal old age assistance program be administered by the department of Health, Education and Welfare through the social security system; and be it further

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

Resolutions of the Commonwealth of Massachusetts; to the Committee on Veterans' Affairs:

"RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION PROVIDING FOR A VETERANS' ADMINISTRATION HOSPITAL IN THE NORTH SHORE AREA OF THE COUNTY OF ESSEX

"*Whereas,* There is an urgent need for the establishment of a two thousand bed Veterans' Administration hospital in the north shore area of Essex county; therefore be it

"*Resolved,* That the General Court of Massachusetts hereby respectfully urges the Congress of the United States to enact legislation providing for the establishment of a two thousand bed Veterans' Administration hospital in the north shore area of Essex county; and be it further

"*Resolved,* That a copy of these resolutions be transmitted forthwith by the State Secretary to the President of the United States, to the presiding officer of each branch of Congress, to the members thereof from the Commonwealth and to the Administration of Veterans' Affairs."

BILLS AND JOINT RESOLUTIONS INTRODUCED

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. TALMADGE:

S. 1019. A bill to improve the work incentive program established under part C of title IV of the Social Security Act. Referred to the Committee on Finance.

By Mr. PROXMIRE (for himself and Mr. CASE):

S. 1020. A bill to amend the Foreign Assistance Act of 1961 to require a comprehensive annual report to the Congress regarding foreign assistance provided by the United States. Referred to the Committee on Foreign Relations.

By Mr. GOLDWATER:

S. 1021. A bill to further improve the voting opportunities of U.S. citizens by expanding the time for voting in presidential elections to a uniform 24-hour period. Referred to the Committee on Rules and Administration.

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

S. 1022. A bill to revise and restate certain functions and duties of the Comptroller General of the United States; to change the name of the General Accounting Office to "Office of the Comptroller General of the United States," and for other purposes. Referred to the Committee on Government Operations.

By Mr. PASTORE:

S. 1023. A bill for the relief of Domenico Fantani. Referred to the Committee on the Judiciary.

By Mr. MOSS:

S. 1024. A bill for the relief of Edwardo Valle, Theresa Valle, and Emma Valle. Referred to the Committee on the Judiciary.

By Mr. MOSS (for himself, Mr. METCALF, and Mr. CASE):

S. 1025. A bill to establish a Department of Natural Resources and Environment. Referred to the Committee on Government Operations.

By Mr. MOSS (for himself, Mr. BENNETT, Mr. BIBLE, Mr. CRANSTON, Mr. HANSEN, Mr. HARRIS, Mr. MCGEE, Mr. MCGOVERN, Mr. METCALF, Mr. TOWER, and Mr. TUNNEY):

S. 1026. A bill to amend the Small Reclamation Projects Act of 1956, as amended. Referred to the Committee on Interior and Insular Affairs.

By Mr. RANDOLPH:

S. 1027. A bill for the relief of Nenita L. Laguna;

S. 1028. A bill for the relief of Chein Danh Florio; and

S. 1029. A bill for the relief of Mostafa Ibrahim Shaaban and his wife, Aziza Shaaban. Referred to the Committee on the Judiciary.

By Mr. RANDOLPH (for himself, Mr. ALLEN, Mr. ANDERSON, Mr. BAYH, Mr. BEALL, Mr. BIBLE, Mr. BOGGS, Mr. BURDICK, Mr. BYRD of West Virginia, Mr. CANNON, Mr. CHURCH, Mr. COOPER, Mr. CRANSTON, Mr. DOLE, Mr. EASTLAND, Mr. GRAVEL, Mr. GURNEY, Mr. HANSEN, Mr. HARRIS, Mr. HART, Mr. HARTKE, Mr. HATFIELD, Mr. HOLLINGS, Mr. HUGHES, Mr. HUMPHREY, Mr. INOUYE, Mr. JACKSON, Mr. JAVITS, Mr. KENNEDY, Mr. MAGNUSON, Mr. MANSFIELD, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MILLER, Mr. MONDALE, Mr. MONTOYA, Mr. MUSKIE, Mr. NELSON, Mr. PASTORE, Mr. PERCY, Mr. PROUTY, Mr. RIBICOFF, Mr. SPONG, Mr. STEVENS, Mr. THURMOND, Mr. TOWER, Mr. TUNNEY, and Mr. WILLIAMS):

S. 1030. A bill to amend the Vocational Rehabilitation Act in order to assure rehabilitation services to older blind persons, and for other purposes. Referred to the Committeee on Labor and Public Welfare.

By Mr. RANDOLPH:

S. 1031. A bill to credit certain service rendered by District of Columbia substitute teachers for purposes of civil service retirement. Referred to the Committee on Post Office and Civil Service.

By Mr. HART (for himself and Mr. MCGOVERN):

S. 1032. A bill to promote and protect the free flow of interstate commerce without unreasonable damage to the environment; to assure that activities which affect interstate commerce will not unreasonably injure environmental rights; to provide a right of action for relief for protection of the environment from unreasonable infringement by activities which affect interstate commerce and to establish the right of all citizens to the protection, preservation, and enhancement of the environment. Referred to the Committee on Commerce.

By Mr. BAKER:

S. 1033. A bill to provide for publication of the U.S. Multilateral Treaties in Force Annotated. Referred to the Committee on Rules and Administration.

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

S. 1034. A bill for the relief of Carl Johnstone, Jr. Referred to the Committee on the Judiciary.

By Mr. BAYH (for himself, Mr. EAGLETON, Mr. HART, Mr. HUGHES, Mr. JACKSON, Mr. KENNEDY, Mr. MCGEE, Mr. METCALF, Mr. MONDALE, and Mr. RANDOLPH):

S. 1035. A bill to amend title XVIII of the Social Security Act so as to eliminate, in certain cases, the requirement that an insured individual have first been admitted to a hospital in order to qualify under such title for the extended care services provided thereunder. Referred to the Committee on Finance.

By Mr. TOWER:

S. 1036. A bill for the relief of Michael Wunderwald. Referred to the Committee on the Judiciary.

By Mr. WILLIAMS (for himself and Mr. PROXMIRE):

S. 1037. A bill to make it possible appropriate, economical, and accessible learning opportunities for all adults, for their individual fulfillment and for the social and economic well-being of the Nation. Referred to the Committee on Labor and Public Welfare.

By Mr. HUMPHREY:

S. 1038. A bill for the relief of Mr. Reno Comardo. To the Committee on the Judiciary.

By Mr. MCGOVERN:

S. 1039. A bill to provide public financing of certain campaign costs incurred in campaigns for election to Federal office, to insure full public disclosure of campaign finances, and to regulate unfair campaign practices. Referred to the Committee on Finance.

By Mr. MATHIAS:

S. 1040. A bill for the relief of Minas Kritharis;

S. 1041. A bill for the relief of Kenneth Adam Andoli;

S. 1042. A bill for the relief of Ana Leonor Lopez Rivera;

S. 1043. A bill for the relief of Miguel Angel Alvarado-Granda, Dalinda Mora de Alvarado, Miguel Almir Alvarado-Granda;

S. 1044. A bill for the relief of Aida E. Kash;

S. 1045. A bill for the relief of Teresa Gina Bisghini;

S. 1046. A bill for the relief of Paolo Endrizzi;

S. 1047. A bill for the relief of Adela Escobar de Rosales;

S. 1048. A bill for the relief of Vieiro Marques-Palmira dos Santos;

S. 1049. A bill for the relief of Sara Elena Rasines de Maldonado;

S. 1050. A bill for the relief of Fernando Agustin Maldonado;

S. 1051. A bill for the relief of Giuseppe Migliaccio; and

S. 1052. A bill for the relief of Francisco R. Franco Ching. Referred to the Committee on the Judiciary.

By Mr. HOLLINGS (for himself, Mr. MATHIAS, Mr. ALLEN, Mr. BEALL, Mr. CHILES, Mr. COOPER, Mr. CRANSTON, Mr. EASTLAND, Mr. ERVIN, Mr. GRAVEL, Mr. GRIFFIN, Mr. GURNEY, Mr. HART, Mr. HATFIELD, Mr. HUMPHREY, Mr. INOUYE, Mr. JACKSON, Mr. JAVITS, Mr. MCGOVERN, Mr. MAGNUSON, Mr. MUSKIE, Mr. PASTORE, Mr. PELL, Mr. SCOTT, Mr. SPONG, Mr. STEVENS, and Mr. WILLIAMS):

S. 1053. A bill to authorize a program to develop and demonstrate low-cost means of preventing shoreline erosion. Referred to the Committee on Public Works.

By Mr. GRAVEL:

S. 1054. A bill for the relief of Per Einer Jonsson. Referred to the Committee on the Judiciary.

By Mr. CURTIS (for himself, Mr. ALLOTT, Mr. BENNETT, Mr. ERVIN, Mr. FANNIN, and Mr. TOWER):

S. 1055. A bill to amend the National Labor Relations Act with respect to refusals to bargain. Referred to the Committee on Labor and Public Welfare.

By Mr. EAGLETON:

S.J. Res. 59. Joint resolution regarding the powers of the Congress and the President to commit the Armed Forces of the United States to hostilities. Referred to the Committee on Foreign Relations.

By Mr. BAKER:

S.J. Res. 60. Joint resolution to authorize the President to issue annually a proclamation designating the fourth full calendar week in May of each year as "National Credit Week." Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TALMADGE:

S. 1019. A bill to improve the work incentive program established under part C of title IV of the Social Security Act. Referred to the Committee on Finance.

Mr. TALMADGE. Mr. President, the administration has again this year begun its efforts to secure congressional enactment of welfare expansion legislation by calling it "welfare reform." Members of the Committee on Finance, who spent many months last year examining the administration proposal, became quite aware that its major impact would be to make some 12 million additional persons eligible for welfare.

The key element repeatedly stressed by administration spokesmen in defending the welfare expansion bill was that it contained a strong work incentive and a strong work requirement. These are goals with which I am sure most of us would agree. Unfortunately, they proved to be just rhetoric. The bill did not require welfare recipients to work but only to register for such work and training as the Secretary of Labor might provide—and based on past experience under the work incentive program, we would expect this to be precious little.

In 1967, the Committee on Finance designed the work incentive program which is now part of the Social Security Act. I supported this program in 1967 and I continue to support it today since I feel that it is good legislation. In administering the program, however, the Labor Department has failed miserably to meet the promise of the legislation to lead welfare recipients to useful, productive, independent lives.

Last year, as a constructive alternative to the wholly inadequate work and training provisions of the administration's welfare expansion bill, I introduced in amendment form a series of provisions designed to make the work incentive program the success we had hoped for. My proposals were adopted by the Finance Committee and were incorporated into the bill that passed the Senate last year by a vote of 81 to 0.

Today, I am reintroducing my amendment as a bill, in virtually identical form to the provisions contained in the 1970 Senate-passed bill.

Mr. President, I would like to outline briefly the major provisions of my amendment.

INCREASING EMPLOYMENT-BASED TRAINING

The major single criticism of the work incentive program is that it has not placed welfare recipients in jobs. The reason for this is that more than 98 percent of the enrollees in the program are given classroom-type training instead of employment-based training. Two kinds of employment-based training are authorized under present law: On-the-job training with private employers and public service employment in created public jobs. These must be given a much higher priority if welfare recipients are to be employed rather than put into training programs leading nowhere.

In fiscal year 1969, less than 3 percent of the funds used for the work incentive program were devoted to on-the-job training and public service employment. In fiscal year 1970, that percentage had dropped to less than 1 percent—$887,000 out of a total of $101 million. The 1972 President's budget contemplates pushing the percentage up above 2 percent.

Whether 1 percent, 2 percent, or 3 percent, these proportions are clearly inadequate, vastly inadequate. What use is institutional training in a classroom when no job results?

Under my bill, the Labor Department would be required to spend at least 40 percent of the expenditures for the work incentive program for on-the-job training and public service employment. To increase the amount of public service employment, the amendment would simplify the financing and increase the Federal share of the cost of public service employment by providing for 100 percent Federal funding for the first year, and 90 percent Federal sharing of the cost in subsequent years. If the project was in effect less than 3 years, Federal sharing for the first year would be cut back to 90 percent.

As an incentive for employers in the private sector to hire individuals placed in on-the-job training or employment through the work incentive program, my bill would provide a tax credit equal to 20 percent of the wages and salaries of these individuals. The credit would apply to wages paid to these employees during their first 12 months of employment. The tax credit would be recaptured if the employer terminated the employment of the individual during the first 12 months of his employment or before the end of the following 12 months. This recapture provision would not apply if the employee became disabled or left work voluntarily.

The tax incentive is a key provision of my bill. I believe that no work incentive or job training program can ever be successful unless we have the full cooperation of private business. We know that many welfare recipients will be very poor employment risks, requiring special training before they can achieve full productivity. It is unrealistic to expect that the business community will undertake this kind of new responsibility without some form of extra financial help in the initial stages. The tax incentive provision in my bill is designed to bridge the gap between the work incentive program and productive employment.

In approving this provision last year, the Committee on Finance felt that it had everything to gain and nothing to lose. We know that there has been virtually no on-the-job training or placement of welfare recipients in private employment under the present program. We are starting from what amounts to a zero base. Any use of the tax credit, therefore, will amount to employment that we may assume would not otherwise have taken place. Let us assume that a former welfare recipient is placed in a job paying $5,000 per year. The tax credit amounts to $1,000 if the former recipient works for 2 full years. Welfare payments during those 2 years in most States would have amounted to more than five times that amount.

LINKING TRAINING TO ACTUAL JOBS

Operations under the work incentive program have often failed to meet the objective of the program because too little attention was paid to the actual labor market conditions and requirements in the geographic area. My bill would require the establishment of local labor market advisory councils whose function it would be to identify present and future local labor market needs. The findings of this council would serve as the basis for training under the work incentive program at the local level.

IMPROVING ADMINISTRATION AND COORDINATION

Under present law, the welfare agency is supposed to prepare an employability plan fo reach "appropriate" case and make referrals to the Department of Labor, which then is required to prepare an employability plan and place the individual in employment, on-the-job

training, institutional training, or public service employment. Problems have arisen in this referral and preparation process.

In some cases, the welfare agency has not referred sufficient numbers of persons, while in other cases they have referred too many persons, without first arranging for such supportive services as child care needed in order for the welfare recipient to participate in the work incentive program. Due to lack of coordination between the welfare agency and the Labor Department, persons have sometimes been referred who do not match the training or employment opportunities available in the area.

My bill would solve this problem by requiring the welfare agency to set up a unit with the responsibility of arranging for supportive services so that the welfare recipients may participate in the Work Incentive Program; Federal matching for these supportive services would be raised from 75 percent to 90 percent. My bill would require that the welfare agency and the Labor Department at the local level enter into a joint agreement on an operational plan—that is, a plan setting forth the kinds of training that will be arranged for, the kinds of job development the Labor Department will undertake, and the kinds of job opportunities both agencies will have to prepare persons for during the period covered by the plan. In addition, both agencies will jointly develop employability plans for individuals, consistent with the overall operational plan, which will assure that individuals will receive the necessary supportive services and preparation for employment without unnecessary waiting.

The requirement that all "appropriate" persons be referred for work and training has been criticized as difficult to administer with consistency. My bill would end the problem by establishing clear priority among persons registering for employment and training. The bill would require the Secretary of Labor to accord priority in the following order:

First, unemployed fathers;

Second, dependent children and relatives age 16 and over who are not in school, working, or in training;

Third, mothers who volunteer for participation; and

Fourth, all other persons.

Other provisions of my bill would mandate coordination between the Departments of Labor and Health, Education, and Welfare; would specify an allocation formula for distribution of funds under the work incentive program among the States; and would require on a State-by-State basis that at least 15 percent of the registrants for the work incentive program be enrolled in the program each year.

I am offering my bill today, Mr. President, because I feel that any attempt at thorough welfare reform must be in the direction of strengthening the work incentive features of the welfare law and relating work training provisions to actual jobs. In our society, the way to economic independence is through employment, and it is this route that we must follow in helping those who are now economically dependent on welfare to become independent.

Mr. President, I introduce the bill and ask that it be appropriately referred and printed in the RECORD.

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

S. 1019

A bill to improve the work incentive program established under part C of title IV of the Social Security Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The Work Incentive Program Amendments of 1971".

AMENDMENTS TO IMPROVE THE WORK INCENTIVE PROGRAM ESTABLISHED UNDER PART C OF TITLE IV OF THE SOCIAL SECURITY ACT

SEC. 2.(a)(1) Section 402(a)(15) of the Social Security Act as amended to read as follows:

"(15) provide (A) for the development of a program, for each appropriate relative and dependent child receiving aid under the plan and for each appropriate individual (living in the same home as a relative and child receiving such aid) whose needs are taken into account in making the determination under clause (7), for preventing or reducing the incidence of births out of wedlock and otherwise strengthening family life, and for implementing such program by assuring that in all appropriate cases family planning services are offered to them, but acceptance of family planning services provided under the plan shall be voluntary on the part of such members and individuals and shall not be a prerequisite to eligibility for or the receipt of any other service under the plan; and (B) to the extent that services provided under this clause or clause (14) are furnished by the staff of the State agency or the local agency administering the State plan in each of the political subdivisions of the State, for the establishment of a single organizational unit in such State or local agency, as the case may be, responsible for the furnishing of such services;".

(2) Section 402(a)(19)(A) of such Act is amended to read as follows:

"(A) provide that every individual, as a condition of eligibility for aid under this part, shall register for manpower services, training, and employment as provided by regulations of the Secretary of Labor, unless such individual is—

"(i) a child who is under age 16 or attending school full time;

"(ii) a person who is ill, incapacitated, or of advanced age;

"(iii) a person so remote from a work incentive project that his effective participation is precluded;

"(iv) a person whose presence in the home is required because of illness or incapacity of another member of the household; or

"(v) a mother or other relative of a child under the age of six who is caring for the child;

and that any individual referred to in clause (v) shall be advised of her option to register, if she so desires, pursuant to this paragraph, and shall be informed of the child care services (if any) which will be available to her in the event she should decide so to register;".

(3) Section 402(a)(19)(C) of such Act is amended effective July 1, 1971, by striking out "20 percentum" and inserting in lieu thereof "10 per centum".

(4) Section 402(a)(19)(D) of such Act is amended to read as follows:

"(D) that training incentives and other allowances authorized under section 434 shall be disregarded in determining the needs of an individual under section 402(a)(7);".

(5) Section 402(a)(19) of such Act is further amended by striking out subparagraph (E).

(6) The parenthetical clause in section 402(a)(19)(F) of such Act is amended by striking out "pursuant to subparagraph (A)(i) and (ii) and section 407(b)(2)" and inserting in lieu thereof "pursuant to subparagraph (G)".

(7) Section 402(a)(19) of such Act is amended by adding at the end thereof the following new subparagraph:

"(G) that the State agency will have in effect a special prorgam which (i) will be administered by a separate administrative unit and the employees of which will, to the maximum extent feasible, perform services only in connection with the administration of such program, (ii) will provide (through arrangements with others or otherwise) for individuals who have been registered pursuant to subparagraph (A), in accordance with the order of priority listed in section 433(a), such health, vocational rehabilitation, counseling, child care, and other social and supportive services as are necessary to enable such individuals to accept employment or receive manpower training provided under part C, and will, when such individuals are prepared to accept employment or receive manpower training, refer such individuals to the Secretary of Labor for employment or training under part C, and (iii) will participate in the development of operational and employability plans under section 433(b); if more than one kind of child care is available, the mother may choose the type, but she may not refuse to accept child services if they are available;".

(8) Section 403 of such Act is amended by adding at the end thereof the following new subsection:

"(e) Notwithstanding any other provision of this Act, the Federal share of assistance payments under this part shall be reduced with respect to any State for any fiscal year after June 30, 1972 by one percentage point for each percentage point by which the number of individuals referred, under the program of such State established pursuant to section 402(a)(19)(G), to the local employment office of the State as being ready for employment is less than 15 per centum of the average number of individuals in such State who, during such year, are required to be registered pursuant to section 402(a)(19)(A)."

(9) Section 403 of such Act is amended, by adding after subsection (e) the following new subsection:

"(f) Notwithstanding subparagraph (A) of subsection (a)(3) the rate specified in such subparagraph shall be

90 per centum (rather than 75 per centum) with respect to social and supportive services provided pursuant to section 402(a)(19)(G)."

(b)(1) The first sentence of section 430 of the Social Security Act is amended by striking out "special work projects" and inserting in lieu thereof "public service employment".

(2) Section 431 of such Act is amended (1) by inserting "(a)" immediately after "SEC. 431.", and (2) by adding at the end thereof the following new subsections:

"(b) Of the amounts expended from funds appropriated pursuant to subsection (a) for any fiscal year (commencing with the fiscal year ending June 30, 1972), not less than 40 per centum thereof shall be expended for carrying out the program of on-the-job training referred to in section 432(b)(1)(B) and for carrying out the program of public service employment referred to in section 432(b)(3).

"(c)(1) For the purpose of carrying out the provisions of this part in any State for any fiscal year (commencing with the fiscal year ending June 30, 1973), there shall be available (from the sums appropriated pursuant to subsection (a) for such fiscal year) for expenditure in such State an amount equal to the allotment of such State for such year (as determined pursuant to paragraph (2) of this subsection).

"(2) Sums appropriated pursuant to subsection (a) for the fiscal year ending June 30,

1973, or for any fiscal year thereafter, shall be allotted among the States as follows: Each State shall be allotted from such sums an amount which bears the same ratio to the total of such sums as—

"(A) in the case of the fiscal year ending June 30, 1973, the average number of recipients of aid to families with dependent children in such State during the month of January last preceding the commencement of such fiscal year bears to the average number of such recipients during such month in all States; and

"(B) in the case of the fiscal year ending June 30, 1974, or in the case of any fiscal year thereafter, the average number of individuals in such State who, during the month of January last preceding the commencement of such fiscal year, are registered pursuant to section 402(a)(19)(A) bears to the average number of individuals in all States who, during such month, are so registered."

(3)(A)(i) Clause (1) of section 432(b) of such Act is amended—

(I) by inserting "(A)" immediately after "(1)"; and

(II) by striking out "and utilizing" and inserting in lieu thereof "and (B) a program utilizing".

(ii) Clause (3) of section 432(b) of such Act is amended by striking out "special work projects" and inserting in lieu thereof "public service employment".

(B) Section 432(d) of such Act is amended to read as follows:

"(d) In providing the manpower training and employment services and opportunities required by this part, the Secretary of Labor shall, to the maximum extent feasible, assure that such services and opportunities are provided by using all authority available to him under this or any other Act. In order to assure that the services and opportunities so required are provided, the Secretary of Labor shall use the funds appropriated to him under this part to provide programs required by this part through such other Act, to the same extent and under the same conditions (except as regards thhe Federal matching percentage) as if appropriated under such other Act and, in making use of the programs of other Federal, State, or local agencies (public or private), the Secretary of Labor may reimburse such agencies for services rendered to persons under this part to the extent such services and opportunities are not otherwise available on a nonreimbursable basis."

(C) Section 432 of such Act is further amended by adding at the end thereof the following new subsection:

"(f)(1) The Secretary of Labor shall establish in each State, municipality, or other appropriate geographic area with a significant number of persons registered pursuant to section 402(a)((19)(A) a Labor Market Advisory Council the function of which will be to identify and advise the Secretary of the types of jobs available or likely to become available in the area served by the Council; except that if there is already located in any area an appropriate body to perform such function, the Secretary may designate such body as the Labor Market Advisory Council for such area.

"(2) Any such Council shall include representatives of industry, labor, and public service employers from the area to be served by the Council.

"(3) The Secretary shall not conduct, in any area, institutional training under any program established pursuant to subsection (b) of any type which is not related to jobs of the type which are or are likely to become available in such area as determined by the Secretary after taking into account information provided by the Labor Market Advisory Council for such area."

(4)(A) Section 433(a) of such Act is amended—

(i) by striking out "section 402" and inserting in lieu thereof "section 402(a)(19)(G)"; and

(ii) by adding at the end thereof the following new sentence: "The Secretary, in carrying out such program for individuals so referred to him by a State, shall accord priority to such individuals in the following order, taking into account employability potential: first, unemployed fathers; second, dependent children and relatives who have attained age 16 and who are not in school, or engaged in work or manpower training; third, mothers, whether or not required to register pursuant to section 402(a)(19)(A), who volunteer for participation under a work incentive program; fourth, all other individuals so referred to him."

(B) Section 433(b) of such Act is amended to read as follows:

"(b)(1) For each State the Secretary shall develop jointly with the administrative unit of such State administering the special program referred to in section 402(a)(19)(G) a statewide operational plan.

"(2) The statewide operational plan shall prescribe how the work incentive program established by this part will be operated at the local level, and shall indicate (i) for each area within the State the number and type of positions which will be provided for training, for on-the-job training, and for public service employment, (ii) the manner in which information provided by the Labor Market Advisory Council (established pursuant to section 432(f)) for any such area will be utilized in the operation of such program, and (iii) the particular State agency or administrative unit thereof which will be responsible for each of the various activities and functions to be performed under such program. Any such operational plan for any State must be approved by the Secretary, the administrative unit of such State administering the special program referred to in section 402(a)(19)(G), and the regional joint committee (established pursuant to section 439) for the area in which such State is located.

"(3) In carrying out any such statewide operational plan of any State, there shall be developed jointly by the Secretary and the administrative unit of the State administering the special program referred to in section 402(a)(19)(G) in each area of the State an employability plan for each individual residing in such area who is participating in the work incentive program established by this part. Such employability plan for any such individual shall (i) conform with the statewide operational plan of such State, (ii) provide that the separate administrative unit referred to in section 402(a)(19)(G)(ii) will provide the services referred to in section 402(a)(19)(G)(ii), and (iii) provide that the Secretary shall be responsible for providing the training, placement, and related services authorized under this part."

(C)(i) Section 433(e)(1) of such Act is amended by striking out "special work projects" and inserting in lieu thereof "public service employment".

(ii) Section 433(e)(2)(A) of such Act is amended by striking out "a portion" and inserting in lieu thereof "100 per centum (in the case of the first year that such agreement is in effect, if such agreement is in effect at least three years) and 90 per centum (if such agreement is in effect less than three years; or, if such agreement is in effect at least three years, in the case of any year after the first year that such agreement is in effect)".

(iii) Section 433(e)(2)(B) of such Act is amended by striking out "on special work projects of" and inserting in lieu thereof "in public service employment for".

(iv) Section 433(e)(3) of such Act is hereby repealed.

(D) Section 433(f) of such Act is amended by striking out "any of the programs established by this part" and inserting in lieu thereof "section 432(b)(3)".

(E) Section 433(g) of such Act is amended by striking out "section 402(a)(19)(A)(i) and (ii)" and inserting in lieu thereof "section 402(a)(19)(G)".

(F) Section 433(h) of such Act is amended by striking out "special work projects" and inserting in lieu thereof "public service employment".

(G) Section 434 of such Act is amended—

(i) by inserting "(a)" immediately after "SEC. 434."; and

(ii) by adding at the end thereof the following new subsection:

"(b) The Secretary of Labor is also authorized to pay, to any member of a family participating in manpower training under this part, allowances for transportation and other costs incurred by such member, to the extent such costs are necessary to and directly relating to the participation by such member in such training."

(5)(A) Section 435(a) of such Act is amended, effective July 1, 1971, by striking out "80 per centum" and inserting in lieu thereof "90 per centum".

(B) Section 435(b) of such Act is amended by striking out "; except that with respect to special work projects under the program established by section 432(b)(3), the costs of carrying out this part shall include only the costs of administration".

(6) Section 436(b) of such Act is amended by striking out "by the Secretary after consultation with" and inserting in lieu thereof "jointly by him and".

(7) Section 437 of such Act is amended to read as follows:

"SEC. 437. The Secretary is authorized to provide to an individual who is registered pursuant to section 402(a)(19)(A) and who is unemployed relocation assistance (including grants, loans, and the furnishing of such services as will aid an involuntarily unemployed individual who desires to relocate to do so in an area where there is assurance of regular suitable employment, offered through the public employment offices of the State in such area, which will lead to the earning of income sufficient to make such individual and his family ineligible for benefits under part A)."

(8) Section 438 of such Act is amended by striking out "projects under".

(9) Section 439 of such Act is amended to read as follows:

"SEC. 439. The Secretary and the Secretary of Health, Education, and Welfare shall, not later than six months after the date of enactment of this Act, issue regulations to carry out the purposes of this part, as amended by this Act. Such regulations shall provide for the establishment, jointly by the Secretary and the Secretary of Health, Education, and Welfare, of (1) a national coordination committee the duty of which shall be to establish uniform reporting and similar requirements for the administration of this part, and (2) a regional coordination committee for each region which shall be responsible for review and approval of statewide operational plans developed pursuant to section 433(b)."

(10) Section 441 of such Act is amended—

(A) by inserting "(a)" immediately after "SEC. 441.";

(B) by adding immediately after the last sentence thereof the following sentence: "Nothing in this section shall be construed as authorizing the Secretary to enter into any contract with any organization after June 1, 1970, for the dissemination by such organization of information about programs authorized to be carried on under this part."; and

(C) by adding after and below such section the following new subsection:

"(b) The Secretary shall collect and publish monthly, by State, by age group, and by sex, the following information with respect to individuals registered pursuant to section 402(a)(19)(A)—

"(1) the number of individuals so registered, the number of individuals receiving

each particular type of work training services, and the number of individuals receiving no such services;

"(2) the number of individuals placed in jobs by the Secretary under section 432(b)(1)(A), and the average wages of the individuals so placed;

"(3) the number of individuals who begin but fail to complete training, and the reasons for the failure of such individuals to complete training; and the number of individuals who register voluntarily but do not receive training or placement;

"(4) the number of individuals who obtain employment following the completion of training, and the number of such individuals whose employment is in fields related to the particular type of training received;

"(5) of the individuals who obtain employment following the completion of training, the average wages of such individuals, and the number retaining such employment three months, six months, and twelve months, following the date of completion of such training;

"(6) the number of individuals in public service employment, by type of employment, and the average wages of such individuals; and

"(7) the amount of savings, under Part A of this title, realized by reason of the operation of each of the programs established pursuant to this part."

(11) Section 442 of such Act is amended to read as follows:

"TECHNICAL ASSISTANCE FOR PROVIDERS OF EMPLOYMENT OR TRAINING

"SEC. 442. The Secretary is authorized to provide technical assistance to providers of employment or training to enable them to participate in the establishment and operation of programs authorized to be established by section 432(b)."

(12) Section 443 of such Act is amended by striking out "20 per centum" wherever it appears therein and inserting in lieu thereof "10 per centum".

(13)(A) Section 444(c)(1) of such Act is amended by striking out "section 402(a)(16) and section 402(a)(19)(F)" and inserting in lieu thereof "section 402(a)(19)".

(B) Section 444(d) of such Act is amended (i) by striking out "a special work project" and inserting in lieu thereof "public service employment"; (ii) by striking out "project" at the end of the first sentence and inserting in lieu thereof "employment"; and (iii) by striking out "402(a)(15)" and inserting in lieu thereof "402(a)(19)".

(c) The amendments made by this section shall, except as otherwise specified herein, take effect on January 1, 1972.

TAX CREDIT FOR CERTAIN EXPENSES INCURRED IN WORK INCENTIVE PROGRAMS

SEC. 3. (a) Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable) is amended by renumbering section 40 as section 41, and by inserting after section 39 the following new section:

"SEC. 40. EXPENSES OF WORK INCENTIVE PROGRAMS.

"(a) GENERAL RULE.—There shall be allowed, as a credit against the tax imposed by this chapter, the amount determined under subpart C of this part.

"(b) REGULATIONS.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this section and subpart C."

(b) Part IV of subchapter A of chapter 1 of such Code (relating to credits against tax) is amended by adding at the end thereof the following new subpart:

"SUBPART C—RULES FOR COMPUTING CREDIT FOR EXPENSES OF WORK INCENTIVE PROGRAMS

"Sec. 50. Amount of credit.

"Sec. 50A. Definitions; special rules.

"SEC. 50. AMOUNT OF CREDIT.

"(a) DETERMINATION OF AMOUNT.—

"(1) GENERAL RULE.—The amount of the credit allowed by section 40 for the taxable year shall be equal to 20 percent of the work incentive program expenses (as defined in section 50A(a)).

"(2) LIMITATION BASED ON AMOUNT OF TAX.—Notwithstanding paragraph (1), the credit allowed by section 40 for the taxable year shall not exceed—

"(A) so much of the liability for the taxable year as does not exceed $25,000, plus

"(B) 50 percent of so much of the liability for tax for the taxable year as exceeds $25,000.

"(3) LIABILITY FOR TAX.—For purposes of paragraph (2), the liability for tax for the taxable year shall be the tax imposed by this chapter for such year, reduced by the sum of the credits allowable under—

"(A) section 33 (relating to foreign tax credit),

"(B) section 35 (relating to partially tax exempt interest),

"(C) section 37 (relating to retirement income), and

"(D) section 38 (relating to investment in certain depreciable property).

For purposes of this paragraph, any tax imposed for the taxable year by section 531 (relating to accumulated earnings tax), section 541 (relating to personal holding company tax), or section 1378 (relating to tax on certain capital gains of subchapter S corporations), and any additional tax imposed for the taxable year by section 1351(d)(1) (relating to recoveries of foreign expropriation losses), shall not be considered tax imposed by this chapter for such year.

"(4) MARRIED INDIVIDUALS.—In the case of a husband or wife who files a separate return, the amount specified under subparagraphs (A) and (B) of paragraph (2) shall be $12,500 in lieu of $25,000. This paragraph shall not apply if the spouse of the taxpayer has no work incentive program expenses for, and no unused credit carryback or carryover to, the taxable year of such spouse which ends within or with the taxpayer's taxable year.

"(5) CONTROLLED GROUPS.—In the case of a controlled group, the $25,000 amount specified under paragraph (2) shall be reduced for each component member of such group by apportioning $25,000 among the component members of such group in such manner as the Secretary or his delegate shall by regulations prescribe. For purposes of the preceding sentence, the term 'controlled group' has the meaning assigned to such term by section 1563(a).

"(b) CARRYBACK AND CARRYOVER OF UNUSED CREDIT.—

"(1) ALLOWANCE OF CREDIT.—If the amount of the credit determined under subsection (a)(1) for any taxable year exceeds the limitation provided by subsection (a)(2) for such taxable year (hereinafter in this subsection referred to as 'unused credit year'), such excess shall be—

"(A) a work incentive program credit carryback to each of the 3 taxable years preceding the unused credit year, and

"(B) a work incentive program credit carryover to each of the 7 taxable years following the unused credit year.

and shall be added to the amount allowable as a credit by section 40 for such years, except that such excess may be a carryback only to a taxable year beginning after December 31, 1971. The entire amount of the unused credit for an unused credit year shall be carried to the earliest of the 10 taxable years to which (by reason of subparagraphs (A) and (B)) such credit may be carried, and then to each of the other 9 taxable years to the extent that, because of the limitation contained in paragraph (2), such unused credit may not be added for a prior taxable year to which such unused credit may be carried..

"(2) LIMITATION.—The amount of the unused credit which may be added under paragraph (1) for any preceding or succeeding taxable year shall not exceed the amount by which the limitation provided by subsection (a)(2) for such taxable year exceeds the sum of—

"(A) the credit allowable under subsection (a)(1) for such taxable year, and

"(B) the amounts which, by reason of this subsection, are added to the amount allowable for such taxable year and attributable to taxable years preceding the unused credit year.

"(c) EARLY TERMINATION OF EMPLOYMENT BY EMPLOYER, ETC.—

"(1) GENERAL RULE.—Under regulations prescribed by the Secretary or his delegate—

"(A) WORK INCENTIVE PROGRAM EXPENSES.—If the taxpayer terminates the employment of any employee with respect to whom work incentive program expenses are taken into account under subsection (a) at any time during the first 12 months of such employment (whether or not consecutive) or before the close of the 12th calendar month after the calendar month in which such employee completes 12 months of employment with the taxpayer, the tax under this chapter for the taxable year in which such employment is terminated shall be increased by an amount (determined under such regulations) equal to the credits allowed under section 40 for such taxable year and all prior taxable years attributable to work incentive program expenses paid or incurred with respect to such employee.

"(B) CARRYBACKS AND CARRYOVERS ADJUSTED.—In the case of any termination of employment to which subparagraph (A) applies, the carrybacks and carryovers under subsection (b) shall be properly adjusted.

"(2) SUBSECTION NOT TO APPLY IN CERTAIN CASES.—

"(A) IN GENERAL.—Paragraph (1) shall not apply to—

"(i) a termination of employment of an employee who voluntarily leaves the employment of the taxpayer, or

"(ii) a termination of employment of an individual who, before the close of the period referred to in paragraph (1)(A), becomes disabled to perform the services of such employment, unless such disability is removed before the close of such period and the taxpayer fails to offer reemployment to such individual.

"(B) CHANGE IN FORM OF BUSINESS, AND SO FORTH.—For purposes of paragraph (1), the employment relationship between the taxpayer and an employee shall not be treated as terminated—

"(i) by a transaction to which section 381(a) applies, if the employee continues to be employed by the acquiring corporation, or

"(ii) by reason of a mere change in the form of conducting the trade or business of the taxpayer, if the employee continues to be employed in such trade or business and the taxpayer retains a substantial interest in such trade or business.

"(3) SPECIAL RULE.—Any increase in tax under paragraph (1) shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit allowable under subpart A.

"SEC. 50A. DEFINITIONS; SPECIAL RULES.

"(a) WORK INCENTIVE PROGRAM EXPENSES.—For purposes of this subpart, the term 'work incentive program expenses' means the wages and salaries of employees who are certified by the Secretary of Labor as having been placed in employment under a work incentive program established under section 432(b)(1) of the Social Security Act which are paid or incurred for services rendered by such employees during the first 12 months of such employment (whether or not consecutive).

"(b) LIMITATIONS.—

"(1) TRADE OR BUSINESS EXPENSES.—No

item shall be taken into account under subsection (a) unless such item is allowable as a deduction under section 162 (relating to trade or business expenses).

"(2) REIMBURSED EXPENSES.—No item shall be taken into account under subsection (a) to the extent that the taxpayer is reimbursed for such item.

"(3) GEOGRAPHICAL LIMITATION.—No item shall be taken into account under subsection (a) with respect to any expense paid or incurred by the taxpayer for training conducted outside of the territory of the United States.

"(4) MAXIMUM PERIOD OF TRAINING OR INSTRUCTION.—No wages or salary of an employee shall be taken into account under subsection (a) after the end of the 24-month period beginning with the date of initial employment of such employee by the taxpayer.

"(5) INELIGIBLE INDIVIDUALS.—No item shall be taken into account under subsection (a) with respect to an individual who—

"(A) bears any of the relationships described in paragraphs (1) through (8) of section 152(a) to the taxpayer, or, if the taxpayer is a corporation, to an individual who owns, directly or indirectly, more than 50 percent in value of the outstanding stock of the corporation (determined with the application of section 267(c)), or

"(B) if the taxpayer is an estate or trust, is a grantor, beneficiary, or a fiduciary of the estate or trust, or is an individual who bears any of the relationships described in paragraphs (1) through (8) of section 152(a) to a grantor, beneficiary, or fiduciary of the estate or trust.

"(c) SUBCHAPTER S CORPORATIONS.—In case of an electing small business corporation (as defined in section 1371)—

"(1) the work incentive program expenses for each taxable year shall be apportioned pro rata among the persons who are shareholders of such corporation on the last day of such taxable year, and

"(2) any person to whom any excess expenses have been apportioned under paragraph (1) shall be treated (for purposes of this subpart) as the taxpayer with respect to such expenses.

"(d) ESTATES AND TRUSTS.—In the case of an estate or trust—

"(1) the work incentive program expenses for any taxable year shall be apportioned between the estate or trust and the beneficiaries on the basis of the income of the estate or trust allocable to each,

"(2) any beneficiary to whom any expenses have been apportioned under paragraph (1) shall be treated (for purposes of this subpart) as the taxpayer with respect to such expenses, and

"(3) the $25,000 amount specified under subparagraphs (A) and (B) of section 50(a)(2) applicable to such estate or trust shall be reduced to an amount which bears the same ratio to $25,000 as the amount of the expenses allocated to the trust under paragraph (1) bears to the entire amount of such expenses.

"(e) LIMITATIONS WITH RESPECT TO CERTAIN PERSONS.—In the case of—

"(1) an organization to which section 593 applies,

"(2) a regulated investment company or a real estate investment trust subject to taxation under subchapter M (section 851 and following), and

"(3) a cooperative organization described in section 1381(a),

rules similar to the rules provided in section 46(d) shall apply under regulations prescribed by the Secretary or his delegate.

"(f) CROSS REFERENCE.—

"For application of this subpart to certain acquiring corporations, see section 381(c)(24)."

(c)(1) The table of subparts for part IV of subchapter A of chapter 1 of such Code is amended by adding at the end thereof the following:

"Subpart C. Rules for computing credit for expenses of work incentive programs."

(2) The table of sections of subpart A of part IV of subchapter A of chapter 1 of such Code is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 40. Expenses of work incentive programs.

"Sec. 41. Overpayments of tax."

(3) Section 381(c) of such Code (relating to items taken into account in certain corporated acquisitions) is amended by adding at the end thereof the following new paragraph:

"(24) CREDIT UNDER SECTION 40 FOR WORK INCENTIVE PROGRAM EXPENSES.—The acquiring corporation shall take into account (to the extent proper to carry out the purposes of this section and section 40, and under such regulations as may be prescribed by the Secretary or his delegate) the items required to be taken into account for purposes of section 40 in respect of the distributor or transferor corporation."

(d) The amendments made by this section shall apply to taxable years beginning after December 31, 1971.

By Mr. PROXMIRE (for himself and Mr. CASE):

S. 1020. A bill to amend the Foreign Assistance Act of 1961 to require a comprehensive annual report to the Congress regarding foreign assistance provided by the United States. Referred to the Committee on Foreign Relations.

Mr. PROXMIRE. Mr. President, on behalf of myself and the Senator from New Jersey (Mr. CASE), who is delayed on business today in New Jersey, I am introducing legislation which calls upon the President to submit annually to the Congress a report on all aspects of American foreign military and economic assistance programs. The purpose of the bill is to bring order out of chaos. The American taxpayer who is footing the bill for foreign aid should at least know what he is paying for.

Recent hearings held by my Subcommittee on Economy in Government of the Joint Economic Committee revealed that somewhere between $4.8 billion—the Pentagon's estimate—and $7 billion—Senator FULBRIGHT's—is being spent each year by the United States to arm foreign nations. In addition, there are large outlays for economic assistance and contributions to international organizations.

The most alarming fact is that nobody seems to know for sure exactly how much is being spent.

Many people have wrongly assumed that the amount of money voted under the Foreign Assistance Act for economic and military aid—$2.4 billion in fiscal 1971—was the totality of the American programs. But this does not include cash and credit military sales, military advisory missions, outright gifts of military equipment, Defense Department funded aid for Southeast Asia, and even the use for military purposes of foreign currencies generated by the food-for-peace program. Moreover, it does not include private arms sales to foreign nations which amounted to $52,387,000 in 1969.

Information on some of these programs is reported regularly to Congress and the public. In the case of others, the information is either classified or buried deep within departmental budgets. And with at least one program—excess property given to the South Vietnamese—apparently no records at all have been kept.

Senator CASE and I have a continuing interest in this subject because of our service on key Senate committees with jurisdiction over the subject. Senator CASE is a member of the Foreign Relations and the Appropriations Committees, and I am now the chairman of the Foreign Operations Subcommittee of the Senate Appropriations Committee which handles foreign aid.

Congressional concern about military assistance and sales was shown at the end of the last session when, in the Foreign Military Sales Act, Congress called on the President to make a full review of military aid programs. This same act urged the President "to use the power and prestige of his office—to check and control the international sales and distribution of conventional weapons of death and destruction" and also "to commence a general debate in the United Nations with respect to the control of the conventional arms trade."

The object of the Case-Proxmire bill as written is "that the Congress and the American people may be better and more currently informed regarding the volume and cost of assistance extended by the U.S. Government to foreign countries and international organizations, and better informed regarding the sale of arms to foreign countries and international organizations by private industry of the United States."

We think it is vital that there be compiled in one place, for all to see, a list of what military aid the United States is giving away, lending, selling, leasing, or otherwise providing countries.

In the case of any item of information to be included in the report that the President, on an extraordinary basis, determines is clearly detrimental to the security of the United States, the Case-Proxmire bill provides that he shall explain in a supplemental report to the Congress why publication of each specific item would be clearly detrimental to the security of the United States.

We see no justification for the present classification of country-by-country information and on the grounds that it would be embarrassing to the countries involved. This is no more true than the publication of the U.S. military budget would be embarrassing to the President or Secretary of Defense. In addition, in a few days I intend to introduce legislation denying to the President the right to classify the country-by-country amounts of military aid which we give.

The list would be broken down in terms of the aggregate dollar value of: First, all foreign assistance provided to all countries and international organizations and to each individual country and organization; second, each category of foreign assistance provided to all countries and organizations and each individual one; third, each means—grant, loan, and so forth—of foreign assistance provided to all countries and organizations and each individual one; and fourth, all war material exported under any export license to all countries and

organizations and to each individual one. The President would also report on the total amounts of foreign currency paid to the U.S. Government and the uses made of that foreign currency. Finally, the President would report on all other matters concerning foreign assistance which he considered appropriate, including explanations of the information provided above.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD at this point.

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

S. 1020

A bill to amend the Foreign Assistance Act of 1961 to require a comprehensive annual report to the Congress regarding foreign assistance provided by the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 653. ANNUAL FOREIGN ASSISTANCE REPORT.—(a) In order that the Congress and the American people may be better and more currently informed regarding the volume and cost of assistance extended by the United States Government to foreign countries and international organizations, and in order that the Congress and the American people may be better informed regarding the sale of arms to foreign countries and international organizations by private industry of the United States, not later than December 31 of each year the President shall transmit to the Congress an annual report, for the fiscal year ending prior to the fiscal year in which the report is transmitted, showing—

"(1) the aggregate dollar value of all foreign assistance provided by the United States Government by any means to all foreign countries and international organizations, and the aggregate dollar value of such assistance provided by the United States Government to each such country and organization, during that fiscal year;

"(2) the aggregate dollar value of each category of foreign assistance provided by the United States Government by any means to all foreign countries and international organizations, and to each such country and organization during that fiscal year;

"(3) the aggregate dollar value of all foreign assistance provided by the United States Government, under each of the different means used by the United States Government in providing such assistance to all foreign countries and international organizations, and to each such country and organization, during that fiscal year;

"(4) the total amounts of foreign currency paid by each foreign country or international organization to the United States Government in such fiscal year, what each payment was made for, whether any portion of such payment was returned by the United States Government to the country or organization from which the payment was obtained or whether any such portion was transferred by the United States Government to another foreign country or international organization, and, if so returned or transferred, the kind of assistance obtained by that country or organization with these foreign currencies and the dollar value of such kind of assistance;

"(5) the aggregate dollar value of all arms, ammunitions, and other implements of war, and the aggregate dollar value of each category of such arms, ammunitions, and implements of war, exported under any export license, to all foreign countries and international organizations, and to each such country and organization, during that fiscal year; and

"(6) such other matters relating to foreign assistance provided by the United States Government as the President considers appropriate, including explanations of the information required under clauses (1)–(5) of this subsection.

"(b) All information contained in any report transmitted under this section shall be public information. However, in the case of any item of information to be included in any such report that the President, on an extraordinary basis, determines is clearly detrimental to the security of the United States, he shall explain in a supplemental report why publication of each specific item would be detrimental to the security of the United States. A supplement to any report shall be transmitted to the Congress at the same time that the report is transmitted.

"(c) If the Congress is not in session at the time a report or supplement is transmitted to the Congress, the Secretary of the Senate and the Clerk of the House of Representatives shall accept the report or supplement on behalf of their respective Houses of the Congress and present the report or supplement to the two Houses immediately upon their convening.

"(d) For purposes of this section—

"(1) 'foreign assistance' means any tangible or intangible item provided by the United States Government under this or any other law to a foreign country or international organization, including, but not limited to, any training, service, or technical advice, any item of real, personal, or mixed property, any agricultural commodity, United States dollars, and any currencies owned by the United States Government of any foreign country;

"(2) 'provided by the United States Government' includes, but is not limited to, foreign assistance provided by means of gift, loan, sale, credit sale, or guaranty; and

"(3) 'value' means value at the time of transfer except that in no case shall any commodity or article of equipment or material be considered to have a value less than ⅓ of the amount the United States Government paid at the time the commodity or article was acquired by the United States Government."

(b) Section 644(m) of such Act is amended by striking out—

"(m) 'Value' means—"

and inserting in lieu thereof—

"(m) 'Value' means, other than in section 653 of this Act—".

SEC. 2. The provisions of this Act shall be effective on July 1, 1971.

By Mr. GOLDWATER:

S. 1021. A bill to further improve the voting opportunities of U.S. citizens by expanding the time for voting in presidential elections to a uniform 24-hour period. Referred to the Committee on Rules and Administration.

Mr. GOLDWATER. Mr. President, it is my purpose today to introduce a measure designed to broaden the effective voice of our citizens in the selection of the two highest offices in the Nation. My bill will make it easier and more possible for millions of Americans to vote in presidential elections by stretching the time for voting to a full 24-hour period set over parts of two calendar days.

The legislation marks the continuation of my effort to eliminate the barrier of outmoded legal technicalities that deprive citizens of their right to vote. One of the deepest impressions which I hold from my experience as a candidate for the office of the President is of the terrible loss suffered by tens of millions of Americans who have been denied participation in our political system solely because of archaic and unneeded technical hinderances.

Over 5 million citizens were deprived of their franchise by outmoded residence requirements. Another 5 million individuals were eligible to vote, but could not by reason of the widespread lack of absentee registration and balloting opportunities. Eleven million other Americans were disqualified because they were not considered old enough to vote, even though the same individuals were allowed to marry, operate cars, obtain insurance, enter the civil service, and enjoy other rights of responsible citizenship.

Mr. President, these restrictions alone deprived approximately 21 million citizens of their right to cast ballots for their Chief Executive. Fortunately, by reason of a united campaign by Congress and the executive branch, and among Republicans and Democrats, we were able to enact laws during the 91st Congress which remove the disabling effect of these limitations so far as presidential elections are concerned. I might add it was my privilege to join in this movement by sponsoring and advocating reforms in each of these areas.

But we must not sit on our laurels. The progress made is extensive, but it is not complete. For as strange as it seems, there may be up to 10 million additional citizens who cannot vote for President and Vice President due to the abbreviated and inconvenient times when the polls are open. For instance, the 1968 postelection survey by George Gallup discovered that 3 million citizens were barred from casting ballots because they were unable to leave their work. Seven million more citizens were sick or disabled on the day of the election. In both cases, it is my belief that several millions of these persons and others who stayed home for different reasons would find it possible to vote if the polls were open 24 hours and if people were given a choice of convenient times for balloting on portions of 2 calendar days rather than on only one.

Mr. President, the legislation I am introducing would seek to increase the voting opportunities of our citizens by establishing a 24-hour period beginning at 6 p.m., central standard time on the first Monday in November in each presidential election year and running through to 6 p.m. on Tuesday, the next calendar day. This lengthened period, overlapping as it does 2 different calendar days, would offer a substantially broader range of hours among which a citizen may choose to go to the polls.

No State now holds their polls open in a presidential election longer than 14 hours. In fact, only two States offer this generous a voting period. Twenty-two States keep their polls open for a period of 13 hours and 17 others grant their voters a 12-hour election period. All other States provide for voting periods ranging from 5 to 11 hours' duration. Therefore, my proposal will double the length of time during which citizens can go to the polls in over half of our States and provide at least 10 extra voting hours in all others.

The specific period I have selected is designed to permit voters to use the polls near the end of normal working hours on Monday, the first date of voting, through the evening and night of that day, then prior to starting work on Tuesday, the second day, and even up to the mid-afternoon of Tuesday. While I am openminded on any suggestions for a different starting and closing hour, I do believe that keeping the principle of a 24-hour voting period extended over convenient segments of two calendar dates would provide the optimum flexibility and assistance to the American voters. In fact, I am convinced such a break with tradition would enable several millions of citizens to select a time when it is easy for them to vote, but who now find themselves blocked by strict working hours, their temporary illness, or other unavoidable and unexpected demands on their time.

As an intended bonus, my bill could eliminate much of the criticism arising because of the reporting of election returns from some States before the polls close in all other States. With voting expanded to a uniform 24-hour period which offers favorable balloting hours in all parts of the Nation right up to the close of the polls, the possible influence of vote projections should be considerably reduced.

When the polls close, they will close simultaneously all across the country and the hour when voting ends will be set at a time when people are just as likely to be voting in one State as in another. At 6 p.m. central standard time, it will be 7 p.m. on the east coast, 5 p.m. in the mountain standard states, 4 p.m. in the Pacific States, 3 p.m. Yukon standard time 2 p.m. Alaska-Hawaii standard time, and 1 p.m. Bering standard time.

Mr. President, I think we need to investigate the practical benefits such a change would bring. We should reexamine the traditional election system and inquire whether the old reasons for scheduling elections a certain way continue to hold the same meaning and importance today. We should learn from the past and reject change for the sake of change, but where a significant problem develops which is not capable of solution under the usual and present methods we must seek a practical, different way of meeting it.

Speaking as one who has had a unique opportunity to explore the inner mechanism of our election machinery, I know a serious problem truly exists. The present election hours are too limited and too inconvenient. Anytime as many as 10 million citizens may be adversely affected by the current voting procedure, then you know it is time to be making a change.

It is the responsibility of our political system to work on behalf of our citizens, not against them; and with that in mind, I believe it is the duty of all elected representatives to study and seek to develop a revised election timetable which will encourage and assist in the maximum participation by our citizens in the selection of their President.

Though I realize it is novel to think about offering a voting session of 24 hours' duration, and even more novel to consider setting this period over two separate calendar days, I believe these are the kind of fresh ideas which must be explored. The important thing is to aim our sights on the purpose of altering and improving the Nation's election processes so that the greatest numbers of citizens shall be able to vote.

If the operation of a 24-hour period is impractical or too costly, then let the State officials demonstrate this and present their own alternatives. If it is impossible to conduct two sets of elections, one the regular general election and the other the presidential balloting, at different times, then let the election officials tell us why they could not hold the two elections over parts of the same period. Is it too much to ask for a slight adjustment in traditional methods, if this will substantially expand the voting rights of millions of American citizens?

Mr. President, I shall welcome the responses and opinions of State administrators and officials. But it is important that we should begin thinking about this problem. Let us begin with prompt hearings on proposals of this kind and devote our strongest efforts to choosing the most practical revision suggested which will provide for the widest possible participation by our people, in the election of their President. In this way, we can retain and build upon the excellent momentum which was made in the previous Congress along the road toward sensible election reform.

Mr. President, it may be helpful for Members to have before them a summary of present State laws governing the times for the opening and closing of their polls in presidential elections; and for this reason, I ask unanimous consent that a list of these States' practices be printed at this point in the RECORD.

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

TIMES FOR OPENING AND CLOSING POLLS IN PRESIDENTIAL ELECTIONS

State	Conditions	Open	Close
Alabama	Counties over 400,000 population using voting machines.	8 a.m.	7 p.m.
	Elsewhere	do	6 p.m.
Alaska		do	8 p.m.
Arizona		6 a.m.	7 p.m.
Arkansas		8 a.m.	7:30 p.m.
California		7 a.m.	8 p.m.
Colorado		do	7 p.m.
Connecticut		6 a.m.	8 p.m.
Delaware		7 a.m.	Do.
District of Columbia		8 a.m.	Do.
Florida		7 a.m.	7 p.m.
Georgia		do	Do.
Hawaii		do	5:30 p.m.
Idaho		8 a.m.	8 p.m.
Illinois		6 a.m.	6 p.m.
Indiana		do	Do.
Iowa	In cities where registration is required.	7 a.m.	8 p.m.
	Elsewhere	8 a.m.	Do.
Kansas		7 a.m.	7 p.m.
Kentucky		6 a.m.	6 p.m.
Louisiana		do	7 p.m.
Maine		Not earlier than 6 a.m., nor later than 10 a.m.	8 or 9 p.m. if voting machines are used exclusively.
Maryland		7 a.m.	8 p.m.
Massachusetts	Must be open at least 10 hours.		Not later than 8 p.m.
Michigan		7 a.m.	8 p.m.
Minnesota		do	Do.
Mississippi		do	6 p.m.
Missouri		6 a.m.	7 p.m.
Montana		8 a.m.	8 p.m.
Nebraska		do	Do.
Nevada	In counties of less than 25,000 population.	do	6 p.m.
	In counties of more than 25,000 population.	7 a.m.	7 p.m.
New Hampshire	Polls shall be open not less than 5 hours in towns of population of less than 700.		
	All other towns	Not later than 10 a.m.	Not earlier than 6 p.m.
New Jersey		7 a.m.	8 p.m.
New Mexico		8 a.m.	7 p.m.
New York		6 a.m.	9 p.m.
North Carolina		6:30 a.m.	6:30 p.m.
	Where voting machines are used.		7:30 p.m.
North Dakota		9 a.m. but not earlier than 7 a.m.	7 p.m. but not later than 8 p.m.
Ohio		6:30 a.m.	6:30 p.m.
Oklahoma		7 a.m.	7 p.m.
	If a petition is filed	6 a.m.	
Oregon		8 a.m.	8 p.m.
Pennsylvania		7 a.m.	Do.
Rhode Island		Varies from town to town from 7 a.m. to 12 noon.	Everywhere 9 p.m.
South Carolina		8 a.m.	7 p.m.
South Dakota		do	Do.
Tennessee	In no event less than 7 hours between 8 a.m. and 9 p.m.	9 a.m. (in cities over 15,000).	4 p.m.
Texas		7 a.m.	7 p.m.
Utah		do	8 p.m.
Vermont		Not earlier than 6 a.m.	Not later than 7 p.m.
Virginia		6 a.m.	7 p.m.
Washington		7 a.m.	8 p.m.
West Virginia		6:30 a.m.	7:30 p.m.
Wisconsin	1st-, 2d-, and 3d-class cities.	7 a.m.	8 p.m.
	4th-class cities, villages, and towns.	9 a.m.	Do.
	Except at option of the municipality.	7 a.m.	Do.
Wyoming		9 a.m.	7 p.m.

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

S. 1022. A bill to revise and restate certain functions and duties of the Comptroller General of the United States; to change the name of the General Accounting Office to "Office of the Comptroller General of the United States", and for other purposes. Referred to the Committee on Government Operations.

Mr. RIBICOFF. Mr. President, I introduce the Budget and Accounting Improvement Act of 1971 for appropriate reference.

This bill is identical to S. 4432, which passed the Senate unanimously on October 9, 1970.

The purpose of my bill is to broaden and strengthen the role of the General Accounting Office in assisting the Congress to legislate more effectively. It is an outgrowth of hearings held in 1969 by the Subcommittee on Executive Reorganization on the capability of GAO to analyze and audit Federal programs.

The bill amends the Budget and Accounting Act of 1921 by assigning significant new responsibilities to GAO, which is renamed the Office of the Comptroller General of the United States.

First, the Comptroller General is authorized to conduct studies of pending legislation and alternative proposals at the request of either House of Congress, a committee, or an individual Member of Congress. These studies will evaluate the long-term costs and benefits of each proposal, the analysis used in justifying them, and the validity of the supporting data.

Second, the Comptroller General is required to report annually, and at other appropriate times, on the status of major Federal research, development and procurement programs in both the defense and civilian sectors. These reports will keep the Congress informed of the current cost estimates, changes in costs or specifications, and time schedules of multimillion dollar weapons systems, construction projects, and other government contracts.

Third, the bill provides several new tools for the Office of the Comptroller General to carry out its upgraded functions. These include—augmented staff, elimination of outmoded statutory auditing procedures, access to department and agency records, subpoena power over the records of government contractors, and the right to bring suit in cases where the Comptroller General differs with the Attorney General on the legality of a Federal action.

A summary of the bill follows:

Title 1. Grants the Comptroller General authority to—

First, analyze legislation before Congress at the request of Members;

Second, audit periodically Federal research, development, construction, and procurement programs; and

Third, employ additional personnel to carry out his new responsibilities.

Title 2. Redesignates the General Accounting Office the "Office of the Comptroller General of the United States," renames the Assistant Comptroller General the "Deputy Comptroller General" and establishes two new positions of Assistant Comptroller General.

Titles 3 and 4. Amend the audit requirements for Government corporations and revolving funds to specify that they be audited only once every 3 years, rather than every year.

Title 5. Authorizes the Comptroller General to pay experts and consultants at the rate of level II on the executive pay scale. The highest rate GAO can now pay is GS–18.

Title 6. Grants GAO subpoena power over the records of contractors it is otherwise entitled to review and provides for the enforcement of subpoenas.

Title 7. Provides that where the Comptroller General and the Attorney General differ as to the legality of a certain Federal expenditure, the Comptroller General may bring suit in court, unless Congress disapproves such action, to represent his own position and seek a resolution of the dispute.

The total cost of the bill is estimated at about $9 million over a period of several years. This sum will be used to recruit and train 400 to 500 new professionals. In the first year 50 to 75 professionals will be hired at a cost of $1 million.

Mr. President, GAO's reports have resulted in the saving of millions of dollars and in the reform of many Federal programs. However, these reports frequently are issued long after the event in question has occurred. I believe that the GAO can be more useful by focusing on current legislative proposals as well, so that Congress can select the most effective program alternatives.

Congress should be an equal partner with the executive in the legislative process. However, too often it lacks the necessary information on which to make sound judgments. Too often it is forced to accept or reject a proposal without adequate knowledge of the facts about the proposal or available alternative.

The dilemma of most Members was aptly described by Senator SCHWEIKER 2 years ago. He told the subcommittee:

> The pressures of time are so great for Senators and Congressmen that it is often impossible for us to go into much detail. How can a legislator meet his responsibilities to his constituents when it comes to voting on a $20 billion bill, if he does not know what is in it?

The distinguished majority leader, Senator MANSFIELD, not long ago observed the following:

> Congress as a coequal branch of Government will exercise its equality as a branch only if it is willing to accept the responsibility of hard decisions on questions of policy. For Congress to make the type of contribution the Constitution envisioned, the burden of independent factfinding and judgment making must be assumed.

In recent years a dangerous trend has developed in our Government. Congress has been losing its authority to legislate to the executive branch. This threatens to destroy the checks and balances which the Constitution built into our system of government.

With a Federal budget of more than $225 billion and thousands of programs in more than 150 departments and agencies, it is obvious that the 535 Members of Congress cannot personally review every program or analyze in detail every legislative proposal. We need help to carry out these responsibilities.

The GAO can be a significant new source of assistance to Congress. For years GAO has assured the honesty of the Federal Government's financial dealings. Now it is time to expand its mission—to bring its resources and unquestioned competence to bear on the legislative problems of the seventies.

This bill will put GAO at the service of Congress in the legislative process. Its reviews and reports will raise the level of debate on important issues. As a result, the quality of the work of Congress will be improved and vital public confidence in Congress will be enhanced.

By Mr. MOSS (for himself, Mr. METCALF, and Mr. CASE):

S. 1025. A bill to establish a Department of Natural Resources and Environment. Referred to the Committee on Government Operations.

Mr. MOSS. Mr. President, I am today introducing, once again, for myself, Senator METCALF, and Senator CASE, a bill to establish a Department of Natural Resources and Environment, and to transfer to it certain agencies and functions.

Since I first introduced a similar bill in the 89th Congress, events have marched toward the establishment of such a department. And this year, as explained in his State of the Union Address, President Nixon is urging the Congress to create a Natural Resources Department.

I commend the President for this reorganization proposal. Nevertheless, I am again introducing my bill. I do this because it differs in a major particular from the Nixon proposal and I believe it should be before the Congress for consideration at the same time.

First, let me explain this difference between the content of this bill and the President's proposal, at least as I now understand that proposal. Then I will discuss the provisions of my bill which is very similar in content to those I have introduced in prior years.

A basic thrust of the Moss proposal is the establishment, within the same department, of functions having to do with protection of natural resources as well as those having to do with development. President Nixon, on the other hand, would retain a separate agency charged with responsibility for environmental protection—such matters as clear air, clean water, solid waste disposal, prevention of pesticide damage, and limitation of radiation hazards.

Last July, I testified before the Subcommittee on Executive Reorganization of the Committee on Government Operations on Mr. Nixon's Reorganization Plans Nos. 3 and 4 which established the Environmental Protection Agency.

I said at that time it would be helpful to have in one new agency all of the programs which deal with air and water pollution, solid waste disposal, radiation, and pesticides, just as it would be helpful to place all of the programs dealing with

oceanography under one administrator.

However, I also said:

> But how much more sensible it would be if all our resources development programs be coordinated with our resource regulation programs.

For example, when a license is granted to build a hydroelectric plant on a river, I believe, the question of how much this plant will pollute the atmosphere, and how this pollution must be curbed, should be considered and settled within the same Department that grants the license.

In January, I told a meeting of mining executives of my concern at the trend toward giving "veto power over all natural resource development proposals to independent, 'ivory tower' agencies that have no responsibility for anything except to say 'no'."

I question giving authority to negate development programs to agencies that have no responsibility for affirmative action—for getting a job done. My point is that we must give ample consideration to the positive side of our production and consumption problems as well as emphasizing the "thou shall not" aspects.

In a sense, we are cast on the horns of a dilemma. Like a hero of Greek tragedy, we find only two courses of action open either of which is fatal. If we put the brakes on production, we face a sinking standard of living; if we press full steam ahead on production, we may—through pollution—destroy the life-giving environment.

Somehow, the technological and political genius of the American people must be harnessed to give us both development and conservation. Otherwise, American society as we have known it must pass into oblivion.

To accomplish this great task, I believe we need a Department of Natural Resources and Environment exercising comprehensive authority. It must have the responsibility and the capability of leading the Nation into the new paths that must be found—paths that will permit an advanced industrial society to grow and still survive.

Therefore, I repeat that the Department of Natural Resources and Environment established by my bill includes such protective agencies as the Water Quality Office, Air Quality Office, and Solid Waste Office, while the Nixon proposal apparently does not. There are also some other differences between the Moss and Nixon approaches to this problem, but they are less basic.

Regardless of my differences with the President, however, I am delighted to see the great prestige of the While House put behind the creation of a Department of Natural Resources. And I am confident that, if given the facts, the American people will wholeheartedly support such a move. Certainly those of us who stood for reelection last year can testify to the great concern of our citizens about the state of environment; and public opinion polls invariably show pollution as a major issue. The American people want pollution stopped; some even go so far as to advocate closing down major industrial establishments unless their contamination of air and water is virtually eliminated.

So there is no longer a question about the desirability of preserving the environment. Everyone agrees on that. But there is no agreement—and there is a great lack of understanding—as to what it will take to preserve it.

To state the issue again, but in different terms, we must do two things: first, provide the raw materials—minerals, food, timber, fuels—to assure a desirable rate of economic growth; and second, reverse the tide of environmental destruction.

These are monumental tasks. They are tasks that cannot be performed through half measures, and I am afraid half measures are all that we have had so far.

Mr. President, considering its importance, the bill I am introducing today is remarkably simple. In effect, it would abolish the Department of the Interior by transferring most of its agencies to the new Department of Natural Resources and Environment, and transferring the few current Interior agencies that remain to other departments.

I have discussed the evolution of the Department of the Interior previously in this Chamber. Originally, it was a catchall for agencies handling internal problems. Over the last years, however, it has evolved into an organization chiefly concerned with management, protection and administration of natural resources—timber, forage, water, minerals, wildlife, and with the marketing of power and the promotion of outdoor recreation opportunities. Some of its functionaries have argued that it is already the Nation's Department of Natural Resources and Environment. But the rub is that there are many resource functions and responsibilities of great magnitude outside Interior. These include the work of the Forest Service and the Soil Conservation Service in the Department of Agriculture, and the vast multiplepurpose water resources activities of the U.S. Army Corps of Engineers. Also outside are the agencies responsible for the development of ocean resources and the abatement of ocean pollution.

My basic concern when I introduced a Department of Natural Resources bill 4 years ago was the lack of coordination and long-range planning in the management, development, and abatement of pollution of our water resources.

There are three major Federal departments with primary water resources responsibility. These are the Department of the Army, the Department of Agriculture, and the Department of the Interior. At one time, there was a fourth—Health, Education, and Welfare—but in 1967, President Johnson, under his reorganization powers, transferred the Water Pollution Control Administration from HEW to Interior. President Nixon has now moved it to the new Environmental Protection Agency and renamed it the Water Quality Office.

It must be understood that Congress did not deliberately fragment the water resource responsibilities. Our three major water managers were created years ago to solve specific problems. The Corps of Engineers was born in the 1820's with an appropriation of $75,000 and an assignment to remove sandbars and "sawyers, planters and snags" in the Mississippi and Ohio Rivers to aid navigation. The Bureau of Reclamation—in the Department of the Interior—was created in 1902 to "reclaim" land in 17 western States for agriculture. With the passage of the years, both have graduated to multipurpose water resource development, often and with almost no overall direction. In 1954, the Department of Agriculture got into the water resources picture in a big way, with a watershed protection operation which was put—perhaps logically at that time—in the Soil Conservation Service. So we have three major dam-building agencies. All engage in river basin planning. In addition, an important independent agency—the Federal Power Commission—also does river basin planning because with it rests the authority to license the dams built by private power companies.

The need for coordinated water resource planning and management has, of course, been recognized for a long, long time. But it was only in 1965 that Congress enacted a Water Resources Planning Act. It provided, essentially, a committee of Cabinet officials (assisted by a very competent staff) to coordinate the programs of the great departments in the water field and to make a biennial assessment of the adequacy of the Nation's water supply.

The act was a step forward; but the weakness of this program is evident. First, it places responsibility in a committee of departmental secretaries, rather than in an individual. Second, it involves a number of men who have more than full time jobs running their own departments, and who already serve on several other high level committees. Such an arrangement might have worked quite well 30 years ago. But it is clearly inadequate today, when careful planning of our water resources is essential to prevent actual deficiencies.

The agencies dealing with lands should also be coordinated, although the problems in that area are not as severe as in water management. At present, we have the Bureau of Land Management in the Department of the Interior responsible for the administration of part of our public lands, while most of the remainder is administered by the Forest Service in the Department of Agriculture. It might be wise to maintain these as separate offices in a new department, but they now operate under many conflicting policies and procedures which should be coordinated in the interest of good resource management as well as for the convenience of the public.

The management of outdoor recreation resources is also divided up among major departments. Citizens are frequently surprised to learn that the Department of the Army serves more recreation "customers" than any other. This, of course, is because of the millions of visits made each year to the reservoirs managed by the Corps of En-

gineers. Next in recreation volume is the Department of Agriculture, because of its management of the National Forests. Behind these two agencies trails the Department of the Interior, even though it contains the Bureau of Outdoor Recreation.

The sea is a somewhat new frontier in the resource field. In my view, coordinated natural resources programs cannot be set up without recognizing the rich resources of the oceans and the fact in management, it is difficult to separate the sea from the land or the ocean from the river which flows into it.

The need for an oceanography program has been well demonstrated. The only questions that remains is which department can operate it most efficiently. I believe it fits into a Department of Natural Resources and Environment.

It will be argued that placing protection and environment in the same agency could favor exploitation at the expense of conservation. It will be said that a check is needed, and that the Environmental Protection Agency provides such a check.

Yet, though I propose one department, I do not intend it to be the sole monitor of environmental condition. I would retain the Council on Environmental Quality, and I advocate passage of Senate Joint Resolution 17, to create a Joint Committee on Environment in the Congress. In brief, this would result in the following arrangement:

The Department of Natural Resources and Environment would exercise the operating responsibilities of the Federal Government relating to natural resources development and protection. The Council would exercise present responsibilities which would include evaluating the state of the environment and the operation of the Department. The Council would continue to prepare annually the official Environmental Quality Report of the President. The Joint Committee would have the responsibility to hold public hearings on the report and to recommend such action as it deemed necessary to the legislative committees of the Congress.

Such an arrangement, I believe, would constitute a rational solution to the problem of organizing the Federal resource management effort to best combine development and protection.

Now let us look briefly at the provisions of this bill. It provides for a Secretary of Natural Resources and Environment and a Deputy Secretary. It provides for two Under Secretaries, one for water and one for land.

The jurisdiction of the Under Secretary for Water includes: the functions exercised by the Bureau of Reclamation; the civil works functions of the Corps of Engineers in the Department of the Army; the work of the Soil Conservation Service; the Water Quality Administration; coordination of river basin plans with the Federal Power Commission; the Bonneville Power Administration; the Southwestern Power Administration; and all agencies in the Department of the Interior that have water resource matters as their principal concern.

The Under Secretary for Water will supervise the Assistant Secretary for Oceanography. He will have jurisdiction over the functions of the sea grant programs of the National Science Foundation, and appropriate data and engineering research. It would also be wise to transfer to this Assistant Secretary the portion of the U.S. Fish and Wildlife Service which deals with the fisheries resources of the oceans. An office might also be created to coordinate efforts of our other mineral resource agencies in development of the minerals in and under the ocean.

While I have not provided for further administrative division in the bill, it would appear logical to divide the responsibility of the Under Secretary for Land into four branches, each headed by an Assistant Secretary.

The Forest Service and the Bureau of Land Management could report to an Assistant Secretary for Land Resources. The National Park Service, the Fish and Wildlife Service, and the Bureau of Outdoor Recreation could report to an Assistant Secretary for Recreation and Wildlife. The Bureau of Mines, Geological Survey, the Office of Coal Research, and the several other agencies in the Department of the Interior with responsibility in the fields of minerals and fuels could report to an Assistant Secretary of Minerals and Fuels. The fourth Assistant Secretary would supervise our air pollution abatement program.

The adoption of this proposal is long overdue. The task of protecting and wisely utilizing the land, the water, the forests, the wildlife, the oceans is one task. All these resources are interdependent. Today, all require wise management on a national basis.

In addition, consolidation of Federal resource agencies will improve the efficiency of State operations. The States cannot protect their resources without Federal cooperation. Our river basins, our waterfowl, our forests, our lakes do not recognize State boundaries. Yet State responsibilities in these fields are widespread. We should do everything possible to facilitate their carrying out their responsibilities effectively.

To sum up, what passage of this bill will do is to enable one executive department to coordinate, at the levels of Under Secretary and Secretary, the activities of all agencies dealing with natural resources. It will enable the President, the Congress, and an executive department to evaluate effectively the Nation's resource requirements and the investment needed to meet them. It will provide the data and the management structure on which long-range planning can be based. It will enable us to consider with sufficient leadtime the raw material requirements of our industries.

It will, I believe, put more skill and more energy behind our efforts to control pollution.

It will provide coordinated administration of farflung resource programs. It will make it easier for the States, counties, and cities to carry out their expanding responsibilities in the natural resource field.

Mr. President, I send to the desk for appropriate reference my bill to establish a Department of Natural Resources and Environment. I ask unanimous consent that the bill be printed in the RECORD following my remarks.

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

S. 1025

A bill to establish a Department of Natural Resources and Enivronment

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

SHORT TITLE; FINDINGS

SECTION 1. (a) This Act may be cited as the "Department of Natural Resources and Environment Act".

(b) The Congress hereby finds that—

(1) expanding population and a rising standard of living combine to place unprecedented demands on the natural resources of the United States;

(2) the natural environment is suffering a progressive deterioration which affects the air we breathe, the water we drink, the soil which nourishes our food, the areas in which we take our recreation, and the natural beauty of our homeland;

(3) such deterioration demonstrates a failure in the larger sense of our conservation efforts, even though many successful conservation programs have been undertaken during the past many years by Federal, State, and local governments and by private groups;

(4) safeguarding the environment—air, water, and land—is a necessity to maintain conditions under which man and wildlife may continue to exist, to provide the raw materials essential to an expanding standard of living, and to maintain the beauty and usefulness for all purposes of our land;

(5) the responsibility of the Federal Government includes the exercise of leadership in water resource development, land management, ocean resource development, and air pollution abatement, as well as the operation of many programs and cooperation with State and local government and private groups in the carrying out of their resource management responsibilities; and

(6) the Federal agency structure which deals with natural resources grew up during a less demanding period of our history, and must be coordinated and reorganized if today's tasks are to be performed effectively.

DEPARTMENT OF NATURAL RESOURCES

SEC. 2. (a) There is hereby established at the seat of government, as an executive department of the United States Government, the Department of Natural Resources and Environment.

(b) The Secretary of Natural Resources and Environment may approve a seal of office for the Department, and judicial notice shall be taken of such sea.

PERSONNEL OF THE DEPARTMENT

SEC. 3. (a) There shall be at the head of the Department of Natural Resources and Environment a Secretary of Natural Resources and Environment (hereinafter referred to in this Act as the "Secretary"), who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) There shall be in the Department of Natural Resources and Environment a Deputy Secretary of Natural Resources and Environment, who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Secretary of Natural Resources and Environment (or, during the absence or disability of the Deputy Secretary, or in the event of a vacancy in the office of Deputy Secretary, an Under Secretary or the General Counsel of the Department, determined according to such order as the Secretary shall prescribe) shall act for, and exercise the powers of the Secretary, dur-

ing the absence or disability of the Secretary or in the event of a vacancy in the Office of Secretary. The Deputy Secretary shall perform such functions as the Secretary shall prescribe from time to time.

(c) There shall be in the Department of Natural Resources and Environment an Under Secretary of Natural Resources and Environment for Water, and an Under Secretary of Natural Resources and Environment for Lands, who shall be appointed by the President, by and with the advice and consent of the Senate.

(d) There shall be in the Department of Natural Resources and Environment a General Counsel, who shall be appointed by the President, by and with the advice and consent of the Senate. The General Counsel shall perform such functions as the Secretary shall prescribe from time to time.

(e) The Secretary is authorized to appoint and fix the compensation of such officers and employees, and prescribe their functions and duties, as may be necessary to carry out the purposes and functions of this Act.

(f) The Secretary may obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code.

TRANSFER OF FUNCTIONS TO DEPARTMENT

SEC. 4. (a) Except to the extent otherwise specifically provided by this Act, there are hereby transferred to the Secretary of Natural Resources and Environment all functions which were carried out immediately before the effective date of this Act by the Secretary of the Interior, including all functions of the Secretary of the Interior being administered by him through any agency, service, bureau, office, or other entity of the Department of the Interior.

(b) There are hereby transferred to the Secretary of National Resources and Environment all functions transferred to the Administrator of the Environmental Protection Agency by paragraphs (1), (2), and (3) of section 2(a), and paragraphs (1) and (2) of section 2(b) of Reorganization Plan No. 3 of 1970, and all functions transferred to the Secretary of Commerce pursuant to subsection (d) of section 1 of Reorganization Plan No. 4 of 1970.

(c) There are hereby transferred to the Secretary of Natural Resources and Environment all functions which were carried out immediately before the effective date of this Act—

(1) (A) by the Forest Service, Department of Agriculture; or

(B) by the Secretary of Agriculture, insofar as the functions relate to functions transferred under this paragraph from such Service;

(2) (A) by the Soil Conservation Service, Department of Agriculture; or

(B) by the Secretary of Agriculture, insofar as the functions relate to functions transferred under this paragraph from such Service;

(3) (A) by the Corps of Engineers, Department of the Army, relating to civil works; or

(B) by the Secretary of the Army, insofar as the functions relate to functions transferred under this paragraph from such Corps of Engineers; and

(4) (A) by the National Oceanographic Data Center Department of the Navy; or

(B) by the Secretary of the Navy, insofar as the functions relate to functions transferred under this paragraph from such Center.

(d) In time of war or such other national emergency as the President determines, he may transfer—

(1) the functions transferred under paragraph (3) of subsection (c) of this section to the Secretary of the Army, and

(2) such personnel, assets, liabilities, contracts, property, and records as he determines are used with respect to such functions to the Department of the Army. At the end of the war or the period of national emergency the President shall transfer such functions back to the Secretary of National Resources and Environment, together with such personnel, assets, liabilities, contracts, property, and records.

TRANSFERS FROM THE DEPARTMENT OF THE INTERIOR

SEC. 5. (a) All functions of the Bureau of Indian Affairs in the Department of the Interior, and all functions of the Secretary of the Interior being administered through the Bureau of Indian Affairs, are transferred to the Secretary of Health, Education, and Welfare.

(b) All functions of the Office of Territories in the Department of the Interior, and all functions of the Secretary of the Interior being administered through the Office of Territories, are transferred to the Secretary of Health, Education, and Welfare.

SAVINGS PROVISIONS; MATTERS RELATING TO TRANSFER OF AGENCIES AND OFFICES

SEC. 6. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective in the exercise of functions which are transferred under this Act, by (A) any Federal instrumentality, any functions of which are transferred by this Act, or (B) any court of competent jurisdiction, and

(2) which are in effect at the time this Act takes effect, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the appropriate officer to whom such functions are so transferred, by any court of competent jurisdiction, or by operation of law.

(b) The provisions of this Act shall not affect any proceedings pending at the time this section takes effect before any Federal instrumentality, functions of which are transferred by this Act; but such proceedings, to the extent that they relate to functions so transferred, shall be continued before such instrumentality. Such proceedings, to the extent, they do not relate to functions so transferred, shall be continued before the instrumentality before which they were pending at the time of such transfer. In either case, orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or repealed by the appropriate officer to whom such functions are so transferred, by a court of competent jurisdiction, or by operation of law.

(c) (1) Except as provided in paragraph (2)—

(A) the provision of this Act shall not affect suits commenced prior to the date this section takes effect, and

(B) in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this Act had not been enacted.

No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of any Federal instrumentality, functions of which are transferred by this Act, shall abate by reason of the enactment of this Act. No cause of action by or against any Federal instrumentality, functions of which are transferred by this Act, or by or against any officer thereof in his official capacity shall abate by reason of the enactment of this Act. Causes of actions, suits, or other proceedings may be asserted by or against the United States or such official of any such instrumentality as may be appropriate; and, in any litigation pending when this section takes effect, the court may at any time, on its own motion or that of any party, enter an order which will give effect to the provisions of this subsection.

(2) If before the date on which this Act takes effect, any Federal instrumentality, or officer thereof in his official capacity, is a party to a suit, and under this Act—

(A) such instrumentality is transferred, or

(B) any function of such instrumentality or officer is transferred,

then such suit shall be continued by the appropriate instrumentality (except in the case of a suit not involving functions transferred by this Act, in which case the suit shall be continued by the instrumentality or officer which was a party to the suit prior to the effective date of this Act).

(d) With respect to any function transferred by this Act and exercised after the effective date of this Act, reference in any other Federal law to any Federal instrumentality or officer so transferred or functions of which are so transferred shall be deemed to mean the instrumentality or officer in which such function is vested pursuant to this Act.

(e) Orders and actions of any Federal instrumentality or officer thereof, in the exercise of functions transferred under this Act, shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been issued or taken by the instrumentality or officer, exercising such functions, immediately preceding their transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by this Act shall apply to the exercise of such function by any other officer of the United States pursuant to this Act.

(f) In the exercise of the functions transferred under this Act, the appropriate officer of the Federal instrumentality to which such functions were so transferred shall have the same authority as that vested in the officer exercising such functions immediately preceding their transfer, and such officer's actions in exercising such functions shall have the same force and effect as when exercised by such officer having such functions prior to their transfer pursuant to this Act.

TRANSFER OF AGENCIES AND OFFICES

SEC. 7. (a) All personnel, assets, liabilities, contracts, property, and records as are determined by the Director of the Office of Management and Budget to be employed, held, or used primarily in connection with any function transferred under the provisions of this Act, are transferred to the appropriate Secretary of the executive department to whom such function is transferred by this Act. Except as provided in subsection (b), personnel engaged in functions transferred under this Act shall be transferred in accordance with applicable laws and regulations relating to transfer of functions.

(b) In any case where all of the functions of any Federal instrumentality are transferred pursuant to this title, such instrumentality shall lapse.

TECHNICAL AMENDMENTS

SEC. 8. (a) Section 19 (d) (1) of title 3, United States Code, is amended by deleting "Secretary of the Interior" and inserting in lieu thereof "Secretary of Natural Resources and Environment".

(b) Section 101 of title 5, United States Code, is amended by deleting "The Department of the Interior" and inserting in lieu thereof "The Department of Natural Resources and Environment".

(c) Subchapter II of chapter 53 of title 5, United States Code (relating to executive schedule pay rates), is amended as follows:

(1) Section 5312 is amended by deleting "(6) Secretary of the Interior" and inserting in lieu thereof "(6) Secretary of Natural Resources and Environment".

(2) Section 5313 is amended by adding at the end thereof the following:

"(20) Deputy Secretary of Natural Resources and Environment."

(3) Section 5314 is amended by deleting "(8) Under Secretary of the Interior." and inserting in lieu thereof the following:

"(8) Under Secretary of Natural Resources and Environment for Water."

"(8A) Under Secretary of Natural Resources and Environment for Land."

(4) Section 5315 is amended (1) by deleting "(18) Assistant Secretaries of the Interior (5).", and (2) by deleting "(42) Solicitor of the Department of the Interior." and inserting in lieu thereof "(42) General Counsel, Department of Natural Resources and Environment.".

(d) The first sentence of section 4(e) of the Federal Power Act (16 U.S.C. 797(e)) is amended by (1) striking out "the Chief of Engineers and the Secretary of the Army", and inserting in lieu thereof "the Secretary of Natural Resources and Environment", and (2) inserting immediately before the period a colon and the following: *Provided further*, That no license affecting the comprehensive plan of any river basin commission developed pursuant to the Water Resources Planning Act shall be issued until the plans of the dam or other structures affecting any such comprehensive plan have been approved by the Secretary of Natural Resources and Environment".

REPORT

SEC. 9. The Secretary shall, as soon as practicable after the end of each calendar year, make a report to the President for submission to the Congress on the activities of the Department during the preceding calendar year.

DEFINITION

SEC. 10. As used in this Act, the term—

(1) "function" or "functions" includes powers and duties; and

(2) "Federal instrumentality" means any executive department of the United States or any agency, bureau, office, service, or other entity therein.

DELEGATION OF FUNCTIONS

SEC. 11. Any officer of the United States to whom functions are transferred pursuant to this Act may delegate such functions, or part thereof, to such of his officers and employees as he may designate, may authorize such successive redelegations of such functions to his officers and employees as he may deem desirable, and may make such rules and regulations as he may determine necessary to carry out such functions.

EFFECTIVE DATE; INITIAL APPOINTMENT OF OFFICERS

SEC. 12. (a) This Act shall take effect ninety days after the date of its enactment.

(b) Notwithstanding subsection (a) of this section, any of the officers provided for in section 3 of this Act may be appointed in the manner provided for in this Act, at any time after the date of enactment of this Act. Such officers shall be compensated from the date they first take office, at the rates provided for in this Act. Such compensation and related expenses of their offices shall be paid from funds available for the functions to be transferred pursuant to this Act.

By Mr. MOSS (for himself, Mr. BENNETT, Mr. BIBLE, Mr. CRANSTON, Mr. HANSEN, Mr. HARRIS, Mr. MCGEE, Mr. MCGOVERN, Mr. METCALF, Mr. TOWER, and Mr. TUNNEY):

S. 1026. A bill to amend the Small Reclamation Projects Act of 1956, as amended. Referred to the Committee on Interior and Insular Affairs.

Mr. MOSS. Mr. President, I am today introducing a bill which is designed to bring the Small Reclamation Projects Act of 1956, as amended, up to date. The purpose of that act, you will remember, is to encourage State and local participation in the development of projects under the Federal reclamation laws and to authorize specific Federal assistance to non-Federal organizations in the 17 western reclamation States.

The act provides loans and grants for both design and construction of the projects, and also provides that the borrowing organizations be responsible for both.

My amendment would not change the original purpose of the act. In fact, they would enhance it. They make three principal changes:

First, raise the ceilings on size of projects and amount of loans according to changes in construction costs, subsequent to 1956 when the ceilings were first established.

Second, raise the limit on total funding authority of the act, as amended, so that local interests will undertake the expense of preparing proposals even as project approvals approach the limit of existing authority.

Third, assure that the definition of project (in the act) is in harmony with the stated purpose of the act and delete language tending to complicate the stated purpose.

SIZE OF PROJECTS

The first proposed change in the act results from the increased costs of construction since 1956. At that time, the maximum cost of any project eligible for loan was fixed at $10 million. My bill would change that project limit in proportion to changes in construction cost. The $10 million limit of project cost would rise or fall according to "changes in cost of construction work of the type involved as shown by engineering cost indices," with 1956 as the base year.

Under existing law, the combination of loan and grant funds may not exceed $6.5 million—a limit which is 65 percent of the maximum size of project covered by the act. My amendment retains that relationship, providing that no loan, or grant, or combination thereof shall be in excess of 65 percent of the maximum allowable project cost.

Grants are set as in similar water resources developments of the Corps of Engineers, the Bureau of Reclamation, and the Soil Conservation Service. For example, the borrowing agency must repay—with interest—half the costs of joint use facilities properly allocable to fish and wildlife enhancement or public recreation."

TOTAL AUTHORIZATION

The second proposed change in the act stems from the necessity of raising the ceiling on the total amount of money that may be loaned under the act. The present ceiling is $200 million. While projects totaling only about half of this amount have been approved by the Secretary—after submission of each project to the Senate and House Interior Committees as required by the act—the number of projects in the pipeline seeking approval is approaching the authorizing limit. So we should act now to increase the total which may be committed. Otherwise organizations needing to rehabilitate, extend, or construct small projects would be unwise to spend their money to prepare new proposals because the total authority of the act would be reached by the time their respective proposals could clear the congressional committees.

My bill proposes increasing the total authority from $200 million to $300 million. Of course, no money under this additional authority would actually be loaned in fiscal year 1972; probably not even in fiscal year 1973. The purpose of giving the authority at this time is to assure prospective borrowers that the act will not have reached its lending limit during the time they require to draw plans, to coordinate, and to obtain approvals of a new proposal.

ENVIRONMENTAL PROTECTION

The purpose of the Small Reclamation Projects Act, as conceived a decade and a half ago, centered on irrigation. Today the large projects of the Bureau of Reclamation are concerned also with pollution, ecology, and the distribution of population. But the phraseology of the 1956 act was so fully directed to irrigation as to create uncertainty about the eligibility of projects where irrigation does not dominate other uses.

For example, consider an irrigation district which distributes water through open irrigation channels. Open channels may be dangerous to children; hazardous to animals, and conducive to growth of unsightly vegetation. To convert open channels to pipe would not only overcome the stated disadvantages, but also would provide more efficient pressure and distribution, and would facilitate use of water for domestic, commercial, park and playground purposes. Such changes would improve the environment. We should assure that the present language of the act would not prevent such changes. This can be done by simply redefining a project as any water resource undertaking for purposes authorized under reclamation laws (provided that the cost shall not exceed the stated limits). This bill would do this without changing the established principles for cost sharing.

Further, if studies by the Water Resources Council or the National Water Commission should result in changes in cost sharing under reclamation laws, the changes would apply to the loans of small projects.

Similarly, changes in reclamation law in the interests of the environment would apply to the small loan program as well. The little projects would be in harmony with the big ones.

Mr. President, I ask that a summary be placed in the CONGRESSIONAL RECORD at this point which shows sections of the Small Reclamation Project Act of 1956, as amended, as they now stand and the changes which my bill proposes. Underlined words are new:

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

UNDER SECTION 2

Language before amendment

"(d) The term 'project' shall mean (1) any complete irrigation undertaking, includ-

ing incidental features thereof, or distinct unit of such an undertaking or a rehabilitation and betterment program for an existing irrigation project, authorized to be constructed pursuant to the Federal reclamation laws."

Language after amendment

"(d) The term 'project' shall mean any complete *water development* or features thereof, *as could be* authorized for construction under Federal reclamation laws."

Before

"The term 'project' shall not include any such undertaking, unit, or program the cost of which exceeds $10,000,000, and no loan, grant, or combination thereof for any project shall be in excess of $6,500,000."

After

"The term 'project' shall not include any such undertaking, unit, or program the estimated cost of which exceeds $10,000,000 (January 1956 prices) *plus or minus such amounts, if any, as may be required by reason of changes in the cost of construction work of the type involved as shown by engineering cost indices.* No loan, grant, or combination thereof for any project shall be in excess of *65 percent* of the maximum allowable estimated project cost."

IN SECTION 4, SUBSECTION (E)

Before

"(e) The Secretary shall give due consideration to financial feasibility, emergency, or urgent need for the project, whether the proposal involves furnishing supplemental irrigation water for an existing irrigation project, whether the proposal involves rehabilitation of existing irrigation project works, and whether the proposed project is primarily for irrigation."

After

(e) The secretary shall give due consideration to financial feasibility, emergency, or urgent need for the project.

IN SECTION 5

Before

(a) Said loans shall not exceed the lesser of $6,500,000 or . . .

After

(a) Said loans shall not exceed the lesser of *65% of the project cost or* . . .

IN SECTION 10

Before

There are hereby authorized to be appropriated such sums as may be necessary, but not to exceed $200,000,000 . . .

After

There are hereby authorized to be appropriated such sums as may be necessary, but not to exceed *$300,000,000* . . .

By Mr. RANDOLPH (for himself Mr. ALLEN, Mr. ANDERSON, Mr. BAYH, Mr. BEALL, Mr. BIBLE, Mr. BOGGS, Mr. BURDICK, Mr. BYRD of West Virginia, Mr. CANNON, Mr. CHURCH, Mr. COOPER, Mr. CRANSTON, Mr. DOLE, Mr. EASTLAND, Mr. GRAVEL, Mr. GURNEY, Mr. HANSEN, Mr. HARRIS, Mr. HART, Mr. HARTKE, Mr. HATFIELD, Mr. HOLLINGS, Mr. HUGHES, Mr. HUMPHREY, Mr. INOUYE, Mr. JACKSON, Mr. JAVITS, Mr. KENNEDY, Mr. MAGNUSON, Mr. MANSFIELD, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MILLER, Mr. MONDALE, Mr. MONTOYA, Mr. MUSKIE, Mr. NELSON, Mr. PASTORE, Mr. PERCY, Mr. PROUTY, Mr. RIBICOFF, Mr. SPONG, Mr. STEVENS, Mr. THURMOND, Mr. TOWER, Mr. TUNNEY, and Mr. WILLIAMS):

S. 1030. A bill to amend the Vocational Rehabilitation Act in order to assure rehabilitation services to older blind persons, and for other purposes. Referred to the Committee on Labor and Public Welfare.

Mr. RANDOLPH. Mr. President, I introduce for appropriate reference a bill to amend the Vocational Rehabilitation Act to assure rehabilitation services for older blind persons. Blindness is increasingly a condition which affects older persons in the United States. The National Society for the Prevention of Blindness estimates that there are approximately 430,000 persons in the United States whose visual impairment is within the accepted legal definition of blindness; i.e., central visual acuity of 20/200 or less in the better eye with correcting lenses, or concentric contraction of the visual field in the better eye to 20 degrees or less if visual acuity is better than 20/200. Of this number, the society estimates that three-fourths of the total group are 40 years of age or older. It is estimated that 40,000 persons become blind each year and that 30,000 of those are 40 or older.

The National Center for Health Statistics of the U.S. Public Health Service estimates that there are 1,239,000 Americans with severe visual impairment, inability to read ordinary newspaper print with correcting glasses. Of this number, the National Center estimates that 1,099,000 are 45 years of age or older.

According to the National Eye Institute, glaucoma, senile cataracts, and diabetic retinopathy cause 42.5 percent of all the blindness in the United States. All three of these conditions primarily affect people over 40. Additionally, cardiovascular diseases, such as arteriosclerosis, hypertension and stroke, and other conditions which frequently accompany the aging process sometimes result in blindness.

Since the prevalence of blindness in the United States in the light of current scientific knowledge is a function of population, it can be anticipated that the number of older blind persons will increase as the number of older persons increases.

Mr. President, total rehabilitation of a blind person involves specific, highly specialized services designed to assist him in minimizing the handicapping effects of blindness and learning how to function effectively and efficiently without sight. These include learning to move about safely in a variety of situations—orientation and mobility skills—how to dress, arrange one's clothes for nonvisual selection, handle money, etc.—personal management skills—how to read and write braille, use sound recordings, type—communication skills. These elements are among the basic skills which every blind person of every age must acquire to minimize dependence on others or even to avoid helplessness. Admittedly, a few blind persons can acquire some of these skills on their own on a hit-or-miss basis. But most blind persons need professional instruction by specialists, who can impart the best current techniques in an efficient manner, whether training is conducted in a rehabilitation center setting or elsewhere.

Ideally, the blind child receives basic rehabilitation services as part of the education process or as a supplement in the vocational rehabilitation process. The problems confronting the newly blinded adult of employable age, however, are more severe. The newly blinded older person for whom retraining for employment under the vocational rehabilitation program becomes less feasible in direct proportion to increasing age, is generally out of luck. He should be entitled to receive basic rehabilitation services as part of the vocational rehabilitation process.

I do not mean to imply that older blind persons are not receiving rehabilitation services in all cases. If the older blind person is fortunate enough to be employed in a job he can carry on without sight after basic rehabilitation services and special training in techniques needed in the job, it is likely that the State vocational rehabilitation agency will arrange for the requisite training. If the older blind person has the financial resources after the considerable drain of medical expenses of treating a blinding eye disease, he may at his own expense secure basic rehabilitation services in a residential center. If he lives in a community which has a voluntary agency for the blind with a comprehensive service program, then he may get adequate rehabilitation services, depending on the extent of the demand upon agency staff and the agency's financial resources. The latter situation with similar limitations of staff and budget would apply if an older blind person resides in a State where the commission for the blind or general vocational rehabilitation agency could use State funds for rehabilitation teaching, orientation, and mobility services.

Unfortunately, most older blind persons are in circumstances where none of these conditions exist in a way to assure them of adequate basic rehabilitation services. Except for the limited extent to which the present Vocational Rehabilitation Act can be used, no other Federal program—medicare, medicaid, public assistance, OASDI under the Social Security Act, the Older Americans Act, the Public Health Service Act—covers nonmedical rehabilitation services for older blind persons. Some States use limited State funds for this purpose, but most State rehabilitation funds are devoted to matching Federal funds to finance the vocational rehabilitation program. Further, there are local voluntary agencies which have adequate basic rehabilitation services, but their availability to an older blind person whose way is not paid by a public agency is limited by the financial resources of the agency. No private health insurance plan covers nonmedical rehabilitation of older blind persons.

Over the years, public and private agencies serving blind persons have tended to emphasize educational and related services for blind children; voca-

tional rehabilitation and employment of blind adults of optimum employable age; and income maintenance for blind adults of all ages for whom employment cannot be found. But basic rehabilitation services to older blind persons have been spotty and minimal. Increased Federal financial assistance has reinforced the pattern of existing services to children and employable adults, but has overlooked older blind persons. At the same time, our steadily increasing lifespan and changing population patterns have resulted in older persons becoming the largest single group in the blind population. The need of these persons for adequate basic rehabilitation services to alleviate the handicapping effects of blindness has now become critical.

Mr. President, it is my belief that the most effective way of meeting this critical need of older blind persons will be in providing Federal financial assistance channeled through appropriate State and local agencies, as well as institutions of higher education, to provide direct services, train specialized personnel, and conduct research and demonstration projects.

The national organizations concerned with this problem—the American Association of Workers for the Blind, American Council of the Blind, American Foundation for the Blind, Blinded Veterans Association, National Council of State Agencies for the Blind, and the National Federation of the Blind—have recommended the mechanism of a Federal program to aid older blind persons. I have been privileged to work with representatives of these organizations in the development of the measure I introduce today.

The bill would:

First, establish a new Section 18 of the Vocational Rehabilitation Act entitled "Rehabilitation Services for Older Blind Persons."

Second, authorize appropriations of $10,000,000 for the fiscal year ending June 30, 1972; $20,000,000 for the fiscal year ending June 30, 1973; and $30,000,000 for the fiscal year ending June 30, 1974, in order to launch the program.

Third, allot the appropriation to each State on the basis of population similar to the formula used in the basic program of grants to the States for vocational rehabilitation, but assuring a minimum allotment each year of $50,000 to each State.

Fourth, authorize the Secretary of Health, Education, and Welfare to pay each State 90 percent of the cost of providing rehabilitation services to older blind persons under an approved State plan.

Fifth, establish State plan requirements similar to those used in other sections of the Vocational Rehabilitation Act, including designation of the State vocational rehabilitation agency serving blind persons to administer the program.

Sixth, define "older blind persons" as individuals whose combination of severe visual impairment and age makes gainful employment less readily attainable in the light of current employment practices.

Seventh, authorize separate appropriations in amounts to be determined by the Congress to cover the cost of research and demonstration projects and personnel training to improve the effectiveness of rehabilitation services for older blind persons.

Eighth, authorize the Secretary to make grants to or contracts with public and private nonprofit organizations for research, demonstration, and personnel training.

Mr. President, those of us concerned about the special needs of older blind persons—including the national organizations I named—recognize that the initial 3-year program proposed is small in scope. However, the program will demonstrate what we believe to be the most effective method of reaching and serving a too long neglected segment of our population. A special, Federally-assisted program for the older blind will relieve the individuals served and their families of burdensome dependence and overwhelming anxiety. It will alleviate the many difficult problems in their transition from the world of sight to the terrifying world of blindness.

By Mr. HART (for himself and Mr. McGOVERN):

S. 1032. A bill to promote and protect the free flow of interstate commerce without unreasonable damage to the environment; to assure that activities which affect interstate commerce will not unreasonably injure environmental rights; to provide a right of action for relief for protection of the environment from unreasonable infringement by activities which affect interstate commerce and to establish the right of all citizens to the protection, preservation, and enhancement of the environment. Referred to the Committee on Commerce.

Mr. HART. Mr. President, in the past year great strides have been taken both by the administration and Congress in the developing crusade to protect and enhance our environment. Yet, this progress, instituted by Government, should not be taken to mean that Government can do the job alone. One useful supplement to Government action in this sphere which lately has assumed considerable prominence is the environmental lawsuit. Recently, established conservation groups have accelerated their activities in the courtroom, while new groups have arisen which are dedicated primarily to environmental litigation. Moreover, a new institutional concept, the "public interest law firm," has developed to assist these groups with their efforts in court.

Outmoded legal doctrines, however, have continued to pose serious obstacles to enlightened suits by these and other citizens. In order to modify some of these doctrines, such as excessive limitations on standing to sue and severe restrictions on judicial review of administrative action, the Senator from South Dakota (Mr. McGOVERN) and I last year introduced S. 3575, the Environmental Protection Act of 1970. The Senate Commerce Subcommittee on the Environment held 4 days of hearings on the bill, at which witnesses emhpasized the need for such legislation and the opportunities it offered for really significant environmental improvement. Because of the fundamental changes proposed by the bill, however, it was felt that a more extensive record was needed prior to full consideration of the bill in committee.

In reintroducing the Environmental Protection Act, for myself and the Senator from South Dakota, I feel constrained to point out that our purpose is actually more basic than that of environmental protection. What is really at issue here is the broadening of participation by citizens in the resolution of problems which directly affect them. Both within and outside the environmental movement, we increasingly witness the frustration of those who, while deeply committed on matters of public policy, feel powerless to influence such matters. If it continues to be frustrated, howin the proper manner, it can be relied upon to alleviate many of society's ills. If if it continues to be frustrated, however, both the physical and moral environment of our country may be damaged irreparably. It is my hope that the bill introduced today will in some manner help to shield us from the treat of such damage.

I introduce for appropriate reference, on behallf of the Senator of the Senator from South Dakota (Mr. McGOVERN) and myself, this bill entitled the Environmental Protection Act of 1971, and ask unanimous consent to have the bill and a detailed section-by-section analysis of the bill printed in the RECORD.

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

S. 1032

A bill to promote and protect the free flow of interstate commerce without unreasonable damage to the environment; to assure that activities which affect interstate commerce will not unreasonably injure environmental rights; to provide a right of action for relief for protection of the environment from unreasonable infringement by activities which affect interstate commerce and to establish the right of all citizens to the protection, preservation, and enhancement of the environment

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Environmental Protection Act of 1971".

SEC. 2. (a) The Congress finds and declares that each person is entitled by right to the protection, preservation, and enhancement of the air, water, land, and public trust of the United States and that each person has the responsibility to contribute to the protection and enhancement thereof.

(b) The Congress further finds and declares that it is in the public interest to provide each person with an adequate remedy to protect the air, water, land, and public trust of the United States from unreasonable pollution, impairment, or destruction.

(c) The Congress further finds and declares that hazards to the air, water, land, and public trust of the United States are caused largely by persons who are engaged in interstate commerce, or in activities which affect interstate commerce.

SEC. 3. (a) Any person may maintain an action for declaratory or equitable relief in his own behalf or in behalf of a class of persons similarly situated, for the protection of the air, water, land, or public trust of the

United States from unreasonable pollution, impairment, or destruction which results from or reasonably may result from any activity which affects interstate commerce, wherever such activity and such action for relief constitute a case or controversy. Such action may be maintained against any person engaged in such activity and may be brought, without regard to the amount in controversy, in the district court of the United States for any judicial district in which the defendant resides, transacts business, or may be found: *Provided,* That nothing herein shall be construed to prevent or preempt State courts from exercising jurisdiction in such action. Any complaint in any such action shall be supported by affidavits of not less than two technically qualified persons stating that to the best of their knowledge the activity which is the subject of the action damages or reasonably may damage the air, water, land, or public trust of the United States by pollution, impairment, or destruction.

(b) For the purpose of this section, the term "person" means any individual or organization; or any department, agency, or instrumentality of the United States, a State or local government, the District of Columbia, the Commonwealth of Puerto Rico, or a possession of the United States.

SEC. 4. (a) When the plaintiff has made a prima facie showing that the activity of the defendant affecting interstate commerce has resulted in or reasonably may result in unreasonable pollution, impairment, or destruction of the air, water, land, or public trust of the United States the defendant shall have the burden of establishing that there is no feasible and prudent alternative and that the activity at issue is consistent with and reasonably required for promotion of the public health, safety, and welfare in light of the paramount concern of the United States for the protection of its air, water, land, and public trust from unreasonable pollution, impairment, or destruction.

(b) The court may appoint a master to take testimony and make a report to the court in the action.

(c) The court or master, as well as the parties to the action, may subpena expert witnesses and require the production of records, documents, and all other information necessary to a just disposition of the case.

(d) Costs may be apportioned to the parties if the interests of justice require.

(e) No bond shall be required by the court of the plaintiff: *Provided,* That the court may, upon clear and convincing evidence offered by the defendant that the relief required will result in irreparable damage to the defendant, impose a requirement for security to cover the costs and damages as may be incurred by defendant when relief is wrongfully granted: *Provided further,* That such security shall not be required of plaintiff if the requirement thereof would unreasonably hinder plaintiff in the maintenance of his action or would tend unreasonably to prevent a full and fair hearing on the activities complained of.

SEC. 5. The court may grant declaratory relief, temporary and permanent equitable relief, or may impose conditions on the defendant which are required to protect the air, water, land, or public trust of the United States from pollution, impairment, or destruction.

SEC. 6. This Act shall be supplementary to existing administrative and regulatory procedures provided by law and in any action maintained under the Act, the court may remand the parties to such procedures: *Provided,* That nothing in this section shall be deemed to prevent the granting of interim equitable relief where required and so long as is necessary to protect the rights recognized herein: *Provided further,* That any person entitled to maintain an action under this Act may intervene as a party in all such procedures: *Provided further,* That nothing herein shall be deemed to prevent the maintenance of an action, as provided in this Act, to protect the rights recognized herein, where existing administrative and regulatory procedures are found by the court to be inadequate for the protection of such rights: *Provided further,* That at the initiation of any person entitled to maintain an action under the Act, such procedures shall be reviewable in a court of competent jurisdiction to the extent necessary to protect the rights recognized herein: *And provided further,* That in any such judicial review the court shall be bound by the provisions, standards, and procedures of sections 3, 4, and 5 of this Act, and may order that additional evidence be taken with respect to the environmental issues involved.

SECTION-BY-SECTION ANALYSIS

Section 1 establishes a short title for the Act. For the purpose of citation and reference, it shall be known as the "Environmental Protection Act of 1970."

Section 2 sets out Congressional findings and declarations with respect to the air, water, land and public trust of the United States. In Section 2(a) Congress find and declares that each person is entitled to the protection, preservation and enhancement of the environment of the United States, and that each person has a responsibility to contribute thereto. In Action 2(b) Congress finds and declares that the public interest necessitates that each person be provided with an adequate remedy to protect the air, water, land and public trust of the United States from unreasonable pollution, impairment or destruction. In Section 2(c) Congress further finds and declares that hazards to the air, water, land and public trust are caused largely by persons who are engaged in interstate commerce, or whose activities affect interstate commerce.

Section 3(a) establishes the right of any person to maintain a judicial action for declaratory or equitable relief, relief that would order the defendant to desist or moderate the practice or act in question, either individually or in behalf of a class of persons, without regard to the amount in controversy, to protect the environment, or public trust from pollution, impairment or destruction which results from or reasonably may result from any activity and such action for relief constitute a case or controversy, a real issue with adverse parties. Section 3(a) also provides that such actions may be maintained against any person whose activities affect interstate commerce, and may be brought in any district court of the United States for any judicial district in which the defendant resides, transacts business or may be found. Section 3(a) further provides that State courts shall not be prevented or preempted from exercising jurisdiction in any such action. However, it is not the intent of Congress that actions brought in the United States District Courts shall be remanded to the State courts when jurisdiction is otherwise proper. Section 3(a) further provides that complaints in such actions shall be supported by affidavits of at least two technically qualified persons affirming that the defendant's activity damages or reasonably may damage the environment or public trust of the United States. This requirement for affidavits, which is not required by the Federal Rules of Civil Procedure, will eliminate frivolous actions and alleviate the burden upon the courts. Section 3(b) defines the term "person" as any individual or organization or any department, agency or instrumentality of the United States, a State or local government, the District of Columbia, the Commonwealth of Puerto Rico or a possession of the United States.

Section 4 prescribes the judicial procedures and standards under which the act is to be administered by the courts. Section 4(a) provides that when the plaintiff has made a showing that on first appearance the activity of the defendant has or reasonably may damage the air, water, land or public trust by unreasonable pollution, impairment or destruction, the defendant then has the burden of proving that there is no feasible and prudent alternative and that the activity at issue is consistent with and reasonably required for promotion of the public health, safety and welfare when viewed in light of the paramount concern of the United States for the protection of the environment and the public trust. Section 4(b) authorize the court to appoint a master to take testimony and make a report to the court in the action. Section 4(c) grants to the court, master and the parties authority to subpoena expert witnesses and require the producing of records, documents and all other information necessary to a just disposition of the case. Section 4(d) provides that costs may be apportioned to the parties if the interests of justice require. Section 4(e) exempts the plaintiff from posting bond, except in those instances where clear and convincing evidence is presented to the court by the defendant that wrongfully granting relief will result in irreparable damage to the defendant. However, if requiring the plaintiff to post bond would unreasonably hinder the plaintiff in the maintenance of the suit or would tend unreasonably to prevent a full and fair hearing on the activities complained of, a bond shall not be required of the plaintiff.

Section 5 grants the court authority to provide declaratory relief, temporary and permanent equitable relief, or to impose conditions on the defendant's operations which are required for the protection of the air, water, land or public trust of the United States from unreasonable pollution, impairment or destruction.

Section 6 provides that the act shall be supplementary to existing administrative and regulatory procedures provided by law and grants the court authority to remand the parties to such procedures. Section 6 also provides that nothing in the section shall prevent the granting of appropriate interim equitable relief to protect the rights recognized under the act for as long as is necessary and further provides that any person entitled to maintain an action under the act may intervene as a party in all such administrative and regulatory procedures. Section 6 provides further that nothing in the section shall prevent the maintenance of an action to protect rights recognized in the act where the court finds existing administrative or regulatory procedures to be inadequate for the protection of such rights. Section 6 further provides that at the initiation of any person entitled to maintain an action under the act, such procedures shall be reviewable in a court of competent jurisdiction to the extent necessary to protect the rights recognized in the act. Finally, Section 6 provides that in any such judicial review, the court shall be bound by the provisions, standards and procedures of Section 3, 4 and 5 of the act and may order that additional testimony be taken on the environmental issues.

Mr. McGOVERN. Mr. President, at the end of a decade which was one of the most violent in our history, an issue arose involving the most subtle but perhaps the most destructive form of American domestic violence. The victims are the American people as a whole and their surroundings, the innocent earth. I refer to the steady ravaging of our environment by industrial growth and governmental neglect.

Ecology has become a leading issue of the day and the Congress has already taken major strides toward the protection of our environment.

Traditionally, environmental protection has been left to Federal and State regulatory agencies. Too much of our current environmental legislation relies upon elephantine regulatory and administrative procedures. Additionally, the enforcement authority of the Federal pollution-control agencies is weak at best. Too often, the agencies entrusted to protect the environment on behalf of the public have simply been unable to do so. In some cases, those agencies have refused to do so. The individual citizen has been prevented from intervening and participating in the regulatory process by a variety of legal and administrative roadblocks. Private citizens have been slowly, far too slowly, breaking down these obstacles to participation when it is apparent that their own best interests and the interest of a truly healthy environment have not been represented. But the door to that participation is far from being fully open.

Accordingly, Senator HART and I are today reintroducing our proposal to grant for the first time to every American citizen a federally guaranteed right to a pollution-free environment and the right to bring suit in the Nation's courts to enforce that right. I regard this bill, which was endorsed last year by the Sierra Club, the New York Times, and the Washington Post, as a having top priority in my legislative program.

I am convinced that this bill is the only means to adequately involve the individual citizen in the protection of his environment. The democratic process has fallen apart in this regard because of the inadequacy of the Federal and State regulatory agencies. This bill will serve to protect our Nation's environment by restoring the democratic process to the fight for pollution-free environment. Most importantly, we hope to give citizens an opportunity to share the full responsibility for saving their environment. I believe they are eager to undertake that responsibility. And I believe that this bill will accomplish that purpose.

By Mr. BAYH (for himself, Mr. EAGLETON, Mr. HART, Mr. HUGHES, Mr. JACKSON, Mr. KENNEDY, Mr. MCGEE, Mr. METCALF, Mr. MONDALE, Mr. RANDOLPH):

S. 1035. A bill to amend title XVIII of the Social Security Act so as to eliminate, in certain cases, the requirement that an insured individual have first been admitted to a hospital in order to qualify under such title for the extended-care services provided thereunder. Referred to the Committee on Finance.

Mr. BAYH. Mr. President, I introduce for appropriate reference a bill which would eliminate in certain cases the requirement that an insured individual must first have been admitted to a hospital in order to qualify for extended medical-care services, and would expand posthospital extended care services to include therapeutic as well as nursing care under certain circumstances.

It is a well-known fact that all medical costs have risen sharply in the last few years. The largest increase of all has been in the charges incurred for hospital services, which have contributed substantially to the spiraling costs of health care.

There is evidence that at least some hospitalized persons may not be in need of the full complement of services now provided by most modern hospitals. For instance, former Secretary Wilbur J. Cohen pointed out that—

> Services, especially costly hospital services, are sometimes utilized unnecessarily; i.e., they are not medically necessary.

A study conducted at Columbia University found that two of five bed patients could be as well cared for in a properly equipped and staffed nursing facility as in a general hospital. Although conditions vary, it seems to me that one way to encourage reduced hospital usage would be to permit physicians to assign selected eligible patients who need special treatment but who are not critically ill directly to a qualified extended care facility without loss of medicare benefits.

The basic Medicare Act—Public Law 88–97—now provides that, in order to qualify for extended-care service, an eligible person must first have been a patient in a hospital for not less than 3 consecutive days. No doubt many elderly persons who become seriously ill require hospitalization, perhaps for long periods, but there are certainly other instances in which the illness may not be of sufficient severity to justify immediate hospitalization.

Under these circumstances, it does not make sense to me to require a prior 3-day stay in a hospital for all older patients who are in need of extended care. I fully realize that medicare is not intended to provide mere custodial care for persons confined to convalescent homes. In the case of those elderly who need specialized medical attention but do not require hospital treatment; however, I see little reason to insist in all cases that they must first spend at least 3 days in a hospital.

Procedures would have to be established which would guarantee that a patient's physical condition is such that he or she needs and would benefit from extended care. There is no reason this objective could not be achieved without requiring, as present law does, that a person must first be admitted to a hospital and stay a minimum of 3 days in such an institution. My bill proposes that extended care would be made available to an eligible person only if he has received prior outpatient hospital diagnostic services and has been admitted to a qualified extended care facility within 14 days after that need was certified. In my opinion, this would provide adequate safeguard against any lowering of standards or possible abuses. Such procedure should eliminate any temptation and minimize pressure to assign an elderly patient to an extended-care facility merely because of sympathy, convenience or financial need. Each patient would have to be certified that he was in need of extended-care services by both the hospital and the patient's physician.

Mr. President, this relatively minor change in the law ought to help relieve some of the pressures for space in our hospitals and reduce total medical care costs. At the same time, it would not reduce eligibility standards for care nor complicate administration of the act. Scarce and costly hospital beds should not be occupied by elderly persons, even for 3 days, if they can receive adequate care and treatment in extended care facilities.

Perhaps it is time for Congress to review the whole extended care program under medicare. The American Nursing Home Association has recently pointed out that there has been a "steady decline in utilization of available extended care approved beds by the elderly." The association estimated that less than 5 percent of the more than 300,000 beds in nursing homes which have been approved for extended care under medicare are being used by such patients. Moreover, the association president, David R. Mosher, has been very critical of Social Security Administration rules and regulations which have greatly restricted the right of elderly patients to payments for extended care.

Many persons who believed they were entitled to extended care have become disillusioned and numerous nursing home operators believe that unrealistic and indefensible regulations have been imposed which make the system almost unworkable. As a consequence the association in its January, 1971, board meeting in New Orleans officially withdrew its unqualified support for the extended care medicare program and urged their members to assess their own individual situation about continued participation.

Mr. President, it seems to me that the Senate should review the extended care program and should give prompt and serious consideration to this and other proposals which have been made to make it more effective. I ask unanimous consent that a short article from the American Medical News of February 15, 1971, reporting on the recent action of the American Nursing Home Association, as well as the text of my bill, be printed at the conclusion of my remarks.

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

[From the American Medical News, Feb. 15, 1971]

NURSING HOMES WITHDRAW, CALL MEDICARE "CRUEL JOKE"

The American Nursing Home Assn. has withdrawn official support of the Medicare program for extended care. The action was taken at the mid-winter ANHA executive board meeting in New Orleans.

ANHA declared that in its opinion extended health care benefits have been denied arbitrarily by the government against the intent of Congress. ANHA President David R. Mosher said, "The tragic aspect of the Medicare program for extended care is that the Social Security Administration led America's senior citizens to believe that, if their physicians thought it necessary, they were entitled to 100 days of extended care at government expense. Subsequent rules and regulations issued by SSA have virtually ruled this out."

Citing Social Security Administration statistics that indicate a steady decline in

utilization of available extended care approved beds by the elderly, Mosher said, "Less than 5% of the 340,000 certified Medicare extended care beds are being utilized. Such limited and restrictive use has resulted in a national failure to 'achieve a less costly alternative to hospital in-patient services' as intended by Congress."

"The conscience of this association," he added, "no longer will allow official ANHA support of the Medicare extended care program. They have added an economic burden on our profession in the form of administrative requirements which are frivolous and unrealistic, and far worse—Medicare is a cruel joke on the senior citizen—a joke perpetrated by an army of bureaucratic government administrators whose empathy for the problems of the elderly, I seriously question."

S. 1035

A bill to amend title XVIII of the Social Security Act so as to eliminate, in certain cases, the requirement that an insured individual have first been admitted to a hospital in order to qualify under such title for the extended care services provided thereunder.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1814(a)(2)(D) of the Social Security Act is amended to read as follows:

"(D) in the case of post-hospital extended care services, such services are or were required to be given on an inpatient basis because the individual needs or needed skilled nursing care on a continuing basis for—

"(i) any of the conditions with respect to which he was receiving inpatient hospital services (or services which would constitute inpatient hospital services if the institution met the requirements of paragraphs (6) and (8) of section 1861(e)) prior to transfer to the extended care facility or for a condition requiring such extended care services which arose after such transfer and while he was still in the facility for treatment of the condition or conditions for which he was receiving such inpatient hospital services, or

"(ii) any condition requiring such extended care services and the existence of which was discovered or confirmed as a result of findings made while the individual was receiving outpatient diagnostic services, or, in the case of an individual who has been admitted to an extended care facility for such a condition, any other condition arising while he is in such facility;".

(b) The first sentence of section 1861(i) of such Act is amended to read as follows: "The term 'posthospital extended care services' means extended therapeutic and/or nursing care services furnished an individual (A) after transfer from a hospital in which he was an inpatient for not less than 3 consecutive days before his discharge from the hospital in connection with such transfer, or (B) after he has received outpatient hospital diagnostic services, if, after reviewing the findings revealed by such services, his physician and the hospital from which he received such services certify (not later than 7 days after the termination of such services) that he is in immediate need of extended care services, and if he is admitted to an extended care facility within 14 days after the date on which his need for extended care services was so certified.".

By Mr. WILLIAMS (for himself and Mr. PROXMIRE):

S. 1037. A bill to make it possible, appropriate, economical, and accessible learning opportunities for all adults, for their individual fulfillment and for the social and economic well-being of the Nation. Referred to the Committee on Labor and Public Welfare.

Mr. WILLIAMS. Mr. President, I am introducing, for appropriate reference, a bill to make possible appropriate, economical, and accessible learning opportunities for all adults, both for their individual fulfillment and for the social and economic well-being of the Nation. A similar bill is to be introduced in the House of Representatives today by Representative ROMAN PUCINSKI.

The bill would:

First. Establish a Bureau of Adult Education within the Office of Education to operate, coordinate, develop long-range planning, and administer any adult education programs assigned to it by the Congress or by the Commissioner of the Office of Education. It would also promote coordination and dissemination of information among such programs.

Second. Establish a National Center for Adult Education which would employ an initial Federal grant for development of combined public-private funding of information and referral services throughout the Nation, and for pilot projects and applied research to solve problems in the field of adult education.

Third. Create an Advisory Council on Adult Education to assist the Bureau of Adult Education and to serve as the policy body for the National Center.

Fourth. Authorize appropriations of not less than $1 million for each fiscal year through 1976.

Mr. President, this bill was developed in consultation with the Adult Education Association of the U.S.A., which presents these arguments for early action on the legislation:

The Adult Education Opportunity Act of 1971 recognizes the importance of adult education both for individual fulfillment and for the social and economic well-being of the Nation. It is the first legislation recognizing adult education as a vital part of national policy.

For .0003 of present estimated annual Federal expenditures for adult education, the act would make possible rapid improvement and development of the total field of adult education in the United States by better utilizing what is now being done.

At least 476 different Federal programs have adult education components, yet nowhere is information available about all of them. Sharing of ideas and experiences is usually accidental. No one knows what needs are being met how well, and what needs are falling between the programs. No basis for planning exists.

Only a handful of adult education programs are operated by the Office of Education. Major programs are also in the Departments of Agriculture, Defense, and Labor as well as in Health, Education, and Welfare. Every department operates some programs, as do most independent agencies. Nowhere are the programs coordinated.

No agency has responsibility for evaluating legislative recommendations for possible effects of adult education provisions. In 1970 alone 2½ feet of legislation was filed with major adult education implications. The Congress has no access to information about how a specific bill might affect the overall field of adult education, or even existing programs.

The Federal Government spends an estimated $3 billion each year on adult education activities with no way of knowing if we are getting $3 billion benefit. Personnel development has many different formats, with little comparative evaluation. No basis exists for allocating resources.

In addition, hundreds of thousands of local, State, private, and voluntary programs are being conducted, for the most part in isolation. No information systems exist.

The bill would of course be of considerable help to any adult who is beyond the traditional age for high school or university training. But, as former chairman of the Senate Special Committee on Aging, I would like to point out that it would have special value to older Americans, especially those near or in retirement.

Time and time again, the committee has been told that retirees wish to have educational opportunities designed specifically for them. Well-informed witnesses have told us that well-being—and even health—of the elderly improves when those individuals are living active and stimulating lives. Education certainly would make a significant contribution toward such a goal.

The president of the Adult Education Association is Mr. Ray J. Ast, Jr., director of the Adult and Continuing Education Resource Center of Montclair State College. In testimony before the Committee on Aging last year, he made several compelling comments about education for older Americans. I ask unanimous consent that excerpts from his testimony be reprinted at the conclusion of these remarks.

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

EXCERPTS FROM TESTIMONY BY MR. RAY J. AST, PRESIDENT, ADULT EDUCATION ASSOCIATION OF THE U.S.A.

In education, we are often very "hung up" over stereotyping, characterizing, and categorizing. Many have the idea, when we talk of the aged aging, and the elderly, that they are interested, from the continuing education standpoint, only in basket weaving, bridge, or that type of program.

If we look at the concept of aging, it is a very normal process, and is a normal process throughout all of life. Whether you are 18 or 85, the process has within it a constant need for what we call, adult education. The adult at any age has the same basic needs, concerns and aspirations; whether it be for health services, or whether it be for food, shelter, love, and a community of neighbors. The adult's desire for activity, as well as learning, is all too important to overlook.

When we speak of the person as being a retired person, many oftentimes think of him, in a stereotype fashion, as being put on the shelf. In continuing education we would like to conceive, and develop the idea more fully, that the retired person is simply retired from an earlier working or occupational activity that served as his primary source of revenue, his economic livelihood. More often than not the retiree continues on, in a variety of activities that are far more active than the vocation or job which he had prior to retirement. It should be further noted that he does not "retire" as a citizen. He

does not "retire" as a homemaker. He does not "retire" as a consumer. He does not "retire" as a human being. Therefore, when we take an arbitrary age bracket of age 65 and say: "that is retirement"; "this is the aged person,"—I get a little upset and more than a little disturbed.

Stereotypes of age, and by reactions, reflect a personal part of my own life. I think of my father as an illustration. Now, in his mid-seventies, he is far more active than when he was a principal of an elementary school in the city of Buffalo. He happens to be, at the present time, president of the New York State Retired Teachers Association. He is far more active in terms of general activity. His health is as good as it always has been. I can refer to my father in law, at the age of 88, as an inventor and consultant, his day to day activity continues him in continuing learning situations.

In both personal references I find to be true, relative to continuing education, age is no barrier to learning.

There are certain aspects of learning that require certain skills and may take longer to learn, but age is no barrier to learning or to the activity of learning which man undertakes throughout his whole life. There is a reason why I like to think of adult education in terms of education for the aging. We are thinking of education, for the moment, as a part and parcel of what we call continuing education.

We should not segregate continuing education programs by age group. I think one of our basic problems that we have is a stereotype. It is the so-called generation gap. It is really not a generation gap, it is a communication gap. We see today a dismay among our older adults about the younger adult under 30 and refer to a generation gap. Time and time again we find it simply a communication gap between the younger and the older adult. Nonsegregated continuing education can reduce this conflict or dismay.

I hope we do not get bogged down in our own thinking, in our own planning, in our own working with the so-called older adult, and create another "generation gap."

A continuing education program for all adults, including the older and younger adult, rests also with recognizing the validity, and worth, of nontraditional methods of learning that are being undertaken today. The creation of special adult learning centers are specific example of nontraditional approaches in the city of Newark, and in the city of Camden.

In each of these adult learning centers we have recognized that more than 60 percent of the adults are non-English speaking persons. They include older adults as well as younger adults.

Many of them are Puerto Ricans. Many of them are Cubans. When you look in the pamphlet, Older Americans Speak To The Nation, page 9, and you identify older adults having less than an eighth grade education, it does not take into account the non-English speaking adult. They are older as well as younger adults.

We also find, among the older adults who come to our learning center, that many of them come beoause it is a completely individualized type of learning program, based upon his particular need.

His need may be one of consumer education, a consumer problem that confronts him. It may simply be an informational concern. Counselors are available as well as instructors. Adult learning centers have undertaken the development of individualized learning materials for those individuals who have little or no grasp of the English language.

Adults come to a learning center for many problems they have. They may want to know how they can get a pair of glasses. They have gone to the health clinic. They have had difficulty in making themselves understood. The little pamphlet they receive is unreadable. The readability level is too high. If it is in Spanish, it may be written in Castillian Spanish rather than a Puerto Rican vernacular. We find that learning center programs are not traditional, in the form of classes, but are designed for individualized instruction. Adults find them very helpful.

POTENTIAL FOR CABLE TV

We look at another example of a nontraditional mode for learning experience which I foresee can be encouraged. Under the FCC regulations after January 1, cable TV will open up to every community of 3,500 listeners as many as five educational channels. Many rural areas of our country will have available informational education of concern to adults in their home. Learning can take place in the privacy of the home.

At the present time, there are only two commercial companies in this country producing programs for cable TV. Cable TV is going to be required to originate programs, beginning January 1, and they are really not prepared for it, particularly adult continuing education programs.

We have pleaded with U.S. Government agencies to assist in funding development of newer curricular materials that would be helpful, for continuing education of adults, at all ages.

We are looking to the home economist program at Rutgers Univeristy for a nontraditional home study approach having educational-informational aspects that are not presently available to many of our older adults. We find that, for all adults, continuing education is of the utmost importance. Learning centers, cable TV, correspondence programs, home study, a wide variety of possible approaches are here but none of them have really been developed in our society today.

* * * * *

For youngsters, we have TV programs developed. There is really nothing for the older adult, whether he be a non-English-speaking adult or the older adult who has limited reading ability, or limited communications skill.

It is not only that the adult is unable to acquire the various services that are available within his community, he is often unable because of his inability to communicate, or converse with the agency. At times the agency fails to communicate with the adult.

I will move along to several other points in terms of the plans for a 1971 White House Conference on Aging.

We have a special interest section in the Adult Education Association of the United States, a section dedicated to education for aging working toward preparation for the 1971 White House Conference. Hopefully, they will introduce within the White House Conference a greater emphasis concerned with continuing education for adults than had been in the 1961 Conference.

I have met with the State directors of adult continuing education from each of the States. They are concerned with the development of programs for the older adult, as well as with newer, more effective methods to implement coordination with the Older American Act.

They wish to utilize more effectively, the limited Adult Basic Education Act funds, coordinating such funds with other funding sources. The adult basic education program now provides for adult education through high school equivalency. Little has been done in many of the States toward implementing educational opportunities, with the Division of Aging, or similar agencies for the aging.

By Mr. McGOVERN:

S. 1039. A bill to provide public financing of certain campaign costs incurred in campaigns for election to Federal office, to insure full public disclosure of campaign finances, and to regulate unfair campaign practices. Referred to the Committee on Finance.

Mr. McGOVERN. Mr. President, I introduce today the Federal Campaign Assistance and Disclosure Act, a bill which deals with the serious threat to the effective functioning of our democratic system caused by the skyrocketing costs of political campaigns.

The need for legislative action on campaign financing is urgent, especially in view of President Nixon's veto of the bill limiting television campaign expenditures.

The costs of political campaigns have been multiplying rapidly and constantly and there is no end in sight.

In 1952, presidential campaign spending amounted to $17.2 million. The Citizens Research Foundation reports that, if both prenomination and postnomination expenses are included, the cost of the 1968 presidential campaign exceeded $100 million. This rate of increase far outstrips the combined effects of inflation and population growth.

In 1970, the spending total for all U.S. Senate, House and Governor races has been estimated at $200 million, a new record for a nonpresidential year.

No State, large or small, and no region of the country is unaffected by the rising campaign costs. The cost in New York has been estimated at $20–25 million in 1970. In Wyoming, where there were three contests, spending reached $6.00 per ballot cast on election day.

We are all well aware that the spiraling costs of broadcasting account for much of the increased costs of campaigning. Broadcast spending in the 1968 presidential election shot up 70 percent over 1964. Whatever the value of television campaigning, all candidates seem to be engaged in a contest to spend as much and appear as much as their opponents, no matter what the cost.

Candidates cannot, under present conditions, raise the necessary sums in small gifts from contributors within their own States. They must turn to major contributors, the well-known fat cats. Time magazine estimates that 90 percent of political gifts are donated by 1 percent of the population.

The dependence of political candidates on the help of major contributors raises fears that the candidates will be beholden to their supporters. This concern, which eats away at public confidence in the political system, must be ended. In addition, if individuals contribute to campaigns and feel their contributions are meaningful, they have a greater sense of political responsibility.

Political contributions and spending are virtually impossible to trace or to police adequately under present statutes. Reporting laws are nonexistent or ludicrously loose and open the way for hidden influence by large contributors.

Recently the traditional post-election press reports have demonstrated that Federal statutes (notably the Corrupt Practices Act and the Hatch Act) are notoriously ineffective, routinely ignored and seldom enforced. There are abuses

in filing reports and in avoiding limits on the type or amounts of contributions.

What are the results of the present system of campaign financing?

Candidates who do not have adequate personal wealth or are not the recipients of large contributions either are financially disqualified from running or seek office at great disadvantage.

Our political system is shifting so as to favor money, not merit. The nature of the representative system is threatened when people no longer participate equally in the electoral process. Our system has begun to reflect a distorted version of "one man, one vote." Public officials may become more responsive to the special interests on which they depend for campaign financing than on the voters on whom they depend to be elected.

And whatever the public thinks of the ethics of public officials, it will think less of us if we continue to protect ourselves with outmoded laws and special loopholes. Instead, we should protect the public interest with laws embodying adequate safeguards and mechanisms for increasing citizen participation.

The Federal Campaign Assistance and Disclosure Act provides a comprehensive set of proposals for the reform of political finance.

The act would provide for direct financial assistance to be paid to candidates for the Presidency, the Senate and the House, both in general and primary elections. This assistance would come from the Federal Treasury.

The Treasury would make payments directly to those providing goods and services to the candidates, not to the candidates themselves. The total amount of assistance made available on behalf of a candidate would be determined by a strict mathematical formula.

The direct financial assistance would be intended to insure that all candidates, whatever their means or access to financing, would be able to campaign. But this assistance would not be designed to replace individual contributions. On the contrary, this bill would encourage small contributions, which would be limited to $50 per donor per political contest. A tax credit would be allowed for half of the first $50 of any political gift with a maximum of a $100 credit.

The bill provides that media charges could be prevented from becoming exorbitant.

Minor parties and new parties would be eligible for limited assistance as a result of the number of votes previously cast for them or by submitting petitions with an adequate number of signatures.

A key feature of the bill is that enforcement of the disclosure provisions would be based on automatic monitoring of each candidate by his opponent. The bill provides for full reporting by all political committees, daily report by all suppliers of services to candidates, publication of candidates' reports in newspapers and the establishment of a supervisory Federal Elections Commission. It also prescribes effective postelection corrective procedures in case of violation of the act.

Presidential debates would be made possible through the permanent suspension of the equal time provisions of the Communications Act.

Finally, the bill contains a provision limiting the total amount that may be expended by any candidate in a political campaign to an amount equal to two times the Federal contribution. This ceiling would be set at a level that would not, in any way, discourage small contributors. By setting a ceiling on campaign spending, we can be sure that no candidate will be required to spend an inordinate amount of time raising funds to the detriment of his political campaigning. Such a ceiling would also serve to guarantee that a candidate who depended primarily on the direct Federal assistance would not be completely outdistanced by a candidate who could supplement this assistance with an almost limitless number of private contributions.

In his veto of the bill to limit campaign spending through the media, the President indicated that what was needed was a more comprehensive approach. I believe the Federal Campaign Assistance and Disclosure Act embodies this approach. It is designed in such a way as to deny partisan advantage to either the Democrats or the Republicans.

This act is designed to allow each candidate the right to determine how he will spend the resources available for his campaign. If he desires to spend all of his campaign funds on television, he may do so.

This act is designed to eliminate the hypocrisy bred by our present reporting laws.

Most importantly, this act is designed to increase the participation of all citizens in our political process. It aims at restoring their faith in the honesty of that process by making the process more honest. It would enable them to feel that their contributions were meaningful and valued, not insignificant in comparison with the resources of the great and special interests.

For these reasons, I commend this bill to the attention of the Senate and ask for its consideration along with other proposals on this subject. There is an urgent need for action now if we are to have improved legislation on the books prior to the next national electoral contest in 1972.

Mr. President, I ask unanimous consent that at this point a summary of the principal features of the Federal Campaign Assistance and Disclosure Act together with the text of the proposed act be printed.

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

S. 1039

A bill to provide public financing of certain campaign costs incurred in campaigns for election to Federal office, to insure full public disclosure of campaign finances, and to regulate unfair campaign practices

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Campaign Assistance and Disclosure Act".

TITLE I—CAMPAIGN ASSISTANCE

DEFINITIONS

SEC. 101. As used in this title—

(1) "Candidate" means a candidate for nomination for election, or election, to Federal office;

(2) "Federal office" means the office of President of the United States, or Senator or Representative in, or Resident Commissioner or Delegate to, the Congress of the United States;

(3) "Fund" means the Federal Campaign Assistance Fund established under section 103;

(4) "Major party" means—

(A) any political party whose candidate received 30 percent or more of the total votes cast in the next preceding general election for the same office as the election for which campaign assistance is sought under this Act; or

(B) any candidate not affiliated with a political party who, as such a candidate, received 30 percent or more of the total votes cast in the next preceding general election for the same office as the election for which campaign assistance is sought under this Act;

(5) "Minor party" means any political party or individual seeking assistance under this Act and failing to meet the definition of "major party" set forth in clause (4) of this section;

(6) "Campaign expenses"—

(A) means expenses incurred by a candidate for or in connection with his campaign for election to Federal office (including primary and general elections for such office) for which the candidate has received an invoice, the salary of any person employed by or on behalf of a candidate for purposes of his campaign, and such other easily verifiable expenses as the Secretary may prescribe by regulation; but

(B) does not include the salary of a candidate;

(7) "Secretary" means the Secretary of the Treasury.

PURPOSE

SEC. 102. It is the purpose of this title to provide public financing of certain costs incurred by candidates in campaigning for election, thereby increasing the opportunities for meaningful participation in political contests for Federal office without regard to the financial resources available to individual candidates.

ESTABLISHMENT OF THE FUND

SEC. 103. (a) There is established within the Treasury a Federal Campaign Assistance Fund. Payments shall be made from the Fund by the Secretary in accordance with the provisions of section 104. Any funds made available for the payment of campaign expenses under this title which are not paid out within six months after the election for which they were made available shall revert to the Fund. Any money in the Fund not needed for current operations shall be invested in bonds or other obligations of, or guaranteed by, the United States.

(b) To carry out the provisions of this section, there are authorized to be appropriated to the Fund—

(1) an initial appropriation of $300,000,000; and

(2) such additional amounts thereafter as may be necessary to meet obligations incurred in accordance with the provisions of this title.

PAYMENTS FROM THE FUND

SEC. 104. (a) On application by any candidate, the Secretary shall pay, out of any money in the Fund available for the payment of such candidate's campaign expenses, to any person who has furnished services or products to the candidate for which payment may be made under this title the amount

charged the candidate by such person for such services or products. The application shall be accompanied by an invoice submitted by the person to receive payment describing the services or products furnished the candidate, together with a sworn statement by such person certifying that the charges are not in excess of amounts usually charged for similar services and products by such person, and stating the total amount of services and products furnished by such person to the candidate for the purposes of that campaign, whether or not payment for such services and products was made from the Fund. No part of any amount paid from the Fund to a person under this section shall be paid or delivered to or received by the candidate or political committee to whom the services and products for which payment is made were furnished. Violation of the provisions of this section is a misdemeanor punishable by a fine not to exceed $1,000, in addition to other penalties provided by law.

(b) Applications for payment from the Fund shall be submitted not earlier than 90 days before, nor later than 30 days after, the date of the election in connection with which the goods and services were furnished for which payment is requested.

(c) Whenever the Secretary determines that amounts remaining in, or available to, the Fund will be, or may be expected to be, inadequate to meet obligations arising under this section, he shall—

(1) advise the Congress of his determination, together with a recommendation concerning the amount which must be added to the Fund in order to meet fully such obligations during the current fiscal year; and

(2) notify by registered or certified mail each candidate currently entitled to receive payment of his campaign expenses from the Fund that the amount which is available to him under the provisions of this title may be reduced.

(d) Whenever the Secretary makes a determination under subsection (c), he shall reduce the amount available for the payment of the campaign expenses of each candidate by a percentage equal to the percentage obtained by dividing (1) the total amount to which all candidates who are qualified at the time of such determination to have campaign expenses paid from the Fund are entitled (less any amounts already paid at such time to such candidate) into (2) the amount remaining in the Fund at the time of such determination. The Secretary shall notify such candidates by registered or certified mail of the reduced amounts available to them. If, as a result of a reduction under this subsection in the amount available to any candidate, payments have been made from the Fund for such candidate's campaign expenses in excess of the amount to which he is entitled, such candidate shall be liable for repayment to the Fund of such excess under such procedures as the Secretary may establish by regulation.

DETERMINATION OF AMOUNTS PAYABLE

SEC. 105. (a) (1) The amount payable from the Fund for the campaign expenses of any major party candidate which are incurred to connection with a primary election held for the purpose of nominating a candidate for election to Federal office other than the Presidency in an amount equal to 25 cents multiplied by the average number of votes cast in the next preceding 2 general elections for such office in the district from which such candidate seeks election.

(2) The amount payable from the Fund for the campaign expenses of any major party candidate incurred in connection with a general or special election held for the purpose of electing a candidate to Federal office other than the Presidency is an amount equal to 50 cents multiplied by the average number of votes cast in the next preceding 2 general elections for such office in the district from which such candidate seeks election.

(b) (1) The amount payable from the Fund for the campaign expenses of any major party candidate for President incurred in connection with a primary election held for the expression of a preference for the nomination of persons for election to the office of President is an amount equal to 12.5 cents for each vote cast for President in the next preceding Presidential election in the State in which the primary election is held. No amount shall be payable under the provisions of this paragraph for such campaign expenses in any State unless the candidate's name appears on the official primary election ballot of such State.

(2) The amount payable from the Fund for the campaign expenses of any major party candidate for President incurred in connection with the general Presidential election is an amount equal to 25 cents for each vote cast for President in the next preceding Presidential election in any State in which the candidate's name appears on the official election ballot.

(c) The amount payable from the Fund for the campaign expenses incurred by any minor party candidate in an election campaign in any State is to be determined as follows:

(1) for a minor party candidate representing a party whose candidate received at least 20 percent of the total votes cast in the next preceding general election for the same office, an amount equal to one-half of the amount available to any major party candidate in the same election campaign;

(2) for a minor party candidate representing a party whose candidate received at least 10 percent but less than 20 percent of the total votes cast in the next preceding general election for the same office, an amount equal to one-third of the amount available to any major party candidate in the same election campaign; and

(3) for a minor party candidate representing a party whose candidate received less than 10 percent of the total votes cast in the next preceding general election for the same office, and for any other candidate required by section 107 of this title to qualify by petition for assistance under this title, an amount equal to one-fifth of the amount available to any major party candidate in the same election campaign.

(d) No amount in excess of 20 percent of the total amount payable from the Fund for the campaign expenses of any candidate incurred in connection with any election campaign is payable for the salaries of all persons employed by or on behalf of such candidate for purposes of such campaign.

(e) No amount shall be payable from the Fund for the campaign expenses of any candidate incurred in connection with an election campaign in which he is not opposed by another candidate for the same nomination or for election to the same office.

(f) Amounts made available from the Fund for the payment of campaign expenses incurred in connection with a primary election campaign may not be expended for any debt incurred after the date on which such election is held, nor may any amount made available for the payment of campaign expenses incurred in connection with a general election campaign be expended for any debt incurred in connection with a primary election campaign.

NEW ELECTION DISTRICTS

SEC. 106. For the purpose of determining the amount which is available from the Fund to pay the campaign expenses of any candidate who is campaigning for election to the House of Representatives from a district which has been established, or whose boundaries have been altered, since the next preceding general election for such office, the calculation of such amount and the determination of whether such candidate is a major or minor party candidate shall be made by the Secretary based upon the number of votes cast in the next preceding general election for such office by voters residing within the area encompassed by the new or altered district.

NEW CANDIDATES AND NEW PARTIES

SEC. 107. (a) A minor party candidate representing a party whose candidate received less than 10 per cent of the total votes cast in the next preceding general election for the same office and any other candidate not entitled to receive payment by the Fund of his campaign expenses under the provisions of section 105(a), (b), or (c) (1) or (2), may qualify for such payment in an amount equal to one-fifth of the amount available from the Fund to any major party candidate in the same election campaign by presenting to the Secretary, in such form and with such certification as the Secretary may require, evidence of the candidate's qualifications to participate as a candidate in the election under the laws of the jurisdiction within which the selection is being held, and—

(1) in the case of a primary election, a petition signed by a number of voters, who are qualified to vote in that primary, equal to 1 percent of the total number of votes cast in the next preceding general election for the office sought or 1,000 such signatures, whichever number is greater; and

(2) in the case of a general or special election, a petition signed by a number of voters, who are qualified to vote in that election, equal to 2 percent of the total number of votes cast in the next preceding general election for the office sought or 2,000 such signatures, whichever number is greater.

(b) Any petition used for securing signatures for the purpose of obtaining assistance under this title, except a petition required by State law and whose form is established under State law, shall set forth prominently at the top and bottom of each page of such petition, in no less than 24 point type, the words, "PETITION FOR FEDERAL CAMPAIGN ASSISTANCE", and the candidate's party affiliation.

(c) Whenever the laws of any jurisdiction require that a candidate secure the signature of a certain number of persons before his name may appear on the ballot, any signatures secured by a candidate for that purpose may be counted toward the percentage and numerical requirements of subsection (a) if, at the time of securing such signatures, the candidate gives notice, in such form and manner as the Federal Elections Commission shall prescribe, that such signatures will be used to obtain Federal campaign assistance.

(d) The Federal Elections Commission, established under title III of this Act, shall enter into arrangements, by contract, grant, or otherwise, with appropriate agencies of each State or its political subdivisions for the verification of signatures required under this section, and shall certify to the Secretary any candidate meeting the requirements of this section. No amount shall be paid from the Fund for the campaign expenses of any candidate required to qualify for such payment by petition under this section unless his qualification under this section is certified to the Secretary by the Federal Elections Commission.

RUNOFF ELECTIONS

SEC. 108. When a runoff election is necessary in order to determine the winner of any election for which assistance is available under this title, there shall be available to any candidate in the runoff election, for the payment of campaign expenses incurred in connection with such runoff election, an

amount equal to the amount which was available for the payment of the campaign expenses incurred by him in the election which made the runoff necessary.

LIMITATION ON CAMPAIGN EXPENSES

SEC. 109. (a) No candidate may incur campaign expenses in excess of an amount equal to two times the amount payable for his campaign expenses under sections 105 and 107 (without regard to any reduction of such amount under section 105(d) in connection with his campaigns for nomination for election, and election, to any Federal office.

(b) For purposes of this section—

(1) campaign expenses incurred by the candidate of any political party for the office of Vice President of the United States shall be held and considered to have been incurred by such party's candidate for the office of President; and

(2) expenditures made by a political committee or any person other than a candidate for the purpose of influencing the outcome of any primary, general, or special election for candidates for Federal office, shall be held and considered to be campaign expenses of the candidate for whose benefit such expenditures were made.

(c) Any person who violates the provisions of this section by incurring campaign expenses as, or for the benefit of, a candidate in any amount in excess of the limitations of this section shall be fined an amount equal to such amount.

TITLE II—TAX CREDIT

TAX CREDIT FOR CAMPAIGN CONTRIBUTIONS

SEC. 201. (a)(1) Part IV of chapter 1A of subtitle A of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new section:

"SEC. 41. FEDERAL POLITICAL CAMPAIGN CONTRIBUTIONS

"(a) In General.—There shall be allowed to an individual as a credit against the tax imposed by this chapter in any taxable year one-half of any campaign contribution of up to $50 made by him during such year to any candidate for nomination for election to or election to the Senate, the House of Representatives, or the Presidency.

"(b) Limitation.—The amount of the credit allowed under subsection (a) of this section shall not exceed $100 in any taxable year for any individual taxpayer."

(2) The table of sections contained in subpart A of part IV of chapter 1A of subtitle A of such Code is amended by adding at the end thereof the following:

"SEC. 41. Federal political campaign contributions."

(3) The amendment made by subsection (a)(1) of this section shall apply only with respect to taxable years beginning after December 31, 1970.

(b)(1) Part VIII of chapter 61A of subtitle F of the Internal Revenue Code of 1954 (relating to designation of income tax payments to presidential election campaign fund) is repealed.

(2) The chapter analysis of subtitle F of such code is amended by striking out the item relating to part VIII of chapter 61A.

(c) The Presidential Campaign Fund Act of 1966 (80 Stat. 1587) is repealed.

TITLE III—DISCLOSURE OF FEDERAL CAMPAIGN FINANCING DEFINITIONS

SEC. 301. When used in this title—

(1) "election" means (A) a general, special, or primary election for the selection of a member of the Senate or the House of Representatives (including Delegate and Resident Commissioner), or the President, or a candidate for any of such offices, or (B) a primary election held for the expression of a preference for the nomination of persons for election to the office of President or Vice President;

(2) "candidate" means an individual who seeks nomination for election, or election, to Federal office, and for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election, if he (A) has taken the action necessary to have his name appear as a candidate on an election ballot, or (B) has received contributions or made expenditures, or has given his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election, or such an office;

(3) "Federal office" means the office of President or Vice President of the United States; or of Senator or Representative in, or Resident Commissioner or Delegate to, the Congress of the United States;

(4) "political committee" means any committee, association, or organization which accepts contributions or makes expenditures on behalf of a candidate, or for the purpose of influencing the outcome of an election, in an aggregate amount of $1,000 or more in any calendar year;

(5) "contribution" means—

(A) a gift, donation, payment, or loan of money or any thing of value, made for the purpose of influencing the nomination for election, or election, of any person to Federal office or as a presidential and vice-presidential elector, or for the purpose of influencing the result of a primary held for the expression of a preference for the nomination of persons for election to the office of President and Vice President;

(B) a transfer of funds between, but not expenditures of, political committees;

(C) any financial assistance received from the Federal Campaign Assistance Fund established under title I of this Act;

(D) the payment, by any person other than a candidate or a political committee, of compensation to an individual for personal services rendered for such purposes to or on behalf of such candidates or committee, including the continuation of regular salary or compensation of an employee assigned temporarily to such candidate or commmittee by his employer; and

(E) a special edition or extra press run of a newsletter, newspaper, or other publication of an organization in which there is an advertisement or editorial endorsement of any candidate or such other extraordinary activity by any organization on behalf of or in opposition to any candidate as the Commission may define as a contribution by published regulation of general application;

(6) "expenditure" means a purchase, payment, loan, advance, deposit, or gift of money or any thing of value, made for the purpose of influencing the nomination for election, or election of any person to Federal office, or as a presidential and vice-presidential elector, or for the purpose of influencing the result of a primary held for the expression of a preference for the nomination of persons for election to the office of President and Vice President, and includes a transfer of funds between political committees for such purposes;

(7) "person" means an individual, partnership, committee, association, corporation, labor organization, and any other organization or group of persons;

(8) "State" means any of the United States, the District of Columbia, or Puerto Rico.

PURPOSE

SEC. 302. It is the purpose of this title to insure the prompt public availability of information concerning the sources of funds used in Federal political campaigns and the nature and amounts of expenditures made in connection with such campaigns and to provide a mechanism for overseeing the reporting of campaign financing and insuring the full and accurate disclosure thereof.

FEDERAL ELECTIONS COMMISSION

SEC. 303. (a) There is hereby created a Federal Elections Commission (hereinafter referred to as the "Commission") which shall be composed of five members, not more than three of whom shall be members of the same political party, who shall be appointed by the President, by and with the advice and consent of the Senate. One of the original members shall be appointed for a term of two years, one for a term of four years, one for a term of six years, one for a term of eight years, and one for a term of ten years, beginning from the date of enactment of this Act, but their successors shall be appointed for terms of ten years each, except that any individual chosen to fill a vacancy occurring for reasons other than the expiration of a term shall be appointed only for the unexpired term of the member whom he shall succeed. The members of the Commission shall elect a chairman and a vice chairman from among their number. The term of office of the chairman and vice chairman shall be two years, and no member elected to either office may succeed himself in such office. The chairman shall be responsible on behalf of the Commission for the administrative operations of the Commission, and shall appoint and fix the compensation of such officers and employees as he deems necessary to assist the Commission in the performance of its functions. The vice chairman shall act as chairman in the absence or disability of the chairman or in the event of a vacancy in that office.

(b) A vacancy in the Commission shall not impair the right of the remaining members to exercise all the powers of the Commission and three members thereof shall constitute a quorum.

(c) The Commission shall have an official seal which shall be judicially noticed.

(d) The Commission shall at the close of each fiscal year report to the Congress and to the President concerning the action it has taken; the names, salaries, and duties of all individuals in its employ and the moneys it has disbursed; and shall make such further reports on the matters within its jurisdiction and such recommendations for further legislation as may appear desirable.

(e)(1) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following:

"(56) Chairman, Federal Elections Commission."

(2) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following:

"(94) Members, Federal Elections Commission."

(f) The principal office of the Commission shall be in or near the District of Columbia, but it may meet or exercise any of its powers at any other place and, during election campaigns, establish field offices in such locations as may be appropriate.

(g) Notwithstanding any other provision of law, officers and employees of the Commission shall be subject to the provisions of section 732(a) of title 5, United States Code.

DUTIES OF THE COMMISSION

SEC. 304. (a) The Commission shall—

(1) develop prescribed forms for the making of the reports and statements required by this title;

(2) prepare and publish a manual setting forth recommended uniform methods of bookkeeping and reporting for use by persons required to make reports and statements required by this title;

(3) develop an information retrieval system in order to facilitate access to information obtained under this title;

(4) make the reports and statements filed with it available for public inspection and copying during regular office hours, com-

mencing as soon as practicable but not later than the end of the second day following the day during which it was received, and permit copying of any such report or statement by hand or by duplicating machine, as requested by any person, at the expense of such person;

(5) preserve such reports and statements for a period of 10 years from date of receipt;

(6) compile and maintain a current list of all statements or parts of statements pertaining to each candidate;

(7) prepare and publish an annual report including compilations of (A) total reported contributions and expenditures for all candidates, political committees, and other persons during the year; (B) total amounts expended according to such categories as the Commission shall determine and broken down into candidate, party, and non-party expenditures on the National, State, and local levels; (C) total amounts expended for influencing nominations and elections stated separately; (D) total amounts contributed according to such categories of amounts as the Commission shall determine and broken down into contributions on the Nation, State, and local levels for candidates and political committees; and (E) aggregate amounts contributed to candidates for Federal office by any contributor shown to have contributed the sum of $50 or more;

(8) prepare and publish from time to time special reports comparing the various totals and categories of contributions and expenditures made in preceding election years;

(9) prepare and publish such other reports as it may deem appropriate;

(10) assure wide dissemination of summaries and reports;

(11) make from time to time audits and field investigations with respect to reports and statements filed under the provisions of this title, and with respect to alleged failures to file any report or statement required under the provisions of this title;

(12) report apparent violations of law to the appropriate law enforcement authorities;

(13) enter into arrangements, by contract, grant, or otherwise, with State and local government agencies for the validation of petition signatures under section 107(d) of this Act;

(14) prescribe suitable regulations to carry out the provisions of this title.

(b) For the purpose of any audit or investigation provided for in paragraph (11) of subsection (a) of this section or in section 305(a), the provisions of sections 9 and 10 of the Federal Trade Commission Act (15 U.S.C. 49, 50) are hereby made applicable to the jurisdiction, powers, and duties of the Commission, or any officer designated by it, except that the attendance of a witness may not be required outside of the State where he is found, resides, or transacts business, and the production of evidence may not be required outside the State where such evidence is kept.

COMPLAINT PROCEDURE

SEC. 305. (a) Any candidate who believes a violation of this title has occurred may file a complaint with the Commission. If the Commission determines there is substantial reason to believe such a violation has occurred, it shall make a prompt investigation which shall include an investigation of reports and statements filed by the complainant, as well as of the matter complained of. If, on the basis of such investigation and after affording due notice and opportunity for a hearing on the record, the Commission determines such a violation has occurred, it shall issue an order directing the person committing such violation or the candidate supported by such person to take such action as the Commission determines may be necessary in the public interest to correct the injury occasioned by the violation. Such action may include requiring publication of the fact that a violation has occurred, and the nature thereof, and may also include requiring the person committing such violation or the candidate supported by such person to make public complete statements, in corrected form, containing information required by this title. The Commission may also take action to correct such an injury by making public the fact that a violation has occurred, and the nature thereof, and may also publish statements containing the information required by this title. Any party in interest who is aggrieved by a determination of the Commission under this subsection may, within sixty days after such order is issued, file with the United States court of appeals for the circuit in which he resides or in the United States Court of Appeals for the District of Columbia circuit a petition for review of the action of the Commission in issuing the order. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commission. The Commission thereupon shall file in the court the record of the proceedings on which it based its action, as provided in section 2112 of title 28, United States Code. The findings of fact by the Commission, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commission to take further evidence, and the Commission may thereupon make new or modified findings of fact and may modify its previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall, likewise be conclusive if supported by substantial evidence. The court shall have jurisdiction to affirm the action of the Commission or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(b) If the Commission determines that a member or member-elect of either House of Congress has committed a violation of the provisions of this title, it shall report its determination to the Senate or House of Representatives, as may be appropriate, of the Congress to which such member or member-elect is elected for referral to the appropriate committee.

(c) (1) This subsection is enacted—

(A) as an exercise of the rule-making power of the Senate and the House of Representatives, respectively, and as such it shall be considered as part of the rules of each House, respectively, and shall supersede other rules only to the extent that it is inconsistent therewith; and

(B) with full recognition of the constitutional right of either House to change such rule (so far as relating to the procedure in such House) at any time, in the same manner and to the same extent as in the case of any other rule of such House.

(2) The committee to which such a report is referred shall report its findings and recommendations to the full House within 60 days after such referral.

ORGANIZATION OF POLITICAL COMMITTEES

SEC. 306. (a) Every political committee shall have a chairman and a treasurer. No contribution shall be accepted and no expenditure shall be made by or on behalf of a political committee at a time when there is a vacancy in the office of chairman or treasurer thereof. No expenditure shall be made for or on behalf of a political committee without the authorization of its chairman or treasurer, or their designated agents.

(b) Every person who receives a contribution for a political committee shall, within five days after the receipt of such contribution, render to the treasurer a detailed account thereof, including the amount, the name and address of the person making such contribution, and the date on which it was received. All funds of a political committee shall be kept separate from other funds.

(c) It shall be the duty of the treasurer of a political committee to keep a detailed and exact account of—

(1) all contributions in the amount of $50 or more made to or for such committee;

(2) the full name and mailing address of every person making any contribution, and the date and amount thereof;

(3) all expenditures made by or on behalf of such committee; and

(4) the full name and mailing address of every person to whom any expenditure is made, and the date and amount thereof.

(d) It shall be the duty of the treasurer to obtain and keep a receipted bill, stating the goods and services received for every expenditure of $100 or more made by or on behalf of a political committee. The treasurer shall preserve all receipted bills and accounts required to be kept by this section for periods of time to be determined by the Commission in accordance with published regulations.

REGISTRATION OF POLITICAL COMMITTEES; STATEMENTS

SEC. 307. (a) Each committee which anticipates receiving contributions or making expenditures in an aggregate amount of $1,000 or more in any calendar year shall, within ten days after its organization or, if later, ten days after the date on which it has information which causes it to anticipate it will receive or make contributions or expenditures in such amount, file with the Commission a statement of organization. Each such political committee in existence on the date of enactment of this Act shall file a statement of organization with the Commission at such time as the Commission prescribes.

(b) The statement of organization shall include—

(1) the name and address of the committee;

(2) the names, addresses, and relationship to the committee of any affiliated or connected organizations;

(3) the area, scope, or jurisdiction of the committee;

(4) the name, address, and position of the custodian of the committee's books and records, and other principal officers, including officers and members of the finance committee, if any;

(5) the name, office sought, and party affiliation of (A) each candidate whom the organization is supporting and (B) any other individuals whom the organization is supporting or opposing for nomination or election to public office; or, if the organization is supporting the entire ticket of any party, the name of the party;

(6) a statement as to whether the committee is of a continuing or temporary nature;

(7) what disposition of residual funds will be made in the event of dissolution;

(8) a listing of all banks, safety deposit boxes, or other repositories used;

(9) a statement of whether the committee is required by law to file reports with State or local officers, and if so, the names, addresses, and positions of such officers; and

(10) such other information as the Commission may require by published regulation.

(c) Any change in information previously submitted in a statement of organization shall be reported to the Commission within a ten-day period following the change.

(d) Any political committee which, after having filed one or more statements of orga-

nization, disbands or determines it will no longer receive contributions or make expenditures of $1,000 or more in any calendar year shall so notify the Commission.

REPORTS BY POLITICAL COMMITTEES AND CANDIDATES

SEC. 308. (a) Each treasurer of a political committee and each candidate shall file reports or receipts and expenditures with the Commission, on forms to be prescribed or approved by it. Such reports shall be filed on the 10th day of March, June, and September, in each year, on the fifteenth and fifth days next preceding the date on which an election is held, and also by the fifteenth day after such election. Such reports shall be complete as of such date as the Commission may prescribe which shall not be less than five days before the date of filing. The report which is due after the election shall state, in addition to the information required under subsection (b), the total amount of expenditures made during the campaign for each candidate supported by the committee or in opposition to each candidate whose nomination or election is opposed by the committee and any debts incurred by the committee during such campaign which are not paid as of the reporting date.

(b) Each report under this section shall disclose:

(1) the amount of cash on hand at the beginning of the reporting period;

(2) the full name and mailing address of each person who has made contributions of $50 or more to or for such committee or candidate (including the purchase of tickets for events such as dinners, luncheons, rallies, and similar fund-raising events), together with the amount and date of such contributions;

(3) the name and address of each political committee from which the reporting committee of the candidate received, or to which that committee or candidate made, any transfer of funds, together with the amounts and dates of all such transfers;

(4) each loan to or from any person, together with the full names and mailing addresses of the lender and endorsers and the date and amount of such loan;

(5) each contribution, rebate, refund, or other receipt not otherwise listed under paragraphs (2) through (4);

(6) the total sum of all receipts by or for such committee or candidate during the reporting period;

(7) the full name and mailing address of each person to whom an expenditure of $100 or more has been made by such committee or candidate within the calendar year, and the amount, date, and purpose of each such expenditure;

(8) the full name and mailing address of each person to whom an expenditure for personal services, salaries, and reimbursed expenses of $100 or more has been made, and which is not otherwise reported, including the amount, date, and purpose of such expenditures;

(9) the total sum of expenditures made by such committee or candidate during the calendar year;

(10) the amount and nature of debts and obligations owed by or to the committee, in such form as the Commission may prescribe; and

(11) such other information as the Commission may require by published regulation for the purpose of carrying out its duties under this title.

(c) The reports required to be filed by subsection (a) shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous report only the amount need be carried forward.

STATEMENTS FILED WITH CLERK OF UNITED STATES COURT

SEC. 309. (a) A copy of each statement required by this title to be filed with the Commission shall be filed with the clerk of the United States district court for the judicial district in which is located the principal office of the political committee or, in the case of a statement filed by a candidate or other person, in which is located such person's residence. The Commission may require the filing of reports and statements required by this Act with the clerks of other United States district courts where it determines the public interest will be served thereby.

(b) It shall be the duty of the clerk of a United States district court under subsection (a)—

(1) to receive and maintain in an orderly manner all reports and statements required by this title to be filed with such clerks;

(2) to preserve such reports and statements for a period of ten years from date of receipt, except that reports and statements relating solely to candidates for the House of Representatives shall be preserved for only five years from the date of receipt;

(3) to make the reports and statements filed with him available for public inspection and copying during regular office hours, commencing as soon as practicable but not later than the end of the second day following the day during which it was received, and to permit copying of any such report or statement by hand or by duplicating machine, as requested by any person, at the expense of such person; and

(4) to compile and maintain a current list of all statements or parts of statements pertaining to each candidate.

NOTICE OF GOODS AND SERVICES FURNISHED

SEC. 310. No person shall furnish goods or services of a value in excess of $100 to a candidate or political committee in connection with any election campaign for Federal office without first notifying the Commission of such transaction. For such purposes, the posting of a properly addressed first class letter to the Commission and the clerk of the United States District Court for the judicial district in which is located the candidate's residence or the principal office of the political committee, or the dispatch of a telegram or cable to the Commission and such clerk constitutes notification. The notice shall contain such information as the Commission may require by regulation.

CERTAIN PERSONAL CONTRIBUTIONS

SEC. 311. (a) No person shall contribute an amount in excess of $50 to or for the benefit of any single candidate in any primary, general, or special election.

(b) Any person (other than a political commitee or candidate) who makes contributions or expenditures, other than by contribution to a political committee or candidate, aggregating $100 or more within a calendar year for the purpose of encouraging or opposing the election of any candidate, or influencing the result of a primary held for the expression of a preference for the nomination of persons for election as President and Vice President shall file with the Commission a statement containing such information required by section 307 as the Commission by regulation may require. Statements required by this section shall be filed on the dates on which reports by political committees are filed, but need not be cumulative.

FORMAL REQUIREMENTS RESPECTING REPORTS AND STATEMENTS

SEC. 312. (a) A report or statement required by this title to be filed by a treasurer of a political committee, a candidate, or by any other person, shall be verified by the oath or affirmation of the person filing such report or statement, taken before any officer authorized to administer oaths.

(b) A copy of a report or statement shall be preserved by the person filing it for a period of time to be designated by the Commission in a published regulation.

(c) The Commission shall have authority to modify, suspend, or waive by published regulation of general applicability such of the requirements of sections 307, 308, 309, 310, and 311 as it finds to be unnecessarily burdensome to the persons required to report thereunder or not be necessary to effectuate the purposes or this title. The Commission may, by published regulation of general applicability, relieve any category of political committees of the obligation to comply with section 307 if such committee (1) primarily supports persons seeking State or local office, does not support candidates, and (2) does not operate in more than one State or on a statewide basis.

(d) The Commission shall, by published regulations of general applicability, prescribe the manner in which contributions and expenditures in the nature of debts and other contracts, agreements, and promises to make contributions or expenditures shall be reported. Such regulations shall provide that such contributions and expenditures be reported in separate schedules. In determining aggregate amounts of contributions and expenditures, amounts reported as provided in such regulations shall not be considered until actual payment is made.

PUBLICATION OF REPORTS BY NEWSPAPERS

SEC. 313. (a) A copy of each report to the Commission made under section 308 shall be furnished at the same time to a newspaper of general circulation by the person or organization making such report in accordance with the following:

(1) reports made with respect to a candidate for election to the House of Representatives shall be furnished to such a newspaper within the district from which the candidate seeks election;

(2) reports made with respect to a candidate for election to the Senate shall be furnished to such a newspaper within the State from which the candidate seeks election; and

(3) reports made with respect to a candidate for election to the Presidency shall be furnished to such a newspaper in each State in which the candidate's name appears on the official ballot for the expression of a preference for the nomination of persons for election to such office or for the election of Presidential electors.

(b) The Commission shall cause such reports to be published in the next regular edition of each such newspaper which is issued after the receipt by such newspapers of the reports. In order to carry out the provisions of this subsection, the Commission is authorized to enter into contracts or other arrangements with such newspapers under such regulations as the Commission shall prescribe, and to pay rates for such publication which are not in excess of the rates customarily charged for commercial advertisements.

PROHIBITION ON CONTRIBUTIONS IN NAME OF ANOTHER

SEC. 315. No person shall make a contribution in the name of another person, and no person shall knowingly accept a contribution made by one person in the name of another person.

REPEAL OF EQUAL TIME PROVISION FOR PRESIDENTIAL CANDIDATES; COST OF POLITICAL ADVERTISEMENTS

SEC. 316. (a) The first sentence of section 315(a) of the Communications Act of 1934 (47 U.S.C. 315(a)) is amended by inserting

before the colon a comma and the following: "except that the foregoing requirement shall not apply to the use of a broadcasting station by a legally qualified candidate for the office of President or Vice President of the United States".

(b) Section 315(b) of such Act is amended to read as follows:

"(b) The charges made for the use of any broadcasting station by any person who is a legally qualified candidate for any public office shall not exceed the lowest unit charge of the station for the same amount of time in the same time period."

(c) No publication which is entitled to periodical publication mail privileges under title 39, United States Code, shall charge a rate for advertising purchased by a candidate for Federal office in connection with his campaign for nomination for election to, or election to, such office which is in excess of the rates usually charged by such publication for commercial advertising.

PENALTY FOR VIOLATIONS

SEC. 317. Any person who violates any of the provisions of this title shall be fined not more than $1,000 or imprisoned not more than one year, or both.

STATE LAWS NOT AFFECTED

SEC. 318. (a) Nothing in this title shall be deemed to invalidate or make inapplicable any provision of any State law, except where compliance with such provision of law would result in a violation of a provision of this title.

(b) The Commission shall encourage, and cooperate with, the election officials in the several States to develop procedures which will eliminate the necessity of multiple filings by permitting the filing of copies of Federal reports to satisfy the State requirements.

PARTIAL INVALIDITY

SEC. 319. If any provision of this title, or the application thereof, to any person or circumstance is held invalid, the validity of the remainder of said title and the application of such provision to other persons and circumstances shall not be affected thereby.

REPEALING CLAUSE

SEC. 320. The Federal Corrupt Practices Act, 1925, is repealed.

AUTHORIZATION OF APPROPRIATIONS

SEC. 321. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

PRINCIPAL FEATURES OF "FEDERAL CAMPAIGN ASSISTANCE AND DISCLOSURE ACT"

1. *Federal assistance to campaigns for Federal office:* the bill provides for direct financial assistance to candidates for the Presidency, the Senate and the House, both in the general and primary elections.

2. *Protection against misuse of Federal assistance for candidate's personal benefit:* to insure that the Federal assistance funds will be used for the proper objective of reaching voters rather than for the personal benefit or enrichment of the candidate, the funds are given in such a way that the candidate never sees any of the Federal money. The assistance is in the form of drawing accounts in the Federal Treasury. The candidate would send to the Treasury invoices for any invoiceable goods or services furnished him in connection with his campaign. *The Treasury would send the funds directly to the purveyor of the goods or services, and not to the candidate.* There would be stiff penalties against "kickbacks" to the campaign.

3. *Assistance based on prior general-election votes cast:* for general elections to the Senate and House, the drawing accounts for major-party candidates would amount to 50 cents per vote cast in the average of the last two prior elections for the office in question (to even out off-year vote fluctuation). For Presidential general elections, the drawing account would be computed state by state, in each state in which the Presidential candidate appears on the ballot. For major party Presidential candidates the drawing account would amount to 25 cents per vote cast in the next preceding Presidential election.

Assistance to candidates in primary elections would in all cases amount to one-half the assistance available to major-party candidates in the comparable general election: 25 cents per vote in House and Senate primaries; 12½ cents for Presidential primary candidates—available in Presidential primary states where the Presidential candidate's name appears on the ballot.

Assistance would not be available in uncontested elections.

(For an indication of the drawing accounts that would be available in typical states and congressional districts in 1972 see table A, attached.)

4. *Annual cost of 69 cents per citizen of voting age:* under the above formula, the annual cost of the Federal campaign assistance program (assuming it were in effect in 1972) would amount to $93 million, or 69 cents per U.S. citizen of voting age. (See table B, attached).

5. *Limit of $50 on private contributions:* private gifts would be limited to $50 per giver per political contest.

6. *Partial tax credit to stimulate small gifts:* any taxpayer would be entitled to a tax credit (i.e., a reduction of his tax due) of half of the first $50 of any political gift (with a maximum $100 credit per taxpayer in any year.) That is, he would get a $5 credit for a $10 gift; a $25 credit for a $50 gift, etc.

7. *Total spending limitation:* no funds could be spent for or by a candidate in excess of an amount of two times the amount of the Federal subsidy. This would place a ceiling on total campaign spending without it being so low as to discourage individual contributions.

8. *Reduced rates for radio, TV and newspaper political advertising:* broadcasters and newspapers would be barred from selling time or space to political candidates for Federal office at more than the lowest unit rate at which the broadcaster or newspaper sells comparable time or space to commercial advertisers. It is estimated that this will lower the cost of political broadcast advertising time between 25 and 40 percent.

In no case would the Campaign Assistance Fund honor an invoice containing a premium (more-than-normal) charge for any service.

9. *Minor parties and new parties eligible for partial assistance by petition or prior vote record:* new parties or candidates, or minor parties, would be eligible for drawing accounts one-fifth the size of the major parties if they (a) had polled from 5 to 10 percent of the vote in the last general election or (b) submitted petitions with signatures of registered voters amounting to two percent of the previous general-election vote (but in no event less than 2000 signatures). (For primary candidates, the figures would be 1% or 1000 signatures.)

All petitions must show prominently that they are a "Petition for Federal Campaign Assistance."

Minor party candidates or parties that had polled from 10 to 20 percent of the vote in prior elections would be entitled to drawing accounts one-third the size of the major parties. Those that had polled from 20 to 30 percent would get one-half the major-party drawing account. Those polling over thirty percent would be considered major parties.

10. *Effective disclosure provisions with enforcement based on "automatic monitoring" of each candidate by his opponent:* this bill would plug the many loopholes in the reporting and disclosure requirements of existing law. All political committees supporting or opposing candidates for Federal office would be required to report all contributions and expenditures.

Equally important, rather than relying on a single official commission to monitor 33 separate Senate races and 435 separate House races (plus hundreds of primary contests), the disclosure provisions of this bill are designed to make possible a maximum amount of monitoring of each candidate's expenditures and his fund-raising and expenditure reports by his opponent(s).

Among the principal disclosure provisions of the bill:

a. *Full reporting by all political committees:* the reporting requirements apply to all political committees organized to influence the outcome of a Federal election.

b. *Day to day reports by all purveyors of services to candidates:* a key provision to facilitate a full current accounting of all political expenditures is the requirement that before anyone can furnish a service to a candidate for Federal office, whether or not paid for by the Federal Campaign Assistance Fund, he must report same to the Election Commission established under this bill.

c. *All candidates' reports published in full in newspapers:* the reports of contributions and expenditures required under the bill (March 10, June 10, September 10 and 15 and 5 days before an election) would not only have to be filed with the Elections Commission, but also published in full in a newspaper of general circulation within the relevant state or Congressional district. The publishing of these reports would be at Federal expense.

d. *Establishment of Federal Elections Commission:* bi-partisan, made up of five members serving initially staggered 10-year terms, with appropriate independent staff and authority to establish state offices in election "seasons," the Commission would receive and publish all required reports from candidates, hear and investigate complaints and make findings. In addition, reports would be filed with U.S. District Court clerks to ensure ease of inspection by the public.

e. *Effective post-election corrective procedures:* to address the problem of large last-minute expenditures that may not be reported in pre-election reports (undertaken, perhaps, in the belief that any abuses uncovered after the election will not matter), post-election corrective procedures are provided (complaint to Elections Commission by any aggrieved party alleging a violation; submission to Congress of any Commission finding of a violation; judgment by the appropriate House of Congress of the findings and of the qualification of any member guilty of such violation to sit in the House to which he had been elected.)

11. *Presidential debates would be possible:* the legislation suspends permanently the equal time provisions of the Communications Act to allow broadcasters to present debates and other appearances by major party nominees without giving equal time to minor party candidates.

TABLE A.—TYPICAL DRAWING ACCOUNTS THAT WOULD BE AVAILABLE IN 1972

Office	Votes cast in prior elections (rounded)	General election: Major party drawing account	General election: Minor party: Number signatures required	General election: Minor party: Drawing account	Primary election (major party): Number signatures required	Primary election (major party): Drawing account
President:						
Democrat and Republican	77,300,000	$18,300,000				
American		6,500,000				
Total		43,100,000				
Senate:						
New York, California	7,000,000	3,500,000	140,000	$700,000	70,000	$1,750,000
Illinois, Pennsylvania	4,500,000	2,250,000	40,000	450,000	45,000	1,125,000
Florida, Indiana	2,000,000	1,000,000	40,000	200,000	20,000	500,000
Maryland, Georgia, Connecticut	1,100,000	550,000	22,000	110,000	11,000	225,000
Arizona, Louisiana	500,000	250,000	10,000	50,000	5,000	125,000
South Dakota, North Dakota, Idaho	280,000	140,000	5,600	28,000	2,800	70,000
House:						
Largest district	250,000	125,000	5,000	25,000	2,500	62,500
Large district	200,000	100,000	4,000	20,000	2,000	50,000
Average district	150,000	75,000	3,000	15,000	1,500	37,500
Small district	100,000	50,000	2,000	10,000	1,000	25,000
Smallest district	41,000	20,500	2,000	4,200	1,000	10,250

TABLE B.—SUMMARY OF 1972 COSTS OF FEDERAL CAMPAIGN ASSISTANCE PROGRAM

General elections	Major party drawing accounts: Assistance base (millions of votes)	Major party drawing accounts: Cents per vote	Major party drawing accounts: Amount (millions of dollars)
President (Democrats and Republicans $18,300,000 each, American Party $6,500,000) [1]	73.2	25	43.1
Senate	29.5	50	29.5
House	[2] 56.4	50	56.4
Primary elections:			
President	[4] 36.8	12½	4.6
Senate	[5] 188.0	25	47.0
House	[5] 177.0	25	29.2
Total			209.8
Annual cost (¼ President; ½ House and Senate)			93.0
Annual cost per citizen, 18 and over, cents			69¼

[1] Based on Wallace percentage of vote in each State, in accordance with bill's formula of 5 cents per vote where Wallace received 2–10 percent; 8.3 cents where Wallace received 10–20 percent; 12.5 cents where Wallace recieved 20–30 percent; 25 cents where Wallace received more than 30 percent.

[2] Based on seats regularly up for reelection in 1972. Because many large States have no senatorial election in 1972, this figure is abnormally low. In other years the vote base would be closer to 50,000,000 and the major party drawing accounts would likewise be about $50,000,000.

[3] Based on 1968 total House vote minus 15 percent (assuming average off-year dropoff of 30 percent).

[4] Based roughly on candidates whose names were deliberately on ballots in contested 1968 presidential preference primaries.

[5] Based on number of entrants in 1968 primaries for House and Senate who received more than 1 percent of primary vote. Includes runoff primaries.

By Mr. HOLLINGS (for himself, Mr. MATHIAS, Mr. ALLEN, Mr. BEALL, Mr. CHILES, Mr. COOPER, Mr. CRANSTON, Mr. EASTLAND, Mr. ERVIN, Mr. GRAVEL, Mr. GRIFFIN, Mr. GURNEY, Mr. HART, Mr. HATFIELD, Mr. HUMPHREY, Mr. INOUYE, Mr. JACKSON, Mr. JAVITS, Mr. MCGOVERN, Mr. MAGNUSON, Mr. MUSKIE, Mr. PASTORE, Mr. PELL, Mr. SCOTT, Mr. SPONG, Mr. STEVENS, and Mr. WILLIAMS:)

S. 1053. A bill to authorize a program to develop and demonstrate low-cost means of preventing shoreline erosion. Referred to the Committee on Public Works.

Mr. HOLLINGS. Mr. President, today, along with Senator MATHIAS and 25 cosponsors, I am introducing a bill to authorize $6 million for a 5-year program to develop and demonstrate low-cost means to prevent the eradication of one of our most valuable natural resources—the ocean and Great Lakes shoreline. This bill directs the Corps of Engineers to administer this program, and directs the Secretary of the Army to establish a 15-member shoreline erosion advisory panel which will recommend criteria for selection of demonstration sites, make periodic reviews of the program, and, more importantly, suggest methods to disseminate the information learned about shoreline erosion control devices developed.

The erosion of our shorelines is fast becoming a serious national problem. The U.S. Atlantic, Pacific, and Arctic coastlines total 88,633 miles, and there are 10,980 miles of U.S. coast bordering the Great Lakes. Although there is wide physical diversity of these shorelines, approximately 50 percent of the coastline is susceptible to erosion. The interest in combating this problem is, of course, shared by private landowners, conservation interests, the Federal Government, and the States. Unfortunately, rapid intensified use of our coastal shoreline has surpassed the capabilities and the technology of private interests and local governments to properly preserve the shoreline and effectively prevent erosion from taking place.

As in most ocean coastal and Great Lake States, my State of South Carolina has suffered many costly problems and, in many cases, irreparable harm as a result of shoreline erosion. Marine life has been altered or destroyed, navigable channels have been blocked, and land has literally been lost. Many of these problems, of course, are caused by the natural elements such as waves, tides, currents, land water drainage, and wind. Man has also caused many of these problems through the development of navigational facilities, housing sites, industrial projects, and other programs which have not taken into account the byproduct of shoreline erosion. The fight against this problem is an ancient one, and the list of attempts to combat these forces range from seawalls and dikes to more sophisticated methods of planting artificial seaweed. Certainly the technology is available to properly combat the problem, but there is a lack of technical expertise for low-cost devices and programs. Too often the technical and financial limitations have resulted in ill-advised and mostly ineffective results.

In 1968, Public Law 90–483 authorized the Corps of Engineers to conduct a 3-year study to deal with the overall problem of beach erosion, including surveys of State and local activities, types of remedial action possible, and preliminary cost estimates of such action. This report is due to be completed by August of this year. This study was to generally provide an overall comprehensive assessment of shoreline erosion problems from the national viewpoint. The bill that we introduce is a logical extension of this study in an attempt to determine what methods can be used for "planning, contracting, operating, evaluating, and demonstrating prototype shoreline erosion devices." We should permit the earlier interest of Congress in this area to be followed to its logical conclusion.

As chairman of the Subcommittee on Oceans and Atmosphere, I have earlier this session introduced a bill calling for the development of management plans and programs for our coastal and estuarine zone areas in the United States (S. 582). This modest effort contained in the

bill we are introducing today is a complementary program to such an overall effort for our coastal zone areas. The potential return of such a program is clearly substantial. Financial losses due to shoreline erosion are sizable, and the technical expertise in order to successfully combat these problems is minimal. Consequently, I view this legislation as a wise investment in preserving, restoring, and developing a natural resource that we cannot afford to be irrevocably lost.

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

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

S. 1053

A bill to authorize a program to develop and demonstrate low-cost means of preventing shoreline erosion

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Shoreline Erosion Control Demonstration Act of 1971".

FINDINGS AND PURPOSE

SEC. 2. The Congress finds that because of the importance and increasing interest in the coastal and estuarine zone of the United States, the deterioration of the shoreline line within this zone due to erosion, the harm to water quality and marine life from shoreline erosion, the loss of recreational potential due to such erosion, the financial loss to private and public landowners resulting from shoreline erosion, and the inability of such landowners to obtain satisfactory financial and technical assistance to combat such erosion, it is essential to develop, demonstrate, and disseminate information about low-cost means to prevent and control shoreline erosion. It is therefore the purpose of this Act to authorize a program to develop and demonstrate such means to combat shoreline erosion.

SHORELINE EROSION PROGRAM

SEC. 3. (a) The Secretary of the Army shall establish and conduct for a period of five fiscal years a national shoreline erosion control development and demonstration program. The program shall consist of planning, constructing, operating, evaluating, and demonstrating prototype shoreline erosion control devices, both engineered and vegetative.

(b) The program shall be carried out in cooperation with the Secretary of Agriculture particularly with respect to vegetative means of preventing and controlling shoreline erosion, and in cooperation with Federal, State, and local agencies, private organizations, and the Shoreline Erosion Advisory Panel established pursuant to section 4.

(c) Demonstration projects established pursuant to this section shall emphasize the development of low-cost shoreline erosion control devices located on sheltered or inland waters. Such projects shall be undertaken at no less than two sites on the shoreline of the Atlantic, Gulf, and Pacific coasts and at not less than one site of the Great Lakes. Sites selected should, to the extent possible, reflect a variety of geographical and climatic conditions.

(d) Such demonstration projects may be carried out on private or public lands except that no funds appropriated for the purpose of this Act may be expended for the acquisition of privately owned lands. In the case of sites located on private or non-Federal public lands, the demonstration projects shall be undertaken in cooperation with a non-Federal sponsor or sponsors who shall pay at least 25 per centum of construction costs at each site and assume operation and maintenance costs upon completion of the project.

SHORELINE EROSION ADVISORY PANEL

SEC. 4. (a) No later than one hundred and twenty days after the date of enactment of this Act the Secretary of the Army shall establish a Shoreline Erosion Advisory Panel. The Secretary shall appoint fifteen members to such Panel from among individuals who are knowledgeable with respect to various aspects of shoreline erosion, with representatives from various geographical areas, institutions of higher education, professional organizations, State and local agencies, and private organizations: Provided, That such individuals shall not be regular full-time employees of the United States. The Panel shall meet and organize within ninety days from the date of its establishment, and shall select a Chairman from among its members. The Panel shall then meet at least once each six months thereafter and shall expire ninety days after termination of the five-year program established pursuant to section 3.

(b) The Panel shall—

(1) advise the Secretary of the Army generally in carrying out the provisions of this Act;

(2) recommend criteria for the selection of development and demonstration sites;

(3) recommend alternative institutional, legal, and financial arrangements necessary to effect agreements with non-Federal sponsors of project sites;

(4) make periodic reviews of the progress of the program pursuant to this Act;

(5) recommend means by which the knowledge obtained from the project may be made readily available to the public; and

(6) perform such functions as the Secretary of the Army may designate.

(c) Members of the Panel of the United States shall, while serving on business of the Panel, be entitled to receive compensation at rates fixed by the Secretary of the Army, but not in excess of $100 per day, including traveltime; and, while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in Government service employed intermittently.

(d) The Panel is authorized, without regard to the civil service laws, to engage such technical and other assistance as may be required to carry out its functions.

Mr. MATHIAS. Mr. President, I am pleased to join the distinguished Senator from South Carolina (Mr. HOLLINGS) in introducing legislation authorizing the Corps of Engineers to establish and conduct a 5-year program for the development and demonstration of low-cost ways to control shoreline erosion.

At a time of growing attention to the future of our coastal areas, this bill offers a modest but essential start toward combating a perennial problem and literally saving the shores of our seacoasts, estuaries, and the Great Lakes.

Shoreline erosion by the continuous action of waves and wind is certainly not as spectacular as the damage wreaked by hurricanes and storms. Over a period of years, however, this quiet, persistent erosion can change the contours of our shores as much as can a major natural disaster. Valuable coastal land can be gradually eaten away. Public beaches and recreation areas can be eliminated or moved. Navigable channels can be clogged by sediment. Marine life in offshore waters can be harmed as currents shift and spawning areas change.

In my own State of Maryland, erosion has worn down both the high cliffs along the western shore of the Chesapeake Bay, and lowlands such as the sandy beaches of Point Lookout, Assateague Island, Ocean City, and the marshes of the Eastern Shore. In fact, it is estimated that in Maryland alone, some 300 acres of land are lost each year to shoreline erosion.

The problem is particularly serious for the local governments and individuals who own fairly small parcels of coastal land and cannot afford to invest large sums in massive protective systems such as seawalls and jetties. For these owners, there often seems to be no remedy for the frustration of watching one's property being slowly eaten away or rearranged by the elements.

Ironically, to date we have focused public resources on curbing erosion primarily where it has reached crisis proportions. The Army Corps of Engineers and other agencies have gained considerable expertise in protecting shorelines most often exposed to severe storms and wave damage. But we know far less about the more modest approaches which would be sufficient in more sheltered areas.

This legislation is designed to fill that gap. It would establish a 5-year demonstration program to develop, test, operate and evaluate low-cost shoreline erosion control methods, focusing on the needs of sheltered and inland shore areas. Both engineered and vegetative control devices would be tested at a variety of sites on the Atlantic, gulf, and Pacific coasts and along the Great Lakes. At the conclusion of the 5-year program, the Secretary of the Army would be directed to make a comprehensive report to Congress on the results of the demonstration efforts and recommendations for future work and legislation.

Mr. President, this would be an extremely modest program, limited to not more than $6 million over its 5-year life. It is intended simply as a demonstration in a field in which more knowledge and experimentation are badly needed.

In my judgment this bill is extremely timely. It would be folly, in fact, to allow our shorelines to continue to slip away while we debate strategies for protecting them and channeling the use of our coastal resources. Through the legislation I am introducing today, we can find better ways to save our shores and minimize the loss of land which now continues every day.

By Mr. CURTIS (for himself, Mr. ALLOTT, Mr. BENNETT, Mr. ERVIN, Mr. FANNIN, and Mr. TOWER):

S. 1055. A bill to amend the National Labor Relations Act with respect to refusals to bargain. Referred to the Committee on Labor and Public Welfare.

Mr. CURTIS. Mr. President, today I introduce a bill as an amendment to section 8(a)(5) of the National Labor Relations Act. The purpose of this bill is to prevent the National Labor Relations Board from circumventing the employee election provisions of section 9 of that statute. My bill would prevent the Labor Board from using such discredited de-

vices as the card check to force employers and employees to accept a particular union as the bargaining agent.

It may be useful at this point, Mr. President, to cite a little history of this situation. Under the 1935 Wagner Act the National Labor Relations Board justified the card check practice by a reliance on the statute as then written. Section 9(c) of the Wagner Act authorized a "secret ballot—or—any other suitable method" to determine the wishes of employees as to union representation. In passing the Taft-Hartley Act in 1947, however, Congress struck out the language authorizing "any other suitable method." This was done to prevent the Labor Board from using the card check or any other device which would saddle employees with a union they had not chosen by secret ballot.

One would have thought, Mr. President, that such a clear directive by Congress would have caused the Labor Board to stop completely the discredited use of card checks in either representation proceedings or in refusal-to-bargain proceedings. Regrettably, this has not been the case. In recent years, through a long series of cases, the Labor Board has reinstituted the card check practice as though Congress had never spoken at all.

Mr. President, my bill would not disturb the practice under which for years thousands of employers and thousands of unions have entered into collective bargaining arrangements, based on the employer's voluntary and lawful recognition of a union which is in fact the legitimate representative of the majority of employees in a bargaining unit. My amendment does provide, however, that if there is not such a voluntary and lawful recognition, then there must have been a secret ballot election among the employees before the National Labor Relations Board can force an employer to deal with a union as the representative of the employees concerned. By this means the discredited card check practice will be eliminated without interfering with the rights of employees and employers to enter into voluntary lawful recognition arrangements where a union is in truth the representative of the majority of employees concerned.

Mr. President, I can think of no amendment more in keeping with the basic American sense of justice and fair play than this one. The secret ballot is an honored element in American life. I know of no reason why this Congress should permit is to be denied to the working men and women of America.

Joining me in presenting this bill today, Mr. President, are Senators ALLOTT, BENNETT, ERVIN, FANNIN, and TOWER.

By Mr. EAGLETON:

S.J. Res. 59. Joint resolution regarding the powers of the Congress and the President to commit the Armed Forces of the United States to hostilities Referred to the Committee on Foreign Relations.

Mr. EAGLETON. Mr. President, I am introducing today a joint resolution which attempts to define clearly the constitutional roles of Congress and the executive in warmaking.

Over the past 2 years, Congress has debated this question with regard to the war in Southeast Asia. We have succeeded in establishing some limits on the scope of U.S. activities outside South Vietnam.

Nevertheless, the respective powers of Congress and the Executive in the most crucial area of public policy—warmaking—remain ill defined. In the interest of restoring public confidence in our national decisionmaking process, and, indeed, in the interest of our national security, I consider it critically important that we clearly specify the areas in which unilateral Presidential military action is constitutionally acceptable, and necessary in the present-day context.

My joint resolution sets forth well-defined limits on both congressional and Executive powers. It deals with the question of when the President can commit troops to hostilities without congressional sanction and when he cannot. It defines the Presidential power to protect American troops and citizens; and it restates the principle that any commitment, whether in the form of a treaty or an executive agreement, cannot bind this country to future hostilities without further congressional approval.

SUMMARY OF MAJOR PROVISIONS

The preamble asserts that the power of Congress to declare war means that the Congress can and must initiate, define, and limit the scope of hostilities; that the power of Congress to enact laws respecting the raising and use of such Armed Forces includes power to govern their deployment in any foreign country; and that the appropriations power authorizes the Congress to allocate funds so as to circumscribe the overall scope of hostility and the use of the Armed Forces of the United States.

The preamble also notes that the President, as Commander in Chief and Chief Executive possesses the power to conduct hostilities initiated by the Congress and to respond to, and repel, attacks on the United States, its Armed Forces, and under certain circumstances, to rescue endangered citizens of the United States located in foreign countries.

The body of the resolution further defines the scope of these constitutionally mandated powers.

Section 1 recognizes that—

No treaty previously or hereafter entered into by the United States shall be construed as authorizing or requiring the armed forces of the United States to engage in hostilities without further Congressional authorization.

This provision comports with the Constitution, since treaties themselves are voted on only by the Senate, whereas the Constitution requires both the House and the Senate to decide when we go to war.

Section 2 deals with the instruments through which Congress authorizes the President to engage in war—"a declaration of war, statute, or joint resolution." It explicitly states that congressional authorization shall not be inferred from legislative enactments, including appropriations bills, which do not specifically include such authorization. For instance, money contained in authorization or appropriation bills for such items as "military assistance," which may include military advisors, cannot be considered as congressional authorization for the President to engage U.S. troops in hostilities.

Section 2 also acknowledges that when hostilities are legitimately authorized, the President, regardless of the limitations contained in the specific authorizing legislation, can order the U.S. Armed Forces to "enter, invade, or intrude upon the territory or air space of a country with which the United States is not then engaged in hositilities," when:

(a) in "hot pursuit," which this resolution specifically defines, or

(b) when a clear and present danger exists of imminent attack on the United States or its forces.

Section 3 recognizes, as the Constitution does, that there may be circumstances under which the President may commit the Armed Forces of the United States to hostilities without a governing congressional auhorization. Under section 3 of the resolution, the President is authorized to:

(a) "repel an attack *on the United States* by military forces with whom the United States is not engaged in hostilities at the time of such attack and to eliminate or reduce the effectiveness of any future attacks by such military forces which are commiting the attack being repelled; and

(b) "repel an attack *on the Armed Forces* of the United States by military forces with whom the United States is not engaged in hostilities at the time of such attack and concurrently to eliminate or reduce any clear and present danger of future attacks by the military forces which are commiting the attack being repelled; and

(c) "Withdraw citizens of the United States, as rapidly as possible, from any country in which such citizens, there due to their own volition and with the express or tacit consent of the government of such country, are being subjected to an imminent threat to their lives, either sponsored by such government of beyond the power of such government to control:

Provided, That the President shall make every effort to terminate such a threat without using the Armed Forces of the United States; *And provided further*, That the President shall, where possible, obtain the consent of the government of such country before using the Armed Forces of the United States."

A previous draft of the resolution contained a provision which sanctioned a preemptive strike to avoid "the clear and present danger of an imminent attack on the United States by military forces with which the United States is not engaged in hostilities at such time to the extent necessary to eliminate such danger." It has been deleted.

In a sane world dependent on the universal acceptance of mutual deterrence for its survival, a first strike should not be sanctioned.

No one can guarantee that some time, some day, a demented world leader will not attempt an irrational nuclear attack on the United States. This remote possibility may be reason enough to justify an explicit grant of power to the Presi-

dent to act unilaterally and preemptively. This point should be debated at far greater length.

However, in my opinion, all any War Powers Resolution can expect to achieve is to hold a President legally and politically accountable for his actions. The consequences of a nuclear holocaust make the question of political and legal responsibility moot.

Section 3(c) pertains only to the withdrawal of private citizens of the United States and not, for example, to the protection of their property.

It would not permit the President to rescue prisoners of war by invading the territory of a country if the United States were not engaged in authorized hostilities with it. Obviously, in such a case the President could and should come to Congress for additional authorization. As Commander in Chief during authorized hostilities, the President could rescue U.S. prisoners of war held in a belligerent nation.

Section 4 provides that if hostilities are initiated unilaterally by the President under section 3, without specific congressional authorization, the President shall report to Congress the circumstances "under which such hostilities were initiated, the estimated scope of such hostilities, and the consistency of such hostilities with the provisions of section 3." The Congress must then decide, in not more than 30 days, whether to continue or terminate such hostilities. This resolution then spells out the specific provisions modeled after those contained in Senator JAVITS' bill to insure congressional action within the required 30-day time period.

While authorized hostilities are in progress, the President is required to report to the Congress periodically under section 5.

Section 6 defines the "hostilities" governed by the resolution to include the deployment of U.S. forces outside the United States under circumstances where an imminent involvement in combat activities is a reasonable possibility. It also recognizes that the assignment of United States soldiers to "accompany, command, coordinate, or participate, in the movement of regular or irregular armed forces of any foreign country when such foreign armed forces are engaged in any form of combat acivity," should also be defined as "hostilities."

Finally, in an attempt to elevate this resolution from the morass of vitriolic feelings that many of us share over the Indochina war, section 7 states that—

> This resolution shall not apply to hostilities commenced before the enactment of the resolution.

I have held, along with many other Senators, that the Gulf of Tonkin resolution was a legitimate congressional authorization to conduct the war. Without it, in my opinion, the President has no authority but to withdraw our troops from Vietnam as rapidly as possible consistent with their safety.

Presently Congress is deeply involved in the ongoing conflict there. That Congress can set a timetable through the use of its appropriations power is not in doubt. That Congress has set a limitation on the use of American combat troops in Laos, Thailand, and Cambodia is a matter of public record. And a pending bill prohibits explicit or implicit U.S. assistance to an effort to invade North Vietnam.

Eventually it may prove impossible to deal with the war powers without becoming involved in the Indochina debate.

However, I believe this bill must deal with the future rather than serve as a vehicle to rake over the coals of the past. Section 7 is an attempt to make sure it does.

In summary, I offer this resolution because I believe that the collective judgment envisioned by our Founding Fathers with regard to warmaking authority is even more important in today's fast moving world.

By providing guidelines for joint congressional-executive decisions in cases where deliberation is possible and indeed essential, and at the same time providing the President adequate discretion, this resolution maintains our Founding Fathers' wise desire for collective deliberation amidst the exigencies of our nuclear age.

Mr. President, I ask unanimous consent that the text of my joint resolution be printed in the RECORD at this point.

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

S.J. RES. 59

Joint resolution regarding the powers of the Congress and the President to commit the Armed Forces of the United States to hostilities

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

Whereas the Framers of the Constitution of the United States intended the separation of powers doctrine to apply to the initiation of hostilities as a means for ensuring collective judgment, whenever possible, before the Armed Forces of the United States were committed to such hostilities; and

Whereas the power to declare war was assigned to the Congress to initiate, define, and limit the scope of hostilities involving the Armed Forces of the United States; and

Whereas the power to make rules regulating and governing the Armed Forces of the United States was assigned to the Congress, and this power authorizes the Congress to enact laws respecting the raising and use of such Armed Forces including their deployment in any foreign country; and

Whereas the power to appropriate moneys to support the Armed Forces of the United States was also assigned to the Congress, and this power atuhorizes the Congress to allocate funds so as to circumscribe the overall scope of hostilities and the uses of the Armed Forces of the United States; and

Whereas the Commander-in-Chief and Chief Executive powers were assigned to the President and these powers authorize the President to conduct hostilities initiated by the Congress and to respond to, and repel, attacks on the United States (including its territories and possessions), its Armed Forces, and, under certain circumstances, to rescue endangered citizens of the United States located in foreign countries: Now therefore be it

"Resolved by the Senate and House of Representatives of the United States in Congress assembled that:

"SEC. 1. Except as authorized in Section 2 or Section 3 of this Resolution, the President shall not commit the Armed Forces of the United States to hostilities. No treaty previously or hereafter entered into by the United States shall be construed as authorizing or requiring the Armed Forces of the United States to engage in hostilities without further congressional authorization. It is specifically recognized that such treaties as the Charter of the United Nations, the North Atlantic Treaty, and the Southeast Asia Collective Defense Treaty do not authorize or require the President to commit the Armed Forces of the United States to engage in hostilities without a further authorization from both the Senate and the House of Representatives.

"SEC. 2. The President may commit the Armed Forces of the United States to hostilities to the extent authorized by Congress through a declaration of war, statute, or joint resolution, but authorization to commit the Armed Forces of the United States to hostilities may not be inferred from legislative enactments, including appropriation bills, which do not specifically include such authorization. The Congress recognizes that during such authorized hostilities against an enemy country or enemy forces, the President's powers as Commander-in-Chief and Chief Executive provide him with the further authority, regardless of the limitations contained in the specific declaration of war or other authorizing statute or resolution, to order the Armed Forces of the United States to deliberately enter, invade, or intrude upon the territory or airspace of a country with which the United States is not then engaged in hostilities:

(a) when in hot pursuit of fleeing enemy forces who have attacked, or engaged in battle with, the Armed Forces of the United States and then retreated to the territory or airspace of such country, to the extent necessary to repel such attack or complete such battle, or

(b) when a clear and present danger exists of an imminent attack on the United States or the Armed Forces of the United States by enemy troops located in such country, to the extent necessary to eliminate such danger.

"SEC. 3. In the absence of a governing congressional authorization described in Section 2, the President may commit the Armed Forces of the United States to hostilities, to the extent reasonably necessary to:

(a) repel an attack on the United States by military forces with whom the United States is not engaged in hostilities at the time of such attack and to eliminate or reduct the effectiveness of any future attacks by such military forces which are committing the attack being repelled; and

(b) repel an attack on the Armed Forces of the United States by military forces with whom the United States is not engaged in hostilities at the time of such attack and concurrently to eliminate or reduce any clear and present danger of future attacks by the military forces which are committing the attack being repelled; and

(c) withdraw citizens of the United States, as rapidly as possible, from any country in which such citizens, there due to their own volition and with the express or tacit consent of the government of such country, are being subjected to an imminent threat to their lives, either sponsored by such government or beyond the power of such government to control: *Provided*, That the President shall make every effort to terminate such a threat without using the Armed Forces of the United States; *And provided further*, That the President shall, where possible, obtain the consent of the government of such country before using the Armed Forces of the United States.

"SEC. 4. The commitment of the Armed Forces of the United States to hostilities

pursuant to Section 3 of this Resolution shall be reported promptly by the President to the Congress, together with a full account of the circumstances under which such hostilities were initiated, the estimated scope of such hostilities, and the consistency of such hostilities with the provisions of Section 3. The question of continuing or terminating any such hostilities shall be decided upon by the Congress as soon as possible and not more than thirty (30) days from the day on which hostilities were initiated, under the following procedures:

(a) any bill or resolution, authorizing the continuance or termination of military hostilities if sponsored or cosponsored by one-third of the Members of the House of Congress in which it originates, shall be considered reported to the floor of such House no later than one day following its introduction, unless the Members of such House otherwise determined by yeas and nays; and any such bill or resolution referred to a committee after having passed one House of Congress shall be considered reported from such committee within three days after it is referred to such committee, unless the Members of the House referring it to committee shall otherwise determine by yeas and nays; and

(b) any bill or resolution reported pursuant to subsection (a) of this section shall immediately become the pending business of the House to which it is reported, and shall be voted upon within three days after such report, unless such House shall otherwise determine by yeas and nays.

"SEC. 5. In any case where the Armed Forces of the United States have been committed to authorized hostilities, the President shall, while such hostilities are in progress, report to the Congress periodically on the status of such hostilities, as well as on the estimated scope and length of such hostilities.

"SEC. 6. For purposes of this resolution, the term 'hostilities' includes land, air, or naval actions taken by the Armed Forces of the United States against other armed forces or the civilian population of any other nation, the deployment of the Armed Forces of the United States outside of the United States under circumstances where an imminent involvement in combat activities with other armed forces is a reasonable possibility, or the assignment of members of the Armed Forces of the United States to accompany, command, coordinate, or participate, in the movement of regular or irregular armed forces of any foreign country when such foreign armed forces are engaged in any form of combat activities.

"SEC. 7. This resolution shall not apply to hostilities commenced before the enactment of the resolution."

By Mr. BAKER:

S.J. Res. 60. Joint resolution to authorize the President to issue annually a proclamation designating the fourth full calendar week in May of each year as "National Credit Week." Referred to the Committee on the Judiciary.

Mr. BAKER. Mr. President, 1971 is the diamond jubilee year of the National Association of Credit Management, a member-owned and controlled organization of 121 affiliated local associations in the United States, Europe, the Philippines, and Mexico which was founded in 1896 to promote laws for sound credit, protect honest businesses against fraudulent debtors, develop better credit practices and methods, and establish a code of ethics. I am pleased to introduce today, at the request of the association, a joint resolution recognizing the valuable contribution of sound credit practices and policies to the continued growth and stability of our economy by authorizing the President to designate the fourth week in May of each year as National Credit Week.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed at this point in the RECORD.

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

S.J. RES 60

Joint resolution to authorize the President to issue annually a proclamation designating the fourth full calendar week in May of each year as "National Credit Week"

Whereas the original colonies of this continent were established and first flourished on credit arrangements;

Whereas the National Association of Credit Management, organized in 1896 to establish more firmly the basis on which commercial credit was founded, will celebrate its 75th anniversary in May 1971;

Whereas the stability and growth of the present national economy are interdependent with the sound credit policies and practices of the credit managers of American business;

Whereas the greater part of all such business is reliably estimated to be conducted on a credit basis; and

Whereas the future status of the United States in the world community of nations involves stable credit relationships among the governments and business of those nations: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, as a tribute to the National Association of Credit Management and in recognition of the vital role of credit arrangements in furthering the growth of our national economy, the President is authorized and requested to issue annually a proclamation designating the fourth full calendar week in May of each year as "National Credit Week", and inviting the people and business community of the United States to provide and participate in programs which will increase the appreciation of the value of credit to business and our national strength.

ADDITIONAL COSPONSORS OF BILLS

S. 36

At the request of the Senator from Connecticut (Mr. RIBICOFF), the Senator from New Hampshire (Mr. MCINTYRE) was added as a cosponsor of S. 36, to promote the resources of the Connecticut River Valley.

S. 120

At the request of the Senator from Pennsylvania (Mr. SCHWEIKER), the names of the Senator from Tennessee (Mr. BAKER), the Senator from Arizona (Mr. GOLDWATER), the Senator from Oklahoma (Mr. HARRIS), the Senator from Montana (Mr. MANSFIELD), and the Senator from Illinois (Mr. PERCY) were added as cosponsors of S. 120, to prohibit assaults on State and local law enforcement officers, firemen, and judicial officials.

S. 318

At the request of the Senator from Connecticut (Mr. RIBICOFF), the Senator from New Hampshire (Mr. MCINTYRE) was added as a cosponsor of S. 318, to promote the resources of the Connecticut River Valley.

S. 376

At the request of the Senator from South Dakota (Mr. MCGOVERN), the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of S. 376, the Vietnam Disengagement Act of 1971.

S. 869

At the request of the Senator from Connecticut (Mr. RIBICOFF), the Senator from West Virginia (Mr. RANDOLPH) was added as a cosponsor of S. 869, to equalize the tax treatment of single persons.

S. 922

At the request of the Senator from Connecticut (Mr. RIBICOFF), the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 922, the youth camp safety bill.

S. 973

At the request of the Senator from Indiana (Mr. BAYH), the Senator from Wisconsin (Mr. NELSON) was added as a cosponsor of S. 973, to amend the Federal-State Extended Unemployment Compensation Act of 1970 to expedite its implementation and to provide 100 percent Federal financing of the benefits payable thereunder.

SENATE RESOLUTION 60—SUBMISSION OF A RESOLUTION TO REFER SENATE BILL 1034 TO THE UNITED STATES COURT OF CLAIMS

Mr. BAKER (for himself and Mr. TOWER) submitted the following resolution (S. Res. 60); which was referred to the Committee on the Judiciary.

S. RES. 60

Resolved, That the bill (S. 1034) entitled "A Bill for the relief of Carl Johnstone, Junior", now pending in the Senate, together with all accompanying papers, is referred to the chief commissioner of the United States Court of Claims. The chief commissioner shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code, and report thereon to the Senate at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States, or a gratuity, and the amount, if any, legally or equitably due from the United States to the claimant.

SENATE RESOLUTION 61—SUBMISSION OF A RESOLUTION AUTHORIZING THE PRINTING OF ADDITIONAL COPIES OF CERTAIN HEARINGS

Mr. KENNEDY submitted the following resolution (S. Res. 61); which was referred to the Committee on Rules and Administration:

S. RES. 61

Resolved, That there be printed for the use of the Senate Committee on the Judiciary seven hundred fifty additional copies of Part I of the hearings before its Subcommittee on Administrative Practice and Procedure during the Ninety-first Congress, second session, on Federal Handling of Mass Demonstrations.

SENATE RESOLUTION 62—SUBMISSION OF A RESOLUTION RELATIVE TO MILITARY DISENGAGEMENT FROM THE VIETNAM WAR

Mr. BROOKE. Mr. President, the grueling war in Southeast Asia continues to take its terrible tolls—death in the field, division in our midst. President Nixon has made admirable and historic progress in reducing the number of Americans in the war zone, in curbing U.S. casualties, and in shifting the burdens increasingly to the South Vietnamese themselves; yet deep uncertainty continues to perplex us. How can we best terminate the American involvement in a manner which will maximize the chances for an early and enduring peace in that region? Is there any reasonable and acceptable course through which we can turn the empty negotiations in Paris toward meaningful exchanges? In the absence of fruitful diplomacy, how soon should we plan, nonetheless, to have extricated all U.S. forces from South Vietnam? How can we insure the timely release of the American prisoners now suffering captivity in North Vietnam?

All these are weighty and troubling issues. They demand the most sober attention of those responsible for the policy of this country. The obligation of each of us in Congress is especially heavy. We know the depth and intensity of feeling among our constituents. We see firsthand the rending of our people by this bitter, constant, costly struggle.

But there is an added factor urging the Congress to address such questions. In the history of this undeclared war, the political responsibility of Congress has been far larger than its political role. It takes no deep analysis to detect in the House and Senate a widespread sense that we have not acted as wisely as we should in shaping policy over this conflict. Adding to the frustration with the war is the feeling that our institution did little to correct the unhappy directions sometimes pursued by the executive branch. This helps to account for the fact that, while all our institutions have experienced severe stresses in recent years, the Congress especially has been buffeted by demands for action and cries of contempt when it failed to act on the overriding concern of our time—the war.

To my mind the fact that Congress has failed to take a central part in shaping past policy toward the war is a crucial reason for authoritative action in molding our policy for disengagement. Indeed to assert clear legislative authority over the manner in which the United States extricates itself from an undeclared, and unduly prolonged war would be a vital step toward reviving congressional powers over the initiation of conflict. That objective, I suggest, is shared by virtually every Member of this body. There is, thus, a great institutional need for Congress to devise an appropriate means for making its voice heard in the momentous decisions regarding disengagement.

To say this is in no way to invite a battle between the branches, legislative and executive. Quite the contrary, for my own purpose would be to seek accommodation between them on a common and constructive policy. I would argue that so long as Congress adopts a hands-off attitude toward high policy for the war, it undermines both itself and the President—itself by implying it lacks the will or capacity to act, the President by denying him the enormous advantages of pursuing an explicitly agreed policy in this area.

The President has already embarked on a broad program of disengagement, many elements of which enjoy wide support in and out of Congress. But I believe he deserves more than uncritical applause for the promising efforts he has begun. He deserves the serious, critical, concerned counsel of this Congress in designing and implementing the still more difficult policies to come. And because the President knows that America needs a Congress capable of addressing the gravest issues, I think he should welcome responsible legislation in this matter.

It will be noted that I am not advocating a specific course for congressional enactment. My purpose in rising is not to argue for a particular policy or to press upon my colleagues my own views as to exactly what should be done. Rather, my argument is a simple and highly preliminary one, namely, that Congress should act. It may well be that after due deliberation, Congress would choose to endorse the essentials of the program already launched by President Nixon, perhaps extending it even further.

The vital thing, from my point of view, is that we should set in motion the normal procedures which will enable Congress to express itself authoritatively on the larger questions of disengagement. Is it not clear that our entire international posture will be marked for years to come by the manner in which we terminate our role in South Vietnam? Few issues have more direct bearing on our future national security and domestic well being. For Congress to remain silent or to play a passive role would be to neglect our duty in the most grevious way. It would add to the sense of futility many of us have acquired from the war and would compound the oversights and mistakes which marred earlier congressional performance in this area.

There is yet another reason which heightens the urgency of congressional action in this regard. The decision of the majority party in the Senate to support "a time certain" for total withdrawal of all U.S. military personnel from South Vietnam can become either a step toward consensus or toward new controversy. We must all recognize that it would be a sad turn of events for this question, of all those we face, to be caught up in partisan dispute. If we are to rescue the issue of disengagement from partisan bickering, the need for thoughtful, bipartisan action through the official channels of the Congress should be evident.

In considering this problem for many months, I have been convinced that the Senate should invite prompt consideration and recommendations on this matter by the principal committees concerned with our overall national security and foreign policy. For this purpose, I am submitting a Senate resolution.

This modest proposal solicits the advice of our colleagues on the Committees on Appropriations, Armed Services, and Foreign Relations. It in no way prejudges what that advice shall be. It seeks only to insure that the full Senate will have the benefit of these committees' deliberations in deciding what action, if any, may be appropriate. Furthermore, this proposal in no way constrains the committees in deciding how best to address these questions. The chairmen and their ranking associates may decide to proceed separately and independently, or jointly.

I would personally hope that the chairmen might see fit to designate a joint body from the membership of all three committees and to hold suitable hearings, preferably open and providing ample opportunity for administration and other witnesses, as a basis for reporting to the Senate. There are important precedents in previous joint actions on national security matters, for example, during the Korean war and in considering the nuclear test ban treaty. But decisions on procedure are left entirely to the committees themselves.

The imperative function of this proposal is not to dictate how the committees shall proceed, but to insure that they address the far-reaching implications of the disengagement program to which the President and the vast majority of Americans are committed. I am confident that no one would suggest that the responsible committees of the Senate should not address these portentous issues and tender their advice to the Senate. My discussions in and out of the Senate convince me that there is a profound need for Congress to demonstrate that it is capable of deliberate and effective action regarding the war. I am pleased to note that this proposal has already won the endorsement of Mr. John Gardner and the important nonpartisan organization, Common Cause. I trust my colleagues will also receive it sympathetically.

Since this measure is strictly procedural and reaches no substantive recommendations itself, I hope that the Senate will accept it by unanimous consent. In this manner we may avoid the prospect of difficult and inconclusive debate over the many specific proposals which have been advanced regarding the war. With prudent consideration in the committees, we may hope to find sensible grounds for reconciling the differences among us. I can think of no task so deserving of our most vigorous labors.

If, as I believe, the general sentiment of Congress is one of deep distress that our institution had no opportunity to act decisively in governing the prior evolution of the Vietnam war, surely we must seize the occasion to demonstrate our institutional authority and capacity to oversee our National extrication from that conflict. We can confirm the soundness of the President's basic movements toward disengagement and share with him responsibility, as we must in any case, for the hard decisions which must be taken to achieve that goal. Only by doing so can we meet our obligations to

the country, the Congress and the President.

The PRESIDING OFFICER. The resolution will be received and appropriately referred.

The resolution, which reads as follows, was referred to the Committee on Foreign Relations:

S. RES. 62

Whereas the President of the United States has undertaken an historic program to disengage military forces of the United States from South Vietnam; and

Whereas the Congress and the American people strongly endorse the President's progress in reducing the number of American personnel in that region; and

Whereas the President has formulated a major new doctrine restricting the direct use of the military power of the United States and emphasizing the obligations of other nations to defend themselves against aggression and externally-inspired insurgency; and

Whereas the termination of American military involvement in South Vietnam poses grave decisions for the United States, with serious implications for the nation's future security posture; and

Whereas the Congress and the President share responsibility for the presence and protection of American forces abroad; Now, therefore be it

Resolved, That in order to facilitate and expedite the President's programs of military disengagement from South Vietnam the Senate Committees on Foreign Relations, Appropriations, and Armed Services should examine the requirements and consequences of the orderly withdrawal of all armed forces of the United States from that region; and

Resolved further, That said Committees shall report to the Senate not later than ninety (90) days following adoption of this resolution such recommendations as they deem appropriate concerning the manner, method, and scheduling of U.S. military disengagement from Southeast Asia, including provisions for safe return of American prisoners of war now held captive in that region.

ADDITIONAL COSPONSORS OF A RESOLUTION

S. RES. 45

At the request of the Senator from West Virginia (Mr. RANDOLPH), the Senator from Montana (Mr. METCALF), and the Senator from Connecticut (Mr. RIBICOFF) were added as cosponsors of Senate Resolution 45, to authorize the Committee on Interior and Insular Affairs to make a study of national fuels and energy policy.

CAPITOL BOMBING INCIDENT TO BE SUBJECT OF HEARING BY PUBLIC WORKS SUBCOMMITTEE

Mr. RANDOLPH. Mr. President, the chairman of the Senate Subcommittee on Buildings and Grounds, Senator GRAVEL, Democrat, of Alaska, will conduct a public hearing tomorrow—March 2—to receive testimony on this morning's bombing incident in the Capitol Building.

The hearing will be held at 9 a.m., March 2, in the Public Works Committee room, 4200 New Senate Office Building.

Senator GRAVEL will hear testimony on the following matters:

First, review of the bombing incident itself;

Second, assessment of damage caused by the explosion;

Third, estimate of time needed to make necessary repairs;

Fourth, review of present security measures in effect on the Capitol Grounds; and

Fifth, the need, if any, for additional legislation to provide better security for the Capitol or to make proper restoration of the building.

Members of the committee serving with Chairman GRAVEL are Senators BENTSEN, Democrat, of Texas; TUNNEY, Democrat, of California; BOGGS, Republican, of Delaware; and WEICKER, Republican, of Connecticut.

Mr. President, all members of the Public Works Committee, and all Senators, as well as our citizenry throughout the land, are shocked at the bombing.

We shall have reports and recommendations from the Capitol Police, the Architect of the Capitol and the Sergeant at Arms of the Senate, and others, at the hearing.

We want to determine how an explosive device could be successfully planted in the Capitol of the United States. We also will solicit recommendations on possible changes in the law if they are necessary to protect Government buildings from other such occurrences.

This tragic incident represents an attack on the very center of the Government itself. The Capitol building is not only the seat of our National Legislature, but is one of the great national edifices.

Protection of the Capitol is a complex and delicate matter. We must secure it against attack while providing security to all citizens and free access to this symbol of our liberty.

QUORUM

The PRESIDING OFFICER. Is there further morning business?

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

ADDITIONAL STATEMENTS

RULES OF THE COMMITTEE ON COMMERCE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a statement by the distinguished Senator from Washington (Mr. MAGNUSON) concerning rules of the Committee on Commerce be printed at this point in the RECORD.

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

STATEMENT BY SENATOR MAGNUSON

Mr. President, pursuant to section 133B of the Legislative Reorganization Act of 1946, as amended, the Committee on Commerce has adopted rules governing the committee's procedure.

I send a copy of the Committee's rules as adopted to the desk and ask that they be reproduced in the RECORD, as required.

COMMITTEE RULES

I—MEETINGS OF THE COMMITTEE

Regular meeting days are the first and third Tuesdays of each month.

II—QUORUMS

1. Ten members shall constitute a quorum for official action of the Committee when reporting a bill or nomination; provided, that proxies shall not be counted in making a quorum.

2. For the purpose of taking sworn testimony a quorum of the Committee and each Subcommittee thereof, now or hereafter appointed, shall consist of one Senator.

III—PROXIES

When a record vote is taken in Committee on any bill, resolution, amendment, or any other question, a majority of the members being present, a member who is unable to attend the meeting may submit his vote by proxy, in writing or by telephone or through personal instructions.

IV—BROADCASTING OF HEARINGS

Public hearings of the full Committee, or any Subcommittee thereof, shall be televised or broadcast only when authorized by the chairman and the ranking minority member of the full committee.

V—SUBCOMMITTEES

Subcommittees shall be considered *de novo* whenever there is a change in the chairmanship and seniority on the particular Subcommittee shall not necessarily apply.

POLITICAL USAGE OF PRISONERS OF WAR IN SOUTHEAST ASIA

Mr. TOWER. Mr. President, I ask for unanimous consent to have printed in the RECORD an interesting and provocative article about the nature of the East-West war and the political usage of prisoners of war in the present Southeast Asian conflict, written by Comdr. Roy N. Beavers, and published in the February issue of the Armed Forces Journal.

Commander Beavers is assigned to the U.S. Arms Control and Disarmament Agency, and his thoughts on the significance of the POW issue in the war are germane to our philosophy regarding American defensive posture in the East in general.

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

POWs AND THE "POLITICAL WILLPOWER" DIMENSION OF WAR

(By Cdr. Roy N. Beavers, USN)

(Note: Commander Beavers is currently assigned to the U.S. Arms Control and Disarmament Agency. The views he expresses in this article do not necessarily reflect those of ACDA or any official policy of the U.S. Navy)

Within the past year most americans have come to understand that our prisoners of war in North Vietnam are being held as political hostages. The average American is shocked by this practice. It is regarded as inhumane as well as unlawful activity on the part of Hanoi.

The use of prisoners of war (POWs) as hostages for political objectives has few parallels in the annals of recent Western warfare. Prior to the Western civilization's earliest attempt to protect POWs—following

the Thirty Years' War—it was not uncommon, however, for the rights of prisoners to be largely ignored so far as the conduct or termination of war was concerned. In antiquity, prisoners were even killed or sold into slavery.

In 1874, a conference held at Brussels, and attended by most of the European states, drew up a draft convention relating to prisoners of war, but it was never ratified. The Hague Conference of 1899 produced the first set of rules governing the treatment of prisoners which was recognized internationally. This set of rules was expanded by the Hague Conference of 1907 and the Convention of 1929.

THE GENEVA CONVENTION

Today the laws governing the rights and status of prisoners of war are largely contained within the Convention on "Treatment of Prisoners of War" that was one of four conventions on the laws of war produced by the Geneva Diplomatic Conference of 1949. It is worth noting that the need for this convention, on top of the previously established legal doctrines covering POWs, resulted in large part from the conduct of the Soviet Union following WW II, the failure of the Soviets to repatriate literally millions of POWs following WW II remains one of the most serious violations of customary and conventional rules of war in modern times.

The Soviet Union and a number of its satellite states, in signing the 1949 Convention, entered a reservation against that Convention to the effect that prisoners of war convicted by them of "committing war crimes and crimes against humanity" would be treated like other criminals. Under this doctrine, millions of common soldiers—officers, noncoms, and privates who could not possibly have been politically involved—were never returned after the end of the war. It is also worth noting that the government of North Vietnam has renounced the 1949 Geneva Convention on POWs.

The prisoner of war issue may not be the only one wherein the U.S. perception of the Vietnam War is basically different from Hanoi's. The following discussion suggests that two fundamentally different concepts of warfare, in terms of both objectives and means, are being pursued in Vietnam—by the U.S. on the one hand and by North Vietnam on the other. If the thesis offered here is valid, then the U.S. may need to reconsider some of its policies in Vietnam—in order to ensure the return of its prisoners of war held by Hanoi, as well as in the interest of speeding the war to a satisfactory conclusion.

It is often said that the purpose of war is to achieve a given political objective. This objective may be of any scope—it may be relatively simple (defense of the status quo) or extremely complicated. History demonstrates that the objective may involve the acquisition of territory, of wealth, or of people—it may be as small a thing as forcing an opponent to change his way of life or his religion (if one deems such to be a small thing), it may be as large a thing as the imposition of total destruction (or slavery) upon an opponent. But the point is that war is the simple process of imposing one's will—through force of arms—upon another.

THE TARGET: WILLPOWER

From this, it follows that, in endeavoring to win a war, the target which should be at the apex of one's efforts is the opponent's *willpower*, his readiness to resist—his determination to "stand in the way" of your objective. By breaking his will—or by coercing him to alter his objectives—you successfully conclude your war. In the process, your own objectives may also change. It is a rare historical phenomenon (particularly in long, difficult wars) when both sides—both the "winner" and the loser—do not change their objectives during the course of a war.

The reader may answer that the above is obvious. Clausewitz has observed the same. More recently, so has Mao Tse-tung. But this paper is written to argue that in spite of the obviousness and simplicity of the above proposition, its implication is not well understood by most Americans—including most Americans belonging to the professional military fraternity, and perhaps even a large number of those academicians who in recent years have come to dominate the study of warfare and national security policy in the United States.

What, then, is the implication of the proposition described above? It is this: If the purpose of war is to coerce an opponent toward a given objective by breaking down his willpower, *military conflict may or may not contribute toward that end.* ("Military conflict" is used here to include only the actions of combatant forces against combatant forces, as opposed to actions of one sort or another that may be directed against noncombatants.) Some military conflict directed toward the defeat of an enemy's army in the field may be irrelevant—some may even prove counterproductive. We shall later ponder, for example, whether the U.S. air war in Vietnam was counterproductive. The important fact, though, is that war strategists who pursue a policy only in terms of its military dimensions miss the most vital aspect of warfare—the enemy's will.

Even Karl von Clausewitz evidently failed to perceive the central importance of this fact. This allegation may require some explanation, because Clausewitz did talk around the "willpower" subject rather extensively. He spoke initially of war as "directed at the overthrow of the enemy's power of resistance," and he noted that in the application of force "there is no limit." "The hostile tension and the activity of hostile agencies, cannot be regarded as ended so long as the will of the enemy is not subdued," he wrote. But he somehow proceeded from this to the conclusion that "the aim is to disarm the enemy. . . . The military forces must be destroyed, that is to say, put into such a condition that they can no longer continue to fight." The rather comprehensive theory of warfare he then proceeded to build rested on the presumption that the defeat of (or the acquisition of a decisive advantage over) the enemy's army in the field was the *sine qua non* of successful warfare.

DEFEAT, NOT DISARM

Clausewitz was wrong—and by and large the whole Western military tradition has followed him into the dead end of that same non sequitur. The aim is not to disarm the enemy, the aim is to break the enemy's will. Defeat of the enemy's army in the field is one way of breaking his will, but oftentimes it is not the best way. It is certainly not the only way. And a number of recent wars—Algeria, the Arab-Israeli War, and the U.S. war in Vietnam—rather conclusively illustrate that the military dimension may not be the heart of the matter. (The reader will no doubt come up with additional examples.) In each case, a more or less victorious army in the field failed to successfully conclude its war because the enemy's will had not been broken.

This idea will not appeal to many Western military thinkers, because it leads quickly to a consideration of kinds of warfare that seem incompatible with Western concepts, as manifested in the traditional missions and means assigned to military forces. Specifically, in some wars—rather than to "war" against the enemy's army in the field—it may be more important to inflict destruction, or "pain," at the source of the enemy's will, wherever that may be—even if it is the enemy's social, political, and economic structure, including his noncombatant civilians *and his sanctuary*. This could mean destruction of the enemy cities, or his ricefield irrigation systems, or whatever may be of importance to him—a notion of warfare that the West has historically tended to reject. But it is nevertheless a concept of warfare that we need to examine carefully, particularly if it is the way that a non-Geneva Convention enemy must be persuaded to undertake a prisoner exchange in the face of a successful Vietnamization program by the U.S.

"UNCONVENTIONAL" WARFARE?

On another tack, the essentially guerrilla war philosophy advocated by such revolutionaries as Mao Tse-tung, Lin Piao, Che Guevara, the Black Panthers, and others does not seek the "defeat" of a usually superior enemy army. Their doctrines preach, instead, that "liberation forces" make themselves sufficiently obnoxious so that the opponent will "give in" to the demands of the rev olutionary. The tactics involve harassment, subversion, sabotage, the taking and exploitation of hostages, and (as in Vietnam) are likely to embrace a heavy reliance upon pure terrorism: murder, torture, and overt intimidation of noncombatants. (It is perhaps significant that in the terminology of the Western military tradition such warfare is classed as "unconventional." There is no valid reason for this classification, except perhaps that it reflects the failure of the West to fully acknowledge this dimension of warfare.)

As has often been said, guerrilla forces "win" by surviving. That proverb is an oversimplification to which this author does not entirely subscribe, but the intent of the message is clear. It is not always necessary to "defeat" the enemy's military forces; it may be sufficient to inflict intolerable discomfort.

Another important aspect of this type of warfare, particularly in terms of its impact on the traditional Western concept of neutrality, arises out of the consequences of the "sanctuary principle" as we have seen it practiced in each of the wars involving the East and the West that have taken place since 1945. Start with the Civil War in Greece, and then proceed to list those wars which have gained not only their sustenance but also their inspiration and *willpower* from an outside source or sanctuary, and you will conclude that such wars are now the pattern rather than the exception. An incomplete list would include the Civil War in Greece, the Korean War, the Vietnam War, the War in Laos, the little wars that have occurred in Yemen and around the Arabian Peninsula, the war in Algeria, and a number of other takeovers or near takeovers in the Arab world, particularly in Syria and Iraq.

In short, the non-Western kind of warfare we have seen become the pattern since 1945, not only is the state of the enemy's willpower more important than the condition of his army, but the chances are good that the *source* of his willpower (and perhaps his warmaking capacities) resides in some *sanctuary* which—because of traditional Western inhibitions or various interpretations of international "law"—enjoys a high degree of immunity from the consequences of the battlefield war.

THE IMPLICATIONS

If the foregoing thesis is valid, it has important implications for the conduct of limited war today and for the eventual return of U.S. prisoners of war. What follows is a discussion of—rather than an advocacy of—these implications as demonstrated by the U.S. experience in Vietnam.

Let us start by suggesting that the U.S. war policy in Vietnam (closely locked in to the Western tradition) suffered from its failure to attach greater importance to the state of the enemy's *will* than to the state of his army in the field.

The earlier stages of the U.S. Vietnam War saw the initial U.S. response to what had

virtually already become a successful Communist guerrilla effort—we sent the Green Berets, our own special forces version of counter-guerrilla warfare. The U.S. policy sought to "frustrate" the Communist guerrilla army by denying it access to its target—the South Vietnamese people and political structure. There was little in our policy at this point that was directed at the enemy's *will* to fight on. But by 1965 the enemy army in the field was still winning. Through terrorist tactics directed mainly at lower-level government officials and other noncombatants, Hanoi was progressively expanding its direct control and indirect influence over the South Vietnamese population.

The South Vietnamese population was Hanoi's primary target. But the U.S. continued to direct its efforts against Hanoi's guerrilla structure. Eventually more American participation was needed to bolster a South Vietnamese government that was losing the *will* to continue. In this, that government tended to reflect the state of mind of its citizenry. In fact, it can be argued that for various reasons the South Vietnamese government demonstrated more willpower to resist than did its citizenry throughout most of the war.

After 1965 a larger and more direct U.S. participation in the south was answered with more support for the enemy combat effort from the north. North Vietnam—and eventually Laos and Cambodia—because the sanctuaries that sustained the war taking place in South Vietnam. In time, North Vietnamese manpower and supplies, funneled into and through North Vietnam and Cambodia, became the essential sustaining factor in the enemy *combat* war effort and *Hanoi's determination* became the focal point of *enemy will-power*. Still the U.S. war effort was engaged in a future endeavor that sought to throttle the Communist forces in the field, rather than at the source. We flailed away at the tentacles of the octopus, rather than going for the head or the heart.

THE AIR WAR

As escalation progressed on both sides, the enemy's heavy infiltration of troops and supplies and increased reliance on North Vietnamese regular forces was answered by U.S. bombing of his lines of communication (and, much too late, by our brief excursion into Cambodia). This bombing campaign requires a closer analysis, because more than any other aspect of the U.S. war policy it reveals America's inability to come to grips with the central sustaining element of the Communist war effort: Hanoi's willpower.

As noted, our bombing campaign was directed at the enemy lines of communication, not at important political, economic, and social targets more directly related to his will to continue the war. Even in this regard, the most important funnel for his supplies from out of the country—the Haiphong port complex—was excluded by political decision in the U.S. Eventually some economic targets were hit, such as electric power plants. These were justified by U.S. policymakers on the grounds that they contributed to the Communist war effort. It is probably true that much of the enemy's actual arms and ammunition did not enter through Haiphong, but came instead down the rail line through Communist China. (It is also undoubtedly true that large quantities of "war supporting" goods—such as trucks—did enter North Vietnam via the seaports.) The U.S. did bomb the rail lines that connect North Vietnam to China, but this again proves that the air campaign was aimed at the enemy's war-fighting potential, not his willpower.

Some civilians must have been hit by this bombing campaign. It is difficult for a pilot to discriminate when in a bombing run and engaged in evading enemy groundfire and surface-to-air missiles (SAM's). It is also true that in modern societies legitimate war targets tend to be located uncomfortably close to civilian areas. It has been suggested that in some instances the North Vietnamese deliberately placed military hardware—such as SAM's and AAA emplacements—in positions adjacent to civilian population concentrations. But the point is not that some civilians might have been or were hit by this bombing campaign. The point is that civilians (and the enemy's willpower as manifested within his political, social, and economic fabric) were not the targets. The targets were the enemy's warmaking facilities, supplies, and lines of communication.

GRADUALISM IN VIETNAM

In addition to the *scope* of the U.S. air war policy, there is another aspect that needs to be examined—its *gradualist* pace.

Much is going to be written about Vietnam gradualism in the years ahead. One of the better discussions of this subject has already appeared in the *U.S. Naval Institute Proceedings*, written by Col. A. P. Sights, jr., USAF-Ret. ("Graduated Pressure in Theory and Practice," July 1970 issue. See also the author's "A Doctrine for Limited War" in the October 1970 issue of the same publication.)

Recognizing the skepticism that, at least within the Washington community, has come to surround the worth of the U.S. air war in Vietnam, it is to be hoped that all the air war critics will read Colonel Sights' essay. He makes a number of valid points which should stand up over time. But his central thesis—that "the stategy of graduated pressure . . . will very likely be retained for lack of an acceptable alternative"—needs to be questioned.

Colonel Sights traces gradualism from its inception with the uncertainties of atomic warfare through its theoretical development in "scholarly study" of war strategy, mostly by non-military strategists.

There are a number of difficulties with "gradualism" as an idea, in any kind of warfare. One is obvious: it provides the enemy with the opportunity to recover, adjust, and compensate. Gradualism may also signal weakness to your enemy. As interpreted in the oriental culture, that can be highly significant. More fundamentally, the flaw of the gradualism doctrine as it has evolved in practice for the conduct of limited warfare is that it is predicated—perhaps subliminally—on the desirability of minimizing the "hurt" in war. In the abstract, this is a commendable objective, but gradualism may be counterproductive in this respect, particularly in limited war.

When war is made more palatable, is it not also made more conceivable, and thus more likely? After a war has begun, do measures introduced to constrain the level of violence prolong the war and thus produce more casualties and more human misery, rather than less? Someday someone must do a study on the proposition that an early and aggressive U.S. air war against North Vietnam—one that was aimed less at military hardware and lines of communication, more at inflicting the maximum "hurt" on the political, social, and economic fabric of the society, always with the promise of more punishment to come—would have obviated the need for the 40,000 American combat deaths that later occurred. It might even be worthwhile to ask whether the fear of really "horrendous" punishment—the atomic bomb—could, at some point, have deterred North Vietnam from further transgression.

These questions cannot be avoided merely on the grounds that they make us uncomfortable (locked in, as we are, to our Western tradition). If for no other reason, they should be examined on the off chance that the other side may not be thinking the same way we are about what counts in winning a war. Moreover, the answers to these questions may illuminate the way toward the speedy exchange of prisoners desired by the U.S.

Some will argue that such air wars serve to bolster the determination, and thus reinforce the willpower, of the target population and political structure. This argument continues to surface in criticism of the U.S. air war in Vietnam, and there may be some evidence to support it. But in one sense, at least, the argument and the evidence are specious, for the U.S. air war in Vietnam was not given the mission of breaking the enemy's will—it was given the mission of interdicting his lines of communication. It remains to be seen what would have happened if the air war had been given the mission of diminishing the enemy's will.

The history of other air wars is inconclusive in this respect also. The Battle of Britain and the Allied air war against Nazi Germany are frequently cited as examples of air campaigns that did not contribute to a diminution of national willpower to continue a war. But again, it is not clear that such was the purpose of those air campaigns. It is also possible that our Western military traditions inhibit our ability to plan and execute such campaigns successfully.

If our record in this regard is, in fact, one of failure, that failure should not be taken as proof that it cannot be done. Given the capabilities of air power in the present day, it is hard to accept the view that air war campaigns designed to break an enemy's will are not possible of design and execution—as some now try to persuade us. Does not the U.S. strategic policy of "deterrence" of general war rest on the proposition that an enemy will turn from conflict rather than endure intolerable consequences? Finally, in at least one case, an air war campaign can be said to have materially contributed to a national diminution of resolve to continue a war—in Japan in 1945.

MUCH WE DON'T UNDERSTAND

All of this suggests that there is much that we in the West do not yet understand about the nature of limited warfare. The words "we in the West" should be emphasized, because there is growing evidence that our enemies possess a better understanding of this "political willpower" dimension of warfare than we do—or perhaps it is that their different cultural values place less inhibition upon them in their pursuit of the goals involved in winning a limited war. Is it not now also evident that their different values have led them to exploit the POWs as political hostages rather than as objects of international law?

Some scholars have begun to examine Eastern and Western cultural differences in an original and objective manner. Their earliest studies in this area (though not specifically related to the subject of this essay) suggest to this writer that as more wars occur between Western and non-Western powers, the patterns of conflict are likely to change from past patterns—probably away from the traditional Western concepts of warfare derived largely from the history of wars within the Western civilization—which the West has mistakenly come to accept as the norm. Indeed, the evidence offered in this essay suggests that a substantial change has already taken place.

The question the U.S. must ask itself is whether a new strategy for dealing with these non-Western wars is needed—one which would place greater emphasis upon the "political willpower" dimension of warfare. If our present outlook is deficient in this regard, as I believe it is, then we may be setting out upon a re-examination of basic premises that will have far-reaching impact, not only upon our strategy for limited wars, but perhaps for general war as well. (Once "political willpower" defines your objective—in general war—do you need a "counterforce"

capability as well? It not "deterrence" a *finite* level of intolerable pain that restrains your potential nuclear war opponent?)

Let it be clear, however, that this essay is not making the usual appeal for increased U.S. attention to the role of psychological warfare. Such a reemphasis may be in order as part of the process suggested above, but that is not the thrust of my suggestion. Instead, I have here taken issue with the underlying philosophical tenet which governs the conduct of warfare in the West—the idea that wars are conducted by armies. They are not. Wars are fought by people, possessed of the will to continue or the will to stop. When the enemy "people" are controlled by a tight totalitarian system, the willpower that counts may reside in but a few individuals who are aminly concerned with the security of their own political position. The history of U.S. war policies and practices since 1945, particularly in Indochina, suggests that the U.S. has not well understood the significance of this "political willpower" factor, but now the time has surely come to face up to it!

It is recognized that the overriding policy decisions contained in the foregoing discussion (of Vietnam) were mainly decisions derived through the U.S. political structure and process—of which the American military is only a part. Nevertheless, America's military must ask itself whether its acquiescence in these decisions has contributed to shortcomings of the U.S. policy.

Perhaps we should also ask ourselves whether or not a policy of Vietnamization—which is allowed to result in a "fading away" of the war without benefit of a truce and concomitant prisoner exchange—is the policy best calculated to obtain the release of our POWs, some of whom have been in virtual isolation for the past four to six years.

SENATOR MUSKIE'S ADDRESS AT THE UNIVERSITY OF PENNSYLVANIA

Mr. HART. Mr. President, on February 23, my colleague, from Maine, Senator MUSKIE, spoke in Philadelphia about the dangers of our widening involvement in Indochina. He delivered a compelling call for "wisdom, moderation, and restraint" so that we can help create the conditions for peace. I commend his words to your attention and ask unanimous consent for their inclusion into the RECORD.

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

REMARKS BY SENATOR EDMUND S. MUSKIE AT THE CONNAISSANCE LECTURE, UNIVERSITY OF PENNSYLVANIA, PHILADELPHIA, PA.

George Kennan once wrote that "A political society does not live to conduct foreign policy . . . it conducts foreign policy in order to live."

Our experience in Indochina is a tragic demonstration that our foreign policy affects us no less than it affects other nations.

Foreign policy is not a game. It should be a means for allowing us to get on with what ought to be our fundamental tasks—of building a whole society here in America, and of helping other nations improve the quality of life for their citizens. The time has come to return to these tasks.

Now is the time to do what we must; to end the war; to end the killing 10,000 miles away; to stop tearing our own country apart. For almost 200 years as a nation, we have proclaimed our belief in peace and in the dignity of man. Yet for too many years, we have permitted that belief to wither away in the jungles of Indochina. We have too often behaved in Indochina as if the use of force should be a first alternative rather than a last resort. We have too often behaved in Indochina as if our nation's men and resources were bargaining chips in an international game of poker. We have too often behaved, in Indochina and elsewhere, as if the preservation of the status quo abroad were essential to our survival here at home. We have too often behaved, in Indochina and elsewhere, as if international politics were a simple contest between the forces of darkness and the forces of light.

How, then, *should* we behave in a world where distrust and hostility still run deep, where the aims of nations continue to differ in fundamental respects? While remaining prepared to resist the threat or use of force, we must also be prepared to exercise the wisdom, moderation, and restraint which are necessary if man is to create the conditions for peace.

We must remember that saving men's lives is more important than saving face for governments. We must remember that a foreign policy which cannot be presented honestly to the American people does not deserve their support. I speak tonight out of deep concern that we have forgotten these very principles in Indochina, and so the war goes on.

I am deeply concerned that after this Administration has assured us it was winding down the war, it has taken new military actions across the face of Indochina. I am deeply concerned that this Administration has ruled out any further initiatives by our negotiators at the Paris Talks. I am deeply concerned by the news blackout before the invasion of Laos, and the conflicting reports of what is happening there now. Eventually, we will know, and the Administration will learn that it can embargo the news, but it cannot embargo the truth.

It is cynical for this Administration to argue that Americans are not engaged in ground combat in Laos when American helicopter gun crews are involved in ground combat, and American lives are being lost. A difference of thirty feet in altitude between helicopter gunners and the ground troops they are firing at is no difference at all in function.

I believe it was wrong to unleash South Vietnamese troops across the border of Laos and support them there, as I believed it was wrong to lead them across the border of Cambodia. What we have attempted, with a limited number of South Vietnamese, is an operation that has been rejected in the past for far stronger U.S. forces. Once again, this Administration has minimized the risks and exaggerated the benefits of a new military adventure. Whatever the apparent or illusory short-term military gains, this action has resulted in a substantial extension of our military involvement and has further undermined the Paris talks.

I believe it was right for the President to have told us last June that no combat support missions would be flown across the skies of Cambodia. I believe it was wrong for his Secretary of Defense, six months later, to characterize this pledge and the words of the Cooper-Church Amendment as matters of "emantics." If these matters are semantics, then neither the pledge nor even the laws of our government can have any reliable meaning.

I believe it is wrong to increase once again the bombing of North Vietnam. And I believe it was wrong for the President to refuse to rule out an invasion of North Vietnam by the South Vietnamese—who could not attack the North without our support.

The longer we lend our presence to this expanding conflict, the longer this conflict will endure. And the longer it endures, the more profound will be the injury done, not only to the peoples of Vietnam and Cambodia and Laos, but to our own country—to our men who are killed or maimed and to their families, to our institutions of learning, to our procedures for governing, to our confidence in our society's ability to reach for its own ideals.

The President has had more than two long years to implement his so-called plan to end the war. But all that he has revealed is a program for maintaining a substantial American military presence in Indochina. Our troop level in South Vietnam will have been reduced to 284,000 men by May of this year. I welcome that reduction. I believe all Americans welcome that reduction. This Administration has tried to make us believe, however, that its policy is to train the South Vietnamese to take over the fighting so our troops can be withdrawn. But has the President said that this is his policy? No—he would only say last Wednesday that we will withdraw all our troops as part of a mutual withdrawal.

Then what are we to make of the President's refusal to say his policy will lead to a complete withdrawal of American troops? Must Americans fight and die indefinitely in Vietnam and Cambodia and Laos? Must our men in South Vietnam remain indefinitely as props for the Thieu-Ky regime? And how long must further thousands of our men in Thailand and on the seas off Indochina be committed to this war? These are the things we want this Administration to make perfectly clear.

This much we already know: Vietnamization is not the answer. Vietnamization is no answer for our American men still held captive as prisoners-of-war. Vietnamization is no sure answer for the safe withdrawal of our remaining troops. Vietnamization is no answer for a negotiated settlement to end all of the fighting. Vietnamization perpetuates the illusion of ultimate military victory.

This Administration now argues that its activities in Cambodia and Laos will protect Vietnamization and thereby hasten an end to the war. It is a curious logic that would conclude a war by widening it. What will happen if American troop levels continue to drop and our forces become more vulnerable to attack? Will there then be more invasions of Laos by the South Vietnamese, with continuing American support? Or will the President then resume the air war against North Vietnam beyond the vague limts of what is now called "protective reaction?"

Only last Wednesday, the President said he was "not going to place any limitation" on the use of conventional air power anywhere in Indochina, including North Vietnam. Let us remember that the bombing of North Vietnam accompanied a massive increase in American troops from 1965 to 1968. The bombing left hundreds of American pilots prisoner in North Vietnam. The bombing did nothing to prevent the TET offensive. And when we stopped the bombing in October 1968, our objective was to begin substantive negotiations.

The President now says he will take no new initiatives at the Paris talks. All that is left of the President's so-called plan is Vietnamization. Some say that plan will work. Some say it will not work. I say it is the wrong plan in either case.

If the plan does work, we can look forward to continued warfare among the Vietnamese and an indefinite American presence. If it doesn't work, this Administration does not exclude the possibility of attacks on North Vietnam itself. The dangers are incalculable. A plan which leaves only these alternatives, which gives us only these bleak expectations, is the wrong plan. It is the continuation of a war which must come to an end.

I am convinced that for the right policy we must look—not toward Vietnamization, but rather toward the peace negotiations and toward creating the conditions for peace. We must seek to negotiate in Paris what is nego-

tiable and what can never be settled on the widening battlefields of Indochina.

We cannot hope to dictate the lasting terms or even the shape of a political settlement of this conflict. Only the Vietnamese can settle their political differences. Only they can fashion a settlement in which they have a stake. Only they can understand the political realities which such a settlement must reflect.

It should be clear to all of us by now that this war is essentially a war fought among the Vietnamese people for political ends. And therein lies a lesson of this tragedy. We cannot substitute our will and our political system for theirs. We cannot write the social contract for another people. We may, however, be able to reach agreements on those issues which concern us most, provided we make clear our intention to withdraw all our troops from Vietnam by a fixed and definite date.

I have no doubt we could then negotiate the release of our American prisoners of war before that deadline. I have no doubt we could then negotiate the safe withdrawal of all our troops now stationed in South Vietnam. In addition, there could be a cease-fire between our troops and theirs which could be the first step toward a complete standstill cease-fire among all the parties. At the same time, we could work toward agreements to end the fighting in Cambodia and Laos. And we could encourage the Vietnamese parties to negotiate a political settlement that would restore a measure of peace to all of Vietnam. These must be the goals of our policy in Indochina.

Many Americans believe that events have taken over, that things have gotten out of hand, that nothing they can do will change the policy of this Administration. But I believe you can make a difference, even before 1972. You can exert responsible public pressure upon the Executive branch for an American commitment to complete withdrawal, before 1972. You can support initiatives in the Congress to establish an Indochina policy which makes sense, before 1972.

That is why I introduced a sense of the Senate Resolution last May, calling on the President to establish a timetable for the complete and orderly withdrawal of all American troops. That is why I co-sponsored the McGovern-Hatfield Amendment in the last Congress. And that is why I have agreed to co-sponsor it in this Congress, and to support its establishment of a deadline of December 31, 1971.

It should be clear to us by now that for too many years, we have pursued the wrong policy in the wrong place in the wrong way. The price of that policy has been a terrible cost in American lives and resources. The price has been a terrible cost in the suffering of the peoples of Indochina.

We have helped to destroy their countryside, their towns and their villages, the very fabric of their lives. And if we now have any commitment in Indochina, it must be this: we must help the people of this region rebuild their countries and heal the wounds of war. We must show in Indochina that we understand what foreign policy is all about, what wisdom and judgment and restraint are all about, what compassion and moral obligations are all about.

Isn't it clear then what we must do? After so many young Americans have felt compelled to demonstrate against their own government; after so many Americans of every description have come to doubt what their government says and to doubt that their government will listen; after so much division and disillusionment throughout this land; isn't it clear?

Of course, it is clear. It is clear that the only light at the end of the tunnel will be the one we strike ourselves. We must withdraw all our troops from Vietnam. We must do so by the end of this year. We must be willing—all of us—to say, "Enough."

THE PRESIDENT'S EXECUTIVE REORGANIZATION PROPOSAL

Mr. PERCY. Mr. President, both the Chicago Daily News and Chicago Sun Times have recently reacted favorably to the President's proposed reorganization of the Federal bureaucracy. Both newspapers hope the reorganization plan can be made effective to make the Government more responsive to the people.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point these two excellent editorials.

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

[From the Chicago Daily News, Jan. 26, 1971]

NIXON'S BIG RESHUFFLE

"Change is hard," President Nixon conceded when he confronted Congress with proposals for sweeping changes in government organization. And although the need for change in any number of musclebound institutions of government can be readily demonstrated, the road to achievement is long and lonesome, and strewn with booby traps.

The elements of Mr. Nixon's plan to restructure federal departments are soundly conceived. Even to the untrained eye, it is clear that the functions of Cabinet officers overlap at many points, and at lower levels the mushroom growth of federal agencies in recent years has created a bewildering jungle.

The proposed new structure would leave only four of the present departments intact—State, Defense, Treasury and Justice. The remaining seven (now that the Post Office has been set aside) would be refined into four, under the headings of Human Resources, Community Development, Economic Development and Natural Resources.

This formulation grew out of a study under the chairmanship of Roy L. Ash, president of Litton Industries, and seeks to apply some of the management techniques of big business to the biggest business of them all, the federal government. But the political touch is also evident in the proposed labels. "Natural Resources" has a certain ring that is lacking in the Department of the Interior, which would be the nucleus of the new department, and who could resist the appeal of a whole wing of government dedicated to "Human Resources"?

Plainly, there would still be some overlap, for every department meets all the others coming 'round the bend. Economic development doesn't exist in a neat little compartment walled off from human and natural resources or community development. Co-ordinating the whole remains the job of the President. But merging most of the functions of Commerce, Labor, Agriculture and Transportation into the single Economic Development category would surely make sense.

The obstacles to such sweeping changes, however, are formidable. Long-established relationships between special interest groups and their government would be severely scrambled. The farm lobby, to cite only one example, cannot be expected to welcome the disappearance of a Cabinet-level Department of Agriculture. The reorganization would also disrupt any number of cozy positions of influence on congressional committees. The committees themselves would have to be reshuffled to align with the new look in the Executive branch. Between the external lobbying and the foot-dragging within Congress, the reorganization plan isn't likely to give the proverbial snail much competition.

Nevertheless, the challenge has been hurled and Congress can't very well ignore it. Mr. Nixon can carry his appeal again to the people, on the same grounds that he laid down in his State of the Union message: The reorganization is needed to make government more responsive to the people, as well as more efficient.

That's an impressive selling point, and if the plan falters it will be the opponents of change who must carry the burden of proof.

[From the Chicago Sun-Times, Jan. 26, 1971]

FORM, CONTENT, AND MR. NIXON

Mr. Nixon's proposal in the State of the Union message to reduce the present 12 Cabinet departments to eight and thereby streamline the federal bureaucracy cannot but envoke enthusiasm. The public often sees the bureaucracy as a creature whose tentacles ensnare not only the citizen but the bureaucracy itself.

If the President plunks a rich chord, he also encourages skepticism. For it is not whether there is bureaucracy, since bureaucracy is crucial to governing, but what kind of bureaucracy. One finds little hint in his talk as to how the new bureaucracy could surpass the present one; the present bureaucrats would run the new one. Who else would or could?

Now, the State of the Union address is of course no place for a chalk talk on office management. But since Mr. Nixon in the 92d Congress faces adversaries who could shake the confidence of Francis of Assisi, one wonders whether he has set out a project impossible to obtain at this time. His reorganization proposal is the kind one might expect from a President who is getting along with the Congress or who has just been convincingly returned to office. Alas for his program, Richard M. Nixon is neither.

To propose a massive plan such as this implies the change in form will be accompanied by real content—that is, effective governing. That could happen. But the point is that there is no convincing prologue to the play Mr. Nixon has written.

The State of the Union message as it always does has political overtones. But in fact we are glad to see him saying in effect (no matter what he says about turning the country back to the people, whatever that means) that the time has come for strong, positive, assertive leadership from him and the government. How else, he was in effect saying, can his hopes for welfare reform, a national health program, protecting the environment and keeping the Ping-Pong ball economy stable be realized?

We have at times criticized the President harshly and we feel that his major accomplishments are yet to come. But because he is President of all the people, we would like nothing better than for him to make a stunning record in the coming two years including the reorganization. If he does, he can then go before the people and the Congress on other matters with considerable confidence. And if he has a good record, they will have confidence in him, confidence that reorganization of the government will mean a change not only in form but toward better government.

COSPONSORSHIP OF THE FEDERAL EMPLOYEES FREEDOM-OF-CHOICE ACT

Mr. TOWER. Mr. President, I am again pleased to cosponsor with the distinguished Senator from Utah (Mr. BENNETT) the Federal Employees Freedom-of-Choice Act.

This is an extremely important piece of legislation. The passage of the bill would put Congress on record in support of the Federal employees right to refrain from joining a union. In his remarks, Senator BENNETT noted the Presidential action already taken to preserve this right. I join the Senator from Utah in praising the action of our three latest President's for their support of the concept of freedom of choice as it pertains to becoming a member of a particular organization such as a union.

However, I am sure that this body, in toto, would agree that congressional support of this concept would be more significant and lasting than the Executive order procedure undertaken by the President, whomever he may be. Last year during the debate on the postal reorganization plan, the Congress inserted a provision similar to the one that is now being proposed by Senator BENNETT and myself. Congress should act this year to extend this freedom of choice clause to all of our Federal employees.

The bill seeks to establish a clearly defined balance between the employer, in this case the U.S. Government acting as a representative for the citizens of this country, and the employee, the Federal civil servant. This balance is accomplished by giving to that civil servant the opportunity to choose whether or not he desires a union to be his sole representative during labor negotiations.

Again, I wish to thank the distinguished Senator from Utah for availing me the opportunity to cosponsor this bill. Senator BENNETT has long recognized this problem and has fought courageously to have the freedom of choice concept clearly defined. I trust that all Senators will give this bill their careful consideration.

FBI REVIEW NEEDED

Mr. McGOVERN. Mr. President, a few weeks ago I brought to the attention of Congress the case of former FBI agent, Mr. John F. Shaw, whose treatment at the hands of J. Edgar Hoover reflected the sorrowful state of the administration of the FBI. I called for hearings to review and correct that situation.

On a subsequent occasion, after discovering that Mr. Hoover had revealed his version of the case in the public press, yet refused to submit the same information in response to an inquiry from the Subcommittee on Administrative Practice and Procedure, I noted that Mr. Hoover's action amounted to contempt of the Congress.

A study of the previous attempts to secure a review of Mr. Hoover's administration will reveal that his frequent response is to create a diversion from the key issue. In reply to my call for an inquiry, he raised a false issue about the dates of the various aspects of his action. But the indisputable fact remains that Mr. Hoover publicized his version of the Shaw case while refusing to provide that same information in response to a request of a committee of Congress. And the key issue remains the quality of the present administration of the Federal Bureau of Investigation.

In this regard, I am submitting a copy of a letter I received written on behalf of 10 present agents of the FBI. The letter is written on the letterhead of the FBI. It is unsigned. The reasons are obvious. But the information it relates has been confirmed to an extent that demonstrates the great need for the most serious review of Mr. Hoover's administration.

I am also submitting for inclusion in the RECORD a copy of my response to their letter so that these agents may know that their call for review has not gone unheeded.

I have also received a letter from the John Jay Law Club of the John Jay College of Criminal Justice. These men have asked me to add their voice to a call for an investigation of the treatment of agent Shaw.

The Attorney General replied to my earlier request for an investigation of the circumstances involved in the Shaw case by noting that since the Shaw matter had been filed with the courts, it would not be appropriate to contest it in another forum. This is, of course, correct with regard to the Shaw case specifically, and its individual merits. But an appropriate regard for the judicial function does not bar a general review of the administration of the FBI, encompassing the serious questions and criticism raised in Mr. Shaw's original letter to his professor, as is supported and elaborated by the letter from 10 agents which I have received, and confirmed by a pattern of public and private conduct which has made it common knowledge among law-enforcement officials that Mr. Hoover has become a liability to law enforcement.

It is time that the American public be made aware of the seriousness of this situation. I am, therefore, writing to the Attorney General to request that he proceed with this long overdue investigation, and I encourage the appropriate congressional committees to undertake a similar review.

Mr. President, I ask unanimous consent that the following items be included in the RECORD: The letter I received from 10 agents of the FBI, my response to their letter, and the letter I received from the John Jay Law Club.

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

U.S. DEPARTMENT OF JUSTICE,
FEDERAL BUREAU OF INVESTIGATION,
Washington, D.C., February 2, 1971.

HON. GEORGE MCGOVERN,
U.S. Senator, Senate Office Building, Washington, D.C.

DEAR SENATOR MCGOVERN: I am writing this letter for myself and on behalf of nine associates. We are all Special Agents of the Federal Bureau of Investigation. We ask you to excuse the fact that it is unsigned. We are not accustomed to acting in this manner but in view of the treatment recently afforded former Special Agent Shaw of the New York Office we hope that you will understand and afford some consideration to this letter.

We are writing to urge you to press for the hearings about the FBI that the news services have recently reported you in favor of. The treatment given Mr. Shaw, while harsh, is not so unusual as to be dismissed as an isolated instance. Rather, it is indicative of an entire attitude and method of operation employed by FBI headquarters. There are many, many others who suffered similar fates of varying degrees whose stories could be told. Because of different family and other situations there were not able to bring this matter to light as was Mr. Shaw. Nothing similar has happened to any of us but there is not a man in the Bureau who does not know someone that something has been done to of a similar nature.

But there is much more involved than personnel matters. We have read newspaper accounts of Mr. Shaw's letter. The criticisms he makes of the FBI are all correct. The situation as it now exists is stifling any good that the FBI could do in this country.

Our statistical accomplishments about which Mr. Hoover publicly takes so much credit are, for the most part, phony. A large number of them, especially in the fugitive and stolen auto areas are taken from the work of police departments. As such, they are reported twice. This makes the FBI Uniform Crime Reports grossly inadequate to say the least. Those statistics in the conviction field which are ours are for the most part from matters involving minor or petty offenses in which the subjects can be easily talked into pleading guilty in return for a lesser charge. A large number of convictions claimed by the FBI, especially in Washington, are the result of police work on a matter in which there is joint jurisdiction. The police report the conviction and so do we. We are not allowed to fight the real crime in this country which should be fought—it is long and hard work and does not produce the volume convictions of which Mr. Hoover is so proud. Our convictions are concentrated predominately among minority groups who commit minor offenses, usually disregarded by police departments. Mr. Hoover insists that we concentrate in this area among people who do not understand their rights as well as others. It produces record numbers of convictions. If an actual breakdown of what is really involved in the convictions we claim were ever made known to the public every Agent in America would be ashamed to show his face. The list is endless.

To be honest, we are younger Agents, between twenty-seven and thirty-one years of age. But this letter is not written out of inexperience. One has only to spend a few years in the FBI to learn how the system operates. We write, rather, because we believe that the FBI could be a vital force within our system of government for good if allowed to do the job that needs doing. If we could for only a few moments forget about the Director's image and the preservation thereof. At the present that is all we exist for.

We write to you in the hope that you are sincere in your statements about the Bureau. We urge you to continue to make inquiries into the operations of the FBI and to try and bring about a much needed change. Mr. Hoover has rendered great service to America. We do not argue with this. We do state, however, that in the recent past Mr. Hoover is tearing down that which he has built up, and at a much faster rate, both through his public statements and through the attitude of "take the easy road" which he is demanding throughout the FBI.

This letter is written on letterhead paper in the hopes of convincing you of its origin. Please make whatever use of it you deem necessary. We only ask that you do not let the original out of your possession. It could possibly be traced. And believe us, it would be.

MCGOVERN LETTER TO FBI AGENTS,
MARCH 1, 1971

Your letter urging that I press on for hearings on the administration of the FBI adds to a now lengthy record of reasons to review Mr. Hoover's administration. I requested an investigation after being informed

of the outrageous treatment afforded a loyal agent of the FBI. Mr. Hoover's action in inducing this man to resign, and then accepting his resignation "with prejudice" so as to prevent him from securing further employment, went well beyond internal questions of personnel policy to the most fundamental matter of human rights and basic decency. Mr. Shaw is the father of four children and his wife is seriously ill. I requested hearings as a means of setting right the grave injustice he is suffering.

But as you have recognized, Mr. Hoover's action in the case of this one man reflects a much more pervasive crisis in law enforcement in America. In particular it should be noted that the vindictive persecution of an employee for privately voicing a criticism of Mr. Hoover contrasts sharply with Mr. Hoover's own public castigation of his former superiors, Ramsey Clark and Robert Kennedy.

Mr. Shaw is being persecuted for privately voicing constructive criticism of the FBI's administration. Mr. Hoover engages in scurrilous public name-calling directed at two former Attorneys General to whom he was responsible, and he continues to be glorified and protected through the most highly developed public relations system ever employed by a governmental agency. If any other administrator of an agency of our government was known to have engaged in the intimidation of his employees, to have publicly castigated his former superiors, to have violated the most fundamental tenets of due process of law by announcing the criminal guilt of American citizens prior to even the filing of an indictment against them, a Congressional investigation would be initiated. That there has not been such a call long ago is testimony to the extraordinary position of privilege which Mr. Hoover has enjoyed; privilege absolutely inconsistent with the fundamental prerequisites of government in a free society.

Tyranny has many faces. Bureaucracy encrusted with procedures and policies dedicated to its perpetuation and glorification without regard to the public interest is probably its most threatening appearance in a free society. It becomes especially dangerous when it is devoted above all to sustaining the power and ego of one man.

Mr. Hoover *has* rendered valuable service. Particularly when it is understood that the operations of the FBI touch the most sensitive aspects of our society, his years of professional performance deserve recognition. But it is precisely because of the importance of the FBI for law enforcement and its relevance to the rights of all Americans, that the degeneration of his leadership must not be allowed to continue.

The vindictive treatment of FBI Agent John Shaw, the attacks on Ramsey Clark, Robert Kennedy and Martin Luther King, are not simply a reflection of extreme oversensitivity to criticism. They betray an ominous and increasing egotism and personal prejudice in Mr. Hoover's statements and activities. The seeds of this misdirection appear to rest in long established policies, though much of this information has only recently come to light.

For example, after first refusing to reveal the information to a syndicated columnist, and only after public pressure was brought to bear, Mr. Hoover revealed through the Justice Department that as of January 31, only 1.3% of the FBI's 7,910 special agents are of minority races.

Mr. Hoover has begun to make public his disparagement of Mexican-Americans and other minorities. And his disgraceful attack on the integrity of Martin Luther King, a man who blessed an entire nation with the bounty of his compassion and conscience, is the ultimate measure of Mr. Hoover's isolation from a true sense of justice in America.

I regret to have to recognize that neither you nor I nor the American people are likely to receive any aid from the Administration in setting right the house of the FBI. As you may know, when two high Justice Department officials recently criticized Mr. Hoover for his irresponsible statement in the Berrigan case and suggested that he should retire, they were summarily rebuked and silenced by the Administration.

I know also that I can expect to confront the massive public relations operation which has long stifled any criticism of Mr. Hoover's administration. Indeed, within two days of announcing that I had received an unsigned letter written on behalf of ten present Special Agents, I received a letter from a present agent of the FBI extolling Mr. Hoover's virtues, and condemning my criticism. Although this agent asserts that he is writing without the acquiescence or knowledge of Mr. Hoover, its distinctly public relations character inspired a check by my office on the function of the agent writing the letter. We were informed by the FBI operators that he is employed in the Office of the Assistant Director of the Crime Records Division, Mr. Thomas E. Bishop, who as I'm sure are aware, is Mr. Hoover's publicist.

Your letter indicates that you realize that because it is unsigned it is open to this sort of effort to discredit the call for a review of Mr. Hoover's administration. I do not, however, think your apology is necessary. No man should presume to be your conscience where the well-being and security of your families is concerned.

I do suggest, however, that we all take a longer look at what constitutes the well-being and security of our families. We must ask what measure of freedom and justice we want for our children. I cannot believe that we want our great nation to become a land where our personal privacy and our personal freedom is jeopardized by the abuse of power by a police official who seems to believe he is a law unto himself.

Sincerely,

GEORGE MCGOVERN.

JOHN JAY LAW CLUB,
New York, N.Y., February 10, 1971.

Through: Hon. George McGovern, U.S. Senate, Washington, D.C.

To: Hon. John Mitchell, Attorney General, Justice Department, Washington, D.C.

DEAR SIR: The officers and members of the John Jay Law Club, of the John Jay College of Criminal Justice, implore you to take positive and responsible action in regard to Senator George McGovern's request for an investigation of J. Edgar Hoover's treatment of agent John F. Shaw, for writing a letter on the strengths and shortcomings of the Federal Bureau of Investigation.

We agree with Senator McGovern that the injustice which this man has suffered cannot be tolerated in a free society. But, beyond consideration of the personal tragedy, what is at stake is the integrity of our government and the effective enforcement of its laws.

A reply concerning your actions on this matter would be appreciated.

Very truly yours,

HENRY HARRISON, *President.*

HUNGER

Mr. PERCY. Mr. President, as the ranking Republican member of the Select Committee on Nutrition and Human Needs, I join the distinguished Senator from South Dakota, the chairman of our committee, in urging support for Senate Resolution 22.

Since the resident delivered his historic "hunger message" in May of 1969, the administration together with Congress and the committee have made significant, often dramatic gains, in the antihunger programs.

The new School Lunch Act guarantees a free or reduced-price lunch to all needy schoolchildren. Participation in this program has increased from less than 3 million to 5½ million. The new Food Stamp Act promises greater food benefits to more hungry Americans. Participation in this progam has increased from 2 to 10 million. All together the number of poor Americans participating in food programs has risen from 6 to 12 million. And funds for Federal food assistance programs have increased by more than $1½ billion.

However, our work is not finished; in fact, it is only half done. Of America's 25 million eligible poor, our efforts have reached only 12 million. An estimated 13 million poor Americans are still without Federal food assistance.

I am confident that this administration will continue to move forward in making the paradox of hunger in the most affluent nation in the world no more. Like the distinguished Senator from South Dakota, I believe that the committee's efforts have greatly contributed to the progress made against hunger. I can assure you that the committee asks not to broaden its mandate but to fulfill it. I hope my colleagues will see fit today to extend the life of the Select Committee on Nutrition and Human Needs and allow it to continue helping the President finish his war on hunger.

COMPREHENSIVE PREPAID HEALTH CARE—WHY?

Mr. HUMPHREY. Mr. President, the Nation is experiencing a crisis in health care that cries out for extensive reform in both the delivery and financing of the way in which these services are provided the American people.

We are blessed in this country with excellent medical technology, the world's best trained doctors and nurses, the finest scientific research and treatment facilities.

The problem before us is to get all of this to all of our people at prices everyone can afford to pay.

Americans spent $70 billion on health care last year—that is about $325 for every man, woman, and child in the country—and yet we rank worse than 10 to 17 other nations in terms of life expectancy and infant mortality.

We are the only major industrialized nation that does not provide some form of national health service for its citizens.

Dr. Solomon J. Zak, a highly respected physician in the Minneapolis-St. Paul community, has addressed himself to this subject in an informative, learned, and readable article entitled "Comprehensive Prepaid Health Care—Why?"

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

There being no objection, the article

was ordered to be printed in the RECORD, as follows:

COMPREHENSIVE PREPAID HEALTH CARE—WHY?

(By Solomon J. Zak, M.D.)

This nation is faced with a breakdown in the delivery of health care unless immediate concerted action is taken by Government and the Private Sector. . . .—Robert H. Finch, Secretary, Health, Education, and Welfare, 1969.

Numerous pronouncements made in the mass media relating to the extraordinarily high health care costs in the United States have served to sensitize the American public to that aspect of failure of our present fee-for-service system of health care delivery. Thus, in 1950, the combined public and private spending for health and medical care in the United States was 12.1 billion dollars, with 9 billion accounted for by private spending. By 1955 the total rose to 17.9 billion dollars. In 1960 total health and medical care in the United States had increased to 26.4 billion and in 1965 to 38.9 billion. In 1969 a remarkable increase took place to 60.3 billion dollars which amounted to 6.7% of the Gross National Product in fiscal 1969. One-third of the total was met by government (local, state, federal) funds.

While there has been a significant increase of persons partially covered by various forms of health insurance during the past quarter century, some forty million persons in this country still have no health insurance whatever. Some sixty million persons under the age of 65 years have health insurance coverage that must be considered as grossly inadequate. Furthermore, the percentage of consumer health expenditures met by health insurance in the years 1960 through 1968 peaked in 1968 at a figure of only 36%.

There are other additional and equally compelling reasons why re-organization of health care delivery systems in this country is so essential. Multiple standards in the delivery of health care are readily acknowledged, and are directly related to the factors expressed in the well known statement: "Today medical treatment is too often oriented towards what the patient can afford, rather than what the patient truly needs." Truly comprehensive and complete medical and hospital care coverage by existing plans is virtually non-existent in this country, and routine examinations with an emphasis towards preventive medicine are not even covered under the existing Medicare Act.

Unfortunately, at present, there are too few truly concerned physicians, hospital boards, hospital administrators or statesmen making any serious effort to alleviate these problems. It must be recognized that apathy in the private sector will lead, inexorably, to greater governmental control of the health care industries, and that the responsibility for assuming the initiative in altering our health care delivery system must be assumed by the medical profession itself.

An alternative for the cumbersome and expensive fee-for-service system of health care delivery is available; Comprehensive Prepaid Health Care has proved successful in many parts of this country and is receiving growing recognition as the principal bulwark against the further spread of socialized medicine. The social, economic and professional superiority of comprehensive prepaid health care has been carefully analyzed and tested, and can be achieved by a thorough commitment to at least the following five basic principles:

PREPAYMENT

Prepayment basically eliminates the cost barrier for medical and hospital services. The individual family can budget its health costs in an orderly and knowledgeable manner.

The entire concept of claims and claims adjustment, which is such an integral and expensive part of the contemporary insurance scene, is virtually eliminated by the principle of prepayment. Those entrusted with the leadership responsibility for governmental, industrial, indigent, union, educational and other groups can plan more confidently knowing that the health costs will be predictable and will not continue to increase rapidly and uncontrollably, year after year.

The incentive to over-utilize expensive hospital facilities, which is altogether too common under present insurance programs, is negated via the prepayment method, for admissions to hospitals for diagnostic studies comprise the exceptions, and care is oriented to keeping the patient active as well as healthy. An in-depth survey of health costs in the state of California conducted by the Health Manpower Commission of the U.S. Public Health Service for 1960 to 1965 compared the Kaiser Foundation Hospital System with fee-for-service hospitals throughout the state of California and revealed the following: the requirement for hospital beds under the Kaiser-Permanente Plan was found to be 1.69 per thousand persons per year, whereas the rest of California required 3.39 beds per thousand persons per year. Furthermore, the Kaiser Foundation Hospitals and associated Permanente Medical Groups with their emphasis on appropriateness of care to patients, resulted in only 528 hospital patient days per 1,000 persons per year, whereas the rest of California required 891 hospital patient days per 1,000 persons per year.

Prepayment allows the physician to develop a program of analysis and treatment based entirely on the individuals' health needs, rather than upon the patients' economic limitations.

The administrative advantages of prepayment are particularly clear cut because accounts receivables are virtually eliminated and billing procedures are greatly simplified, resulting in major decreases in administrative expenses.

THE USE OF FULLY INTEGRATED AND CENTRALIZED FACILITIES

Full benefit to all concerned can only be realized when physicians offices, administrative functions and hospitals facilities are housed in conjoint structures. Economy and efficiency of operation are achieved through the use of the same facilities for both in- and out-patients. Expensive medical equipment is subjected to maximum utilization, with a resultant decrease in the financial burden to both physicians and patients which now accrues through the all-too-common duplication of equipment. Signficant conservation of physicians time is thus assured but of great importance also, and too often simply ignored, is the conservation of patients' time.

VOLUNTARY ENROLLMENT

This principle of comprehensive prepaid health care assures that each family whether enrolled individually or through group membership is always provided with a free choice of type of medical care coverage. Members are permitted to cancel subscription to the health plan on appropriate notice with a re-imbursement schedule for unused fees. This method thus assures that the membership is one which is basically satisfied with the services of the health plan; each member thus becomes, by definition, a positive exponent of the Plan. It is this feature of a successful prepaid health care plan that is credited with a significant contribution to membership enrollment and to remarkably effective public relations between the Health Plan and the Public.

GROUP PRACTICE

Within the complex of group medical practice, highly qualified physicians, be they generalists or specialists, can share the professional responsibilities for maintaining the health of the subscribers. Unlimited consultation and extensive medical services of all types are available in group practice within both the hospital setting and clinic to assist each physician in the optimum management of his patients. The physicians benefit by the continuous opportunity for professional interchange and a continuing, carefully supervised postgraduate medical educational program.

Financial security, including fringe benefits such as pension and profit sharing plans and incentive programs, allows the physician to devote his time solely to medical matters, relieving him completely from administrative burdens if he so wishes.

Additionally, group practice in a prepaid setting wherein voluntary enrollment is an essential feature, may well provide a means of averting the ever increasing influence of Government on the control of the health care industry. Large independent groups of physicians, caring for and representing much larger groups of satisfied patients whose opinions can be readily assessed, can exert a predictable influence on Government. This is particularly true if these self-same physicians have been responsible through their own initiative in curtailing the spiraling rises in health care costs.

Finally, group practice within a major hospital setting can provide outlets to those physicians who have the talents and desires to diversify their professional activities to the administrative, research or educational fields.

PREVENTIVE MEDICINE

Since the sick person becomes the liability, and the well person becomes the financial asset, comprehensive prepaid health care with emphasis on preventive medicine constitutes a true reversal of the prevailing economics of medical care. Fee-for-service care, indeed, is synonymous with sickness care, whereas comprehensive prepaid health care embodies both care and health maintenance. Since the cost barrier is essentially removed for health care under prepayment, there is a great tendency to seek medical care earlier in the course of illness. Thus, an early diagnosis usually means less treatment both in and out of the hospital.

The full influence of the physicians' knowledge in the health education of large numbers of lay persons can approach its full potential in prepaid health care with its emphasis on preventive medicine. Presentations to Health Plan members of authoritative information of self examination of the breast, anesthesia, pre- and post-natal care, the circulation, human growth and development, certain aspects of mental health, the use and abuse of drugs, diabetes and obesity have already been made available in certain of the successful prepaid health care plans by effective audio-visual devices.

THE LOCAL SCENE

In order to provide for a comprehensive prepaid health care plan in the Minneapolis-St. Paul-Greater Metropolitan Area, a group of practicing specialists have formed a professional association fully committed to the principals described above. This incorporated group has been named *Health Care Professional Association*. This medical corporation has achieved a mutual understanding with Health Central, Inc., a non-profit community hospital corporation which controls under a single board, three modern hospitals ranging in size from 150 to 225 beds. Health Care Professional Association and Health Central, Inc., have expressed a mutual intention to explore and develop comprehensive

prepaid health care for this area. The development of an appropriate Trusteeship for a third corporation, a Health Plan Corporation, is now under way. When that corporation is established health coverage will be offered publicly to various groups and individuals.

Fundamental to the success of a Health Plan Corporation is the development of a Trusteeship which is fully committed to the welfare of the member patients, while at the same time accepts legal and moral responsibilities that arise out of the contractual relationships with the hospitals and the physicians. The Health Plan Trusteeship must be both representative of and sensitive to the needs of both the users and the providers of health care.

It is in this specific area of mutual trust both legal and moral, that a Health Plan Corporation would differ so greatly from the prevailing philosophy of health insurance; since ordinarily, a health insurance company does not accept the responsibilities for providing for the medical care it contracts to pay for. The Health Plan Corporation would function as a nonprofit corporation whose purpose would be to represent and coordinate the activities of the three principal groups, namely the Physicians, Hospitals and Subscribers. It would collect all funds in accordance with its contractual agreements with users, and prepay the Physicians Group and Hospital Corporation based on budgetary estimates.

By way of summary, it can be stated that economic, demographic, technological and sociological factors are all contributing to an evolutionary need for a new and more effective form of health care delivery. Comprehensive prepaid health care has been tested over the past 25 years and has been found to be a successful approach to health care of large numbers of persons. Such a plan depends upon the successful implementation of five basic principles:

Prepayment;

Fully Integrated and Centralized Facilities;

Voluntary Enrollment;

Group Medical Practice;

Preventive Medicine.

Additionally, the philosophy, implementation and practice of a successful comprehensive prepaid health care plan requires an enlightened Trusteeship to co-ordinate and direct those activities set forth above while at the same time assuring the integrity of both users and providers of the health services.

LITHUANIAN INDEPENDENCE

Mr. HRUSKA. Mr. President, it is a privilege to join with my colleagues who last week commemorated the 53d anniversary of the establishment of the Republic of Lithuania.

While official duties prevented me from making this statement on the day officially assigned as the day of commemoration, I do want to send greetings to the people of Lithuania and the other Latvian nations. I want to say to them they are not forgotten in this time of trial.

It has now been 30 years since the proud people of this small country were swept into slavery by the Soviet Union. But even 30 years of cruel servitude cannot extinguish the spark of freedom in man's breast. That spark still burns in Lithuania, as it does in Czechoslovakia, in Poland, and all of the other European countries who languish under the oppression of Communist puppet governments.

Like their equally unfortunate neighbors, the Lithuanians are a proud people. They had lived peacefully in their land for many years. Their language is the oldest in Europe today.

Onto this land ground the iron boot of communism. The Soviets, with few preliminaries other than the usual bogus election, began one of the most brutal occupations in the history of mankind. Lithuanians died and were exterminated until today—30 years later—the country has lost more than one-fourth of its population.

Still the fight against oppression continues in Lithuania, as it does in other Communist-dominated countries. The most recent hero of the battle is of course Simas Kudirka, the Lithanian crewman who sought asylum recently with the United States Coast Guard off the coast of New England.

We need not be reminded of the terrible debacle which culminated in his capture and return to custody of his Russian masters. Let us only hope that this tragedy brought home to Americans and other free people the horrible fate of those who live under Communist rule. To have returned this heroic sailor to his ship was in all likelihood tantamount to sentencing him to death. I am not persuaded by recent publicity that shows him living well behind the Iron Curtain. We know the Russians well enough to realize there is a method and a purpose behind their actions.

Despite its callous lipservice to human rights and its endorsement of international covenants designed to preserve such rights, the Soviet Union goes on about the business of denying human, personal, or political rights to anyone who becomes an obstacle in its monstrous path to world domination.

They are denying freedom in Russia, in Lithuania, in Czechoslovakia, and other countries. By and large, they display a cynical indifference to appeals from outside the Iron Curtain for humane or reasonable treatment of its captive peoples.

Sometimes however, the outrage of the free world swells to such a volume that even the hardened Russian people-masters are moved to caution. I reported on such an incident only last week when complaints of clumsy blackmail attempts against Czech and Slovak exiles became so strenuous that the puppet Czech government announced it was going to cease its practice.

Thus, by calling attention to the continuing struggle for freedom being valiantly carried on by many peoples, we find we may be making some headway in the cause of freedom.

Let us hope and pray that these messages of encouragement to Lithuania will hasten the day of liberation for its suffering people.

TENTH ANNIVERSARY OF THE PEACE CORPS

Mr. MUSKIE. Mr. President, today, Monday, March 1, marks the 10th anniversary of the Peace Corps. This is an occasion for expressing thanks to those Americans who through their Peace Corps service have worked so effectively for their country and for mankind; it is also an occasion for reflection on what the future holds for the Peace Corps and other volunteer organizations in America.

On March 1, 1961, President Kennedy established the Peace Corps. Its purpose has been to promote world peace and friendship through providing American men and women to help other countries meet their needs for trained manpower, and through increasing understanding between the American people and the peoples of the countries served.

I believe that the Peace Corps has been carrying out these purposes effectively. Since 1961, over 50,000 Americans have served in the Peace Corps in more than 60 foreign countries. These volunteers have made significant tangible contributions to the development of the countries where they have served. For example, countless numbers of students have been taught, communities developed, skills imparted, agricultural methods improved, and health programs established. Equally important have been the intangibles. To mention but a few: the growth in communication at a people-to-people level between our country and other countries with whom in many cases we had had little previous contact; the imparting of the principle of self-help, which has been a major element in these volunteer efforts; and the increased skills and dedication with which most Peace Corps volunteers have returned to America.

There have been setbacks along the way, and disillusionment among some volunteers. But overall, the Peace Corps in the last 10 years has demonstrated that large numbers of average Americans can be trained and sent overseas to make a meaningful contribution to development. Beyond this, the Peace Corps has helped show the world that America is more than military might or material achievement—that America is also humane; that we care. It has thus embodied what I consider to be one of our great qualities as a people: Our concern for the individual, whomever he may be; and the direr his circumstances, the deeper our concern.

In the 1960's, the Peace Corps concept was emulated here in the United States and by other countries. VISTA and the Teacher Corps came into being at the Federal level, and similar organizations—both private and public—developed at the State and local level. There began in a sense a "volunteer service" movement. It was a new development, and yet also an outgrowth of our fine tradition of volunteerism which has been so long expressed in our community service organizations.

But in the last few years this volunteer service movement seems to have faltered. The number of persons applying for and serving in the Peace Corps has markedly declined. VISTA and the Teacher Corps, after promising starts, have leveled off at a minimum size. No new programs have been developed.

I believe it is important to America that the decline in this movement be reversed. I further believe this can only be done by basic changes in governmental policies that will restimulate the desire of our people to serve as representatives of America overseas or here at home. Without such rejuvenation of the desire to serve, the mere amalgamation of volunteer programs, which the President suggested in January, will probably be of little consequence.

With respect to the Peace Corps, this rejuvenation requires a foreign policy which ceases to be established primarily on cold war concepts and its replacement by a foreign policy that places our ideals above our fears, that seeks long-term peace rather than short-term tactical advantage, and that emphasizes what we as Americans stand for as well as what we stand against. On the domestic side, this rejuvenation needs a recommitment to a meaningful attack on poverty in the United States, to the saving of our environment, and to the overcoming of the morass of problems that consume our urban areas. Only with basic changes such as these can a climate be restored in which the people of this country truly want to serve.

Thus, on this the 10th anniversary of the Peace Corps, I congratulate all those who have answered the call to service—in the Peace Corps and in the host of other private and public volunteer organizations; and I urge that we as a nation commit ourselves to rekindle the Peace Corps spirit, so that Americans will continue to have not only the vehicles through which to serve their fellow men but also the desire to do so.

CAPTIVE NATIONS

Mr. PERCY. Mr. President, I know that my colleagues share with me the deep concern for those in central and Eastern Europe who live under regimes which do not represent their ideals or their aspirations. It is one of the tragedies of our time that such situations exist year after year without hope of immediate change. It is very sad that the United Nations is not a protagonist for change.

On the occasion of the 25th anniversary of the United Nations, Vasil Germenji, chairman of the Assembly of Captive European Nations, sent the following telegram to Dr. Edward I. Hambro, president of the United Nations General Assembly:

The Assembly of Captive European Nations, composed of democratic representatives of the silenced people of Albania, Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland and Rumania, extends to Your Excellency and the General Assembly its sincere congratulations on the twenty-fifth anniversary of the United Nations.

The United Nations, founded amid great hopes for a just and lasting peace, is entering a crucial stage of its existence. In spite of many notable accomplishments, the U.S. has unfortunately failed to address itself to a number of deep-seated problems plaguing mankind. Our Assembly respectfully draws the attention of Your Excellency and that of the General Assembly to the following:

1. Not one of the nine countries listed above is represented in the United Nations by delegates designated by a freely elected government. These delegates have no right to speak on behalf of our nations. They speak in behalf of regimes which have been imposed on these countries by, or with direct assistance of, a foreign power, and which have maintained their stranglehold over East and Central Europe by force, intimidation and threats. In an age of world wide advocacy of the right to self-determination, this continued misrepresentation of 100 million East and Central Europeans in violation of the Charter of the United Nations should be condemned, and corrective measures instituted.

2. Since the nine nations enjoy no genuine representation in the U.N., their citizens have no recourse for airing their grievances concerning violation of human rights and political freedoms and seeking redress. It is submitted that the U.N. should devise, and make operative, a machinery that would allow nationals of these countries to take specific steps to bring their case to the attention of the world forum.

3. The implications of the Brezhnev Doctrine of Limited Sovereignty—formulated after the invasion of Czechoslovakia—are in direct contravention to the principles of the U.N. Charter, which postulates that each member state is to enjoy full sovereignty. It is inconceivable how a member state—the Soviet Union—can enunciate a Doctrine so fundamentally opposed to the letter and spirit of the U.N. Charter, without being brought to account by the members of the United Nations.

The U.N.'s prestige can be enhanced only if the organization consistently and without exception defends and adheres to the provision of its Charter and the Universal Declaration of the Rights of Man.

A case in point is the situation in the Captive European Nations and specifically the unresolved question of Hungary.

The Assembly of Captive European Nations respectfully submits to Your Excellency and to the General Assembly that the time to act on pressing issues including those outlined above so essential to international peace and security, is now—on this solemn occasion when the U.N. observes twenty-five years of its existence.

The sentiments expressed in Mr. Germenji's telegram are in keeping with the feelings of a great majority of Americans who want freedom and autonomy for the peoples of central and Eastern Europe. His comments about the so-called Brezhnev doctrine are especially compelling and deserve the attention of all in this body. I commend them to you.

THE WIDENING WAR IN LAOS AND CAMBODIA

Mr. CHURCH. Mr. President, on February 16, 1971, the CBS television network presented a new special entitled "The Changing War in Indochina: The Widening War in Laos and Cambodia." This program was one of the most comprehensive and objective accounts of the war in Indochina that the media has produced.

I ask unanimous consent that the transcript of the program be printed in the RECORD.

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

THE CHANGING WAR IN INDOCHINA: THE WIDENING WAR IN LAOS AND CAMBODIA

AS BROADCAST OVER THE CBS TELEVISION NETWORK, FEB. 16, 1971, WITH CBS NEWS CHIEF FOREIGN CORRESPONDENT CHARLES COLLINGWOOD

Produced by CBS News

CHARLES COLLINGWOOD. This scene is as familiar as the story of America's involvement in Vietnam: Massed U.S. units on the move. But this may be the final big-scale American action in South Vietnam—and on the ground, it is strictly limited. The orders are to go up to the border with Laos and no farther. It is the South Vietnamese who are going across.

The war in Indochina is changing, radically and rapidly. The American combat role on the ground is diminishing. The South Vietnamese are taking over. But in the air the American combat role continues. There are as yet no boundaries to the exercise of American air power and as the geography of the war expands, the great weight of our air strikes has switched from South Vietnam to Laos and Cambodia.

There is a paradox about this busy war on new battlefields at the very moment the United States is winding down its participation in Vietnam. Administration officials deny that the invasion of Laos represents an extension of the war.

Secretary of Defense LAIRD. No, the area of the war is being narrowed because the war has moved out of South Vietnam to a large extent, it's moved out of North Vietnam and now the war has narrowed into the area of the occupied territory of Cambodia—northeastern Cambodia and in southern Laos. So, by any measurement, the war is being narrowed as far as its scope is concerned.

COLLINGWOOD. Critics insist that by any measurement the war is obviously being widened.

MARVIN KALB. Senator, the Administration claims that its actions in Cambodia and Laos have really not widened the war, and, in fact, have hastened the timetable for the U.S. withdrawal.

Senator FRANK CHURCH. Haven't widened the war?

KALB. Have not widened the war.

CHURCH. Opening a front in Laos? It doesn't widen the war?

KALB. Well, that's what they claim. Now what is your own feeling?

CHURCH. Black is white? Night is day? Up is down? Doesn't the language mean anything any more? Of course the war has been widened, in the sense that the fighting now is going on in Laos, and it's going on in Cambodia, and American forces are participating on fronts that didn't exist before.

COLLINGWOOD. The U.S., and more particularly the South Vietnamese, are now participating on fronts that did not exist before. To a degree, the fate of South Vietnam is now being decided in the jungles of Laos and Cambodia. Yet Secretary Laird is also right. The war is narrowing—at least in the American commitment of lives, of money, of troops on station.

These contradictory changes, these transformations of the last year in Indochina, and their implications are the subjects of our broadcast tonight. I'm Charles Collingwood.

ANNOUNCER. This is a CBS News Special Report, the first of two broadcasts on "The Changing War in Indochina." Tonight: "The Widening War in Laos and Cambodia." With CBS News Chief Foreign Correspondent Charles Collingwood.

(Announcement.)

COLLINGWOOD. South Vietnamese troops are now well into their second week in Laos, with American planes supporting them overhead and 9,000 American troops backing them

up across the border in South Vietnam, but no American soldiers fighting with them. The operation was born under a news embargo and has been scant on information ever since, but the South Vietnamese Command says the advance has already been consolidated along the axis of Route 9 to a point about halfway between the border and the town of Tchepone, a key point on the Ho Chi Minh Trail. Reconnaissance troops are said to have reached Tchepone itself.

According to Saigon, about one-half of the Ho Chi Minh Trail complex in this area has already been blocked. This, of course, is the purpose of the operation, to cut the supply line from North Vietnam down into South Vietnam and into Cambodia. The enemy is believed to have been making a special effort this year to push his men and supplies down the Trail, but because of bad weather at the beginning of dry season, the progress is thought to have been delayed and supplies piled up in the northern part of the Trail. Therefore, it is reasoned, if the Trail is cut now, North Vietnamese offensive operations would be prevented this dry season and possibly next. That is the rationale of the present attack in Laos, but expectations in Indochina have a habit of being denied. The name of this operation is Lam Son 719, the 719th in a series of South Vietnamese Army operations. There is no reason as yet to think there will not be a 720th or 30th or—that is to say, there is no reason to believe that the invasion of Laos will in itself end the war. At most it is a way station on the road toward American departure and South Vietnamese self-sufficiency.

Although the Army of South Vietnam is bearing the brunt of the fighting in Laos, the way for the offensive was prepared by Americans. Don Webster reports.

WEBSTER. When the offensive began January 30th, the first vehicles to move were American. They pushed westward down Highway 9, a road which runs all the way from the South China Sea across Vietnam and then across Laos.

The decision to reopen Highway 9 and the bases which are strung out along it created a virtual traffic jam of vehicles. In the air, helicopters of all varieties were used to ferry troops and supplies to key locations. This tremendous activity in an area which had been deserted couldn't be concealed. In this important way it differed from the Cambodian operations of last summer, which took place with little visible evidence of advance preparations. Despite attempts by the military to place a news embargo on the preparations for Laos, there was worldwide speculation about it ten days before it even began.

One by one, American troops reopened their old bases, Camp Carroll, Vandergrift, Khesanh, Lang Vei—and many small bases which don't even have names. This one at Lang Vei had a special significance: it is the only outpost in this war which Americans have had to abandon, on the run, under enemy fire. Three years ago Communist troops overran it, using tanks, in a middle-of-the-night attack.

As to the G.I.'s, at a glance they appear much the same as before, loaded with goods they will need in the field. But the tactics being used by American troops are different. Basically, they went to their locations and stayed there. They are not holding night ambushes. They are not holding combat assaults. There are not very many reconnaissance patrols. That is now the job of the ARVN.

KONYHA. Really, we're simply mainly for forming a blocking force function. Road clearing and things like this in support of the Vietnamese operation.

WEBSTER. Would you like to go with them into Laos?

G.I. Definitely not! From what—We don't know anything about it, but from what everybody says, it's—you know—it's pretty hairy over there. So, I don't think so. I think, as I just said, I imagine I'm just like the rest of the guys and want to go home.

WEBSTER. How long do you think you'll be out here?

G.I. Well, when we left our area, why, they told us that we'd be up here about thirty days. And I don't know if that's for sure or not.

WEBSTER. Will you be glad to get back?

G.I. Yeah. I'd be glad to get back where I came from.

WEBSTER. Besides all the logistical help and the artillery, the other major U.S. role has been in the air, for transport of Vietnamese troops into Laos and the use of American helicopters and gunships in Laos. It is in this area the Vietnamese need the most help. President Thieu, when he visited the Laos Command Center in Vietnam the other day, was well aware of this.

Do you think in the future you could continue to conduct operations in Laos like this without American air support?

THIEU. I think that we still need American air support, as a very frank . . .

WEBSTER. For years to come?

THIEU. It depends upon how our aviation will be developed. That's a very important factor.

WEBSTER. Do you think that in the future, in years to come, South Vietnamese troops are going to have to continue to go back into Laos again and again as you are in Cambodia?

THIEU. We cannot say what we will do one year ahead. Now, we can say only what I have said, it's a very limited operation—limited in time, in space and the duration and every year. Now it depends upon how the war is going on and we will decide later on.

WEBSTER. It's been a good many years since the U.S. sat back and let someone else do the bulk of the fighting, in Vietnam or anywhere else. But with American offensive operations due to end in Vietnam by May First, this may be a preview of the way the U.S. will operate here in the future. Don Webster, CBS News, in Quang Tri, South Vietnam.

COLLINGWOOD. Although the ground operations in Laos are South Vietnamese, the Americans in their secondary role have taken substantial casualties. The Pentagon reports 19 Americans have been killed in "air operations." Earlier, ten Americans had been reported killed in "Operations Dewey Canyon." Fifteen U.S. helicopters have officially been listed as destroyed, and many more are believed to have been shot down but later recovered.

Casualties among the South Vietnamese are higher—71 reported killed. And they claim to have killed nearly five hundred of the enemy. Nevertheless, North Vietnamese resistance so far has been less vigorous than expected, as the South Vietnamese move ahead slowly and cautiously. Jeff Williams reports from Laos.

WILLIAMS. The South Vietnamese thrust into Laos is proceeding at a snail's pace, and these airborne forces appear to be in no real hurry. They know they will be in Laos for a long time.

While one thrust toward the Ho Chi Minh Trail was made on the ground, Ranger and airborne units were helicoptered directly into the conflict, in U.S. Army choppers. Although the United States Government says it is not sending Americans on the ground into Laos, U.S. troops are playing a major air support role. The overwhelming majority of all Vietnamese troops carried into combat go on U.S. helicopters, as do the tons of supplies they need.

Troops pushing across the dry Laotian hills are slowly but steadily uncovering enemy supply caches, like here right in the Ho Chi Minh Trail complex. The goods are stored in these bunkers for short periods, then carried on south into Cambodia or east into South Vietnam.

What type of supplies did you find?

South Vietnamese Officer. Every kind. Ammo, rice . . . medical—every kind. And many—many (indistinct) material.

WILLIAMS. This part of the Trail is quite elaborate. It includes bamboo trellises over exposed parts of the road to hide it from planes. Gasoline drums were left behind as the Hanoi regulars fled the base camp. The Vietnamese troops hope to find many such dumps, but they may be disappointed.

The Ho Chi Minh Trail is a pipeline for supplies, and as such, the goods are kept moving and are not stored in large amounts. The North Vietnamese, with more than a full combat division in the area, are fighting back from an elaborate network of bunkers along the Trail. And as the South Vietnamese push forward, the enemy resists more stubbornly. Casualties are increasing. Wounded men are flown out of combat areas by both American and Vietnamese choppers. But medical attention for the Vietnamese in the field is poor. Not a few soldiers bleed to death because the average soldier is not skilled in basic first aid.

Some causes for the slow progress of the incursion are the elaborate preparations by the Vietnamese, including a series of artillery bases like this. The Saigon troops are going in to stay, and they're using bulldozers to build lasting defensive positions. Here again, it's the U.S. bringing in the supplies. Technically, the South Vietnamese invasion into Laos is a limited operation. The purpose of this drive is to cut the Ho Chi Minh Trail, but until that is completed, the South Vietnamese are not likely to leave. Jeff Williams, CBS News, on a firebase inside Laos.

COLLINGWOOD. If the South Vietnamese do contemplate staying indefinitely astride the Ho Chi Minh Trail in Laos, they will face heavy risks from the weather and the enemy. When the rainy season begins in May, what is now dust along Route 9 will turn into mud, hampering ground movement; and in the air the sodden skies will limit American air support. Like the rains, the North Vietnamese are bound to come sometime, too. As they push farther into Laos, the South Vietnamese are bracing for enemy counterattacks. Already the North Vietnamese have intensified their pressure in the northern part of Laos, tightening their encirclement of the CIA-based camp at Long Cheng, less than 100 miles from the capital of Vientiane.

In Vientiane, the neutralist government of Souvanna Phouma issued only a token protest against the South Vietnamese entry, put the main blame on the North Vietnamese for being there in the first place. Souvanna told our correspondent, Ed Rabel, he did not feel that the U.S. has escalated the war and said he doubts that China will be drawn in.

(Announcement.)

COLLINGWOOD. If the current South Vietnamese ground operations in Laos are new, U.S. air operations over Laos are not. We have been bombing Pathet Lao forces in the North and the Ho Chi Minh Trail for at least five years, although President Nixon announced it officially only last March. In recent months the bulk of the missions have been against the movement of supplies.

From US airbases in South Vietnam and Thailand, and from aircraft carriers in the Tonkin Gulf, American fighter bombers flew almost 100,000 sorties against targets in Laos during 1970. They are going after crossroads, supply dumps, truck parks, and moving vehicles along the Ho Chi Minh Trail. Some of the missions are flown by C–119 gunships, equipped with infra red and other devices to enable them to spot and strafe moving vehicles at night. From U Tapao, Thailand, B–52 bombers fly missions against the trail, averaging about 900 a month, almost the

entire number of B–52 missions the Air Force is permitted in South East Asia each month.

More than 400 planes have been shot down over Laos since we started bombing there, more than fifty in the last ten months, not counting the current ground combat support operations there. American pilots say the ground fire is heavy, accurate and increasing. Jed Duvall spoke with pilots just returned from a mission over Laos.

Captain EAST. I've been over here for a year now and it seems like recently they've been shooting at us more than ever before. They've gotten more guns in, of course they have a lot of ammo it seems, and every target we go in on, they're hammering away at us. And it's big stuff.

DUVALL. What do you mean, big stuff?

Captain EAST. It's just big stuff, it comes up as big red tracers at us and explodes just like it does in the movies, World War II, you know, you see the guns come up and the flak start, that's all it is, just flak, just like they had in World War II and the Korean War. It's bad stuff.

Lieutenant GROVES. Most of the time the guns that fire, the closer you get to the target, the more the guns will fire. If you're not close they're not going to fire very much, but the closer you get to the trucks, they really open up.

DUVALL. Captain, what are your targets on the Trail, what are you trying to hit?

Captain LEMON. Well, the targets, mainly consist of movers, in other words, loaded trucks. And IDP's, or interdiction points, choke points where the roads will come together at one point and we try to crater these roads, to inhibit the flow of the traffic. And oftentimes, the forward air controllers in the area will find trucks that are actually moving on the Trail and we will also try to hit these. These are basically the two prime targets that we have on the Trail.

DUVALL. Do you get the idea that you're stopping some of the traffic or most of the traffic or what?

Captain EAST. We're stopping some of it. We're stopping some with our bombs, and we're stopping some with the threat of our bombs. The traffic doesn't move much in the daytime, very, very little. At night they do most of their moving and we stop a lot of it, but of course, not all of it. We're helping a great deal, in my opinion, but we're not stopping the flow completely.

DUVALL. Lieutenant, what does the Trail look like? Is it one straight road?

Lieutenant GROVES. Largely it's a honeycomb. There are places where there's not much jungle around it, but those places are pretty scarce. It runs a lot of times pretty close to a river, almost paralleling at times, but most of the rivers here are so crooked they can't do that very well. The triple-layered canopy is pretty bad. You can't see it in a lot of places, you have to have——

DUVALL. By triple-layered canopy, you mean heavy jungle?

Lieutenant GROVES. Yes, three different layers of jungle above it, different heights of trees and it grows in three layers. And you can see the trail in spots from the lighter color dirt road with the green background all around it, but to really get a good look at it you have to be a little slower than we are and a little lower.

Captain EAST. There's one thing I'd like to add. I don't think people realize about the Trail, is the fact that it is so large. Now, everybody thinks of it as maybe four or five roads coming right in to South Vietnam and that's not true at all. That thing is about fifty miles wide and two-three hundred miles long. And the whole thing is nothing but a network of roads, just everywhere. Now they're well travelled. There is traffic on them constantly. Every road it seems is travelled. If we should hit the road, which we try to do, with a bomb to stop the traffic, it's fixed within a period of just a matter of hours. They have big bulldozers come in and clear the road and the traffic starts again.

COLLINGWOOD. American fighter-bombers, B–52s and helicopter gunships also fly strikes against targets in Cambodia, and in recent months, as the ground situation there has deteriorated, the number of fighter-bomber sorties has increased, about 1500 a month for the last few months compared with 500 a month earlier in 1970. It has been obvious to newsmen on the ground that some of them, at least, especially in the Route 4 operations, have been close air support for Cambodian and Vietnamese troops. During the heavy fighting last month to reopen that key road from Phnom Penh to the port of Kompong Som, Cambodian and South Vietnamese troops were getting American helicopter support from two carriers in the Gulf of Siam and from a helicopter base at Phu Quoc Island, just off Cambodia's southern coast.

We spoke to General Lucius D. Clay, Jr., commander of the 7th Air Force in Southeast Asia, about the changing air war in Indochina.

General CLAY. In the last several months that I've been here, we've seen a decided decline in the air operations in the Republic of Vietnam, as compared to what it might have been a year ago or the last time you made a survey of this nature.

On the other hand, with the importance of the logistic activities of the Viet Cong, particularly as they relate to the Ho Chi Minh Trail, we find our activities up there are just as busy as ever. So I guess in substance then, the answer is that in terms of close air support and direct support of the U.S. Army in the Republic of Vietnam, there has been a decline. But in terms of our other activities throughout Southeast Asia, we're still fighting a pretty busy war.

COLLINGWOOD. General Clay, how effective has been our bombing of the South—of the Ho Chi Minh Trail?

General CLAY. Well, I'd like to give you a good firm answer to that, Mr. Collingwood, but unfortunately, there is no firm answer. I happen to think that so far this year we've been more effective than ever. We've introduced some new equipment, particularly in the form of gunships, which have been highly effective. However, I think the full story remains to be told because as you well know we work over there most effectively during the dry season. This, of course, is the dry season now, and it will come to a close some time around May, the latter part of May 1971. And at that time, we'll have a story to put together as to just how effective it's been.

COLLINGWOOD. Do we contemplate training and equipping the South Vietnamese eventually to undertake the interdiction missions that we are now flying in Laos and Cambodia?

General CLAY. No, sir, we're not. Basically, the Vietnamese Air Force is being trained to handle the insurgency problem within the country, within the Republic of Vietnam. As you may know, the fighter aircraft we are leaving with the Vietnamese Air Force are basically A–1s and A–37s, basically short-range, close-support type airplanes. So we're not leaving heavy carriers of ordnance, long-range type airplanes, which are the kind necessary if you're going to be operating in trails of Laos and outside the Republic of Vietnam.

COLLINGWOOD. General Clay makes a point and poses a question. His point: The Vietnamese Air Force is being trained and left with strength to operate only within South Vietnam's boundaries. The question: If air operations outside continue to be necessary, who will conduct them, and how?

(Announcement.)

COLLINGWOOD. Whatever the South Vietnamese operations across the border may ultimately accomplish in Laos and Cambodia, they have certainly given Saigon's armed forces a psychological shot in the arm. They have shown that they are not only vastly superior to the amateur armies of Cambodia and Laos but that in conventional warfare they are often more than a match for the North Vietnamese themselves. This has given them a new and heady self-confidence. I asked General Do Cao Tri, who commands the Vietnamese now in Cambodia, whether his operations were a strain on his troops and his resources.

General TRI. Not at all. On the contrary, it gives more opportunity to our regular army to be able to continue to impose our pressure to our enemy. Last year we strike them in their sanctuary and we forced them to withdraw far away from our border. And we continue to have our initiative of action in Cambodian territory and to keep such pressure on the enemy regular forces as long as we intend to stay in Cambodia.

COLLINGWOOD. Well, do you foresee that you'll be making a greater effort in Cambodia than in the future?

General TRI. I think so. And I'm quite optimistic about our military potential in Cambodia because the dry season comes now, and it's the most favorite time for our military operations. The terrain in Cambodia is favorable for the use of combined arms and we plan to employ our full firepower to destroy the enemy where they are.

COLLINGWOOD. The war in Indochina is changing; what are the principal changes that you have seen?

General TRI. From outside, the big change is that it's become, really, a Vietnamese war, in which South Vietnamese Army and the people are fighting against Communist aggression. There will be no more U.S. combat troops commitment in our fighting.

COLLINGWOOD. General Tri, do you think that you'll ever see in your military region a resumption of the big war, main force elements making another threat to Saigon?

General TRI. Never it will happen, because I keep the enemy main forces far away now from our border. How can they come back again once they have to fight against us where they are?

COLLINGWOOD. You mean you keep them in Cambodia?

General TRI. Quite sure.

COLLINGWOOD. In any discussion of the widening war in Indochina, Laos and Cambodia are now run together almost as one word. They're very different countries with different problems, but it was a similar military logic which converted them into battlefields.

At the beginning, the Cambodian operation was oversold as a brief surgical stroke which would solve the problem of the sanctuaries once and for all. Well, nine months later it's still going on. The South Vietnamese are back in Cambodia, scouring the sanctuaries and keeping roads open. They are actually more deeply involved in Cambodia today than they are in Laos. Nevertheless, there is no doubt that the Cambodian incursion did greatly relieve the military pressure on the southern part of South Vietnam, permitting dramatic progress in extending government control. It is hoped that Laos operation will do the same thing for the central and northern provinces. But whatever its salutary effects in South Vietnam, the widening of the war has made a shambles of Cambodia.

The most important thing about Cambodia is that it has survived. It is 11 months now since the overthrow of Sihanouk brought the war to what was surely one of the most unprepared countries on earth. But with American and South Vietnamese help, the Government of Lon Nol, however precariously, stayed in power under increasing enemy pressure. And there is no reason to think, even in the light of his illness and replacement by Sirik Matak, that his government will fall now. But the price of survival has been heavy.

Phnom Penh, once the most agreeable of

Southeast Asia capitals, now bears all the familiar signs of a city under siege. Sandbags and barbed wire abound. Patriotic slogans are flaunted to catch the eye and charge the spirit. There is a prevalence of uniforms, not only for those actually in the Army, but for civilians as well, to whom even a quasi-uniform is worn as a sign of solidarity in the struggle against the enemy.

If the fate of a peaceful people were not at stake, some of the preparations for the defense of the fatherland would be touchingly funny. As it is, there is a certain air of hasty improvisation about Cambodia's defense preparations. The roadblocks that ring the capital are even less effective than they look. The Communists showed how easily they could penetrate Phnom Penh's defense perimeter by their devastating raid on the capital's airport in which they blew up most of Cambodia's fledging air force and got away scot free. They also hit brutally at a barracks compound.

These, and similar acts of terrorism are reminiscent of the way the Viet Cong was operating in Vietnam in the early 1960's. I asked the U.S. Ambassador to Cambodia, Emory Swank, about that.

SWANK. I'm not familiar with all of the situation in Vietnam in the early '60's, but I can think off-hand of a very important difference, and that is that this country really is not in a state of civil war. This is outside aggression, unmistakably, from North Vietnam and from the Viet Cong.

COLLINGWOOD. Are the people of Cambodia behind the present government?

SWANK. My impression, certainly, from the time that I've been here, since last September, is that the government enjoys the support of most of the important element of the urban population. Quite frankly, concerning the countryside, the returns are inconclusive, and I don't think we have enough information to make a valid judgment.

COLLINGWOOD. How do you foresee the enemy's intentions toward Cambodia? Do they want to take over the country?

SWANK. This is, of course, a very interesting and difficult queston to answer, because we can't probe the enemy's thinking, completely. But my own personal judgment is that the enemy's principal object of interest remains South Vietnam, and that Laos and Cambodia are both way stations along that road.

COLLINGWOOD. Were the present government in Cambodia to be seriously threatened, could the United States really just stand idly by?

SWANK. This is a bridge that I would rather not cross right now, Mr. Collingwood.

COLLINGWOOD. One of the ways in which the enemy can easily produce a critical situation in Cambodia is to cut the main arteries linking Phnom Penh with the rest of the country. A regular object of his attention is Route 4, which connects Phnom Penh with its seaport of Kompong Som. Last month the enemy closed the highway and it took the Cambodians, plus a large South Vietnamese task force, plus powerful U.S. air support, to open it again.

Th Cambodians aren't cowards. They fight and they take casualties, but compared to the South Vietnamese, let alone the veterans from North Vietnam, they are not impressive soldiers and they are having to learn the hard way. While they are learning, Cambodia is clearly vulnerable to a major North Vietnamese attack with all the repercussions that would have on the situation in South Vietnam. I asked Fred Ladd, the U.S. official charged with guiding the Cambodian Army, how the enemy with only 6,000 effective fighting troops could blow up the airfield, close the roads and rivers, and what would happen if he poured more troops in?

LADD. Well, I think if he were to commit more troops at that kind of an objective, the airfield, or a road, or the river, it would be easier for the Cambodians and their Vietnamese allies to deal him rather severe blows. And I feel that his strategy is to do these attacks rather spectacularly, but do them with very few people, and cause a sensational environment, when really the military situation as such is not that critical.

COLLINGWOOD. To what degree has the Cambodian Army improved?

LADD. Well, I think it's—I'm glad you asked. It's one of those points that isn't brought forward very often. They started in June or July with about 30,000–40,000 men in the army. This army was a rather makeshift affair, poorly led. It wasn't a very inspired group of people. And in the eight to nine months that have passed since then, the army has grown to about the strength of 200,000. So I think that, although it's still an amateur army, it gets better every day, and it isn't evident unless you sit and watch it over a period of months. But I do think they're much more effective today than they were in May.

COLLINGWOOD. If the enemy did mount a major attack against Cambodia, would the United States, in its own interest, be able to just let it collapse?

LADD. I really don't know, because I assume, and I have—the guidance I have received is that we would like a non-Communist government maintained in Cambodia. And it would depend on when it would be, I think. If it were right now, no. They want the Vietnamization program and the troop withdrawal—the United States does, in its interests, to continue. And if Cambodia were to fall today, I think that this would seriously jeopardize both the troop withdrawals and the Vietnamization program.

COLLINGWOOD. The goal is for Cambodia eventually to be able to defend itself by itself, a Cambodianization program, if you will. To that end, thousands of Cambodians are being trained in South Vietnam. Don Webster reports.

WEBSTER. The program began last July, if not secretly, at least very quietly. It's estimated 16,000 Cambodians will be trained here this year. In the midst of a war which is winding down, this program is escalating rapidly. The Cooper-Church amendment prohibits any American ground troops or advisers in Cambodia, but it doesn't prevent Americans from advising the Cambodians by bringing them across the border. However, the Americans here deny that's happening. They say they are merely advising the Vietnamese, who in turn are instructing the Cambodians.

Vietnamese instructors here work through interpreters to get their points across. Some of the Cambodian pupils are just 15 years old. Presumably, the young Cambodians are learning more about Vietnam than just a few words . . . "mot hai, sat sat" . . . "one, two; kill, kill."

There's plenty of discussion whether the Vietnamese Army is ready to fight alone, but there seems general agreement the Cambodian Army is not ready.

How much longer do you think Cambodian troops will come to Vietnam for training?

Major SALAT. I think it will be one or two years more, sir.

WEBSTER. How long do you think it will take the Cambodian Army to become as good as the South Vietnamese is now?

Colonel BETTS. Well, by making a comparison with the Vietnamese Army, I would say in the neighborhood of eight to ten years.

COLLINGWOOD. Despite all the multinational efforts to train and equip the Cambodian forces, one thing is perfectly clear—Cambodia cannot yet survive without somebody's help. Right now it is militarily dependent upon South Vietnam. There are more South Vietnamese troops fighting in Cambodia now than there are in Laos—16,000 going over the old sanctuary areas of the Parrot's Beak and the Fishhook. The South Vietnamese Economic Minister is budgeting for a constant level of 20,000 troops operating across the border in Cambodia. The Cambodians wish it were otherwise. They have an ancient antipathy for the Vietnamese, North and South alike, but they are willing to take help where they can get it now and are surprisingly confident that they will be able to hold off the North Vietnamese and still retain their independence and identity.

I asked Um Sim, Cambodia's Minister of Communications, if the enemy had any success recruiting the people to their side.

UM SIM. It all depends upon the definition of the word "success." I think to a certain extent they succeed in recruiting some of the Cambodian people. But this most mainly is done by force, not by persuasion or any other peaceful means.

COLLINGWOOD. Mr. Minister, is Cambodia receiving the amount and degree of assistance from the United States that is necessary to permit it to continue the fight on its own?

UM SIM. I think the American government has helped Cambodia to survive by moving into the sanctuary of the Viet Cong, North Vietnamese and by clearing up all the area. And later we have got some aid, but usually the aid has not come as fast as the situation was getting—you know, worse.

COLLINGWOOD. Mr. Minister, do you foresee any circumstances in which Cambodia might ask the United States once again to introduce ground forces into the war here?

UM SIM. This I am positively sure that the Cambodian government never asked for, the ground troops from the United States to help in fighting this war. I'm positively sure.

COLLINGWOOD. Do you hope that the South Vietnamese military operations in Cambodia would be able to be decreased in the future rather than increased?

UM SIM. I do hope so, because as the number of our well-trained troops is increasing, we will do our best in order to replace the South Vietnamese troops in here. And both parties agree to do so, because the presence of South Vietnamese troops in Cambodia is not doing any good to our policy.

COLLINGWOOD. Before illness struck him down last week, Cambodia's Prime Minister, General Lon Nol, was supremely optimistic, many Americans thought too much so. He even dismissed the blow at Phnom Penh's airport as a mere incident and a sign of the enemy's desperation. What he wanted most was more American aid and equipment before his countrymen face the full brunt of a North Vietnamese attack.

LON NOL (through interpreter). I have requested that delivery should be speeded up in the program. As for the aid covered by the program, we are holding meetings with our American friends in order to formulate an effective program with regard to both planning and execution. We hope that this will be done quickly.

COLLINGWOOD. What do you think of the enemy's intentions?

LON NOL. I think the intention for the long run is as follows: The enemy, being unable to go straight into South Vietnam and also because they now lack bases and sanctuaries, is directing the whole effort against us—the whole effort.

COLLINGWOOD. General, is there anything that you would like to say to the American people?

LON NOL. It gives us great moral encouragement to know that in the United States of America the people are learning to understand our problems more and more.

(Announcement).

COLLINGWOOD. It must have come as a relief to the Administration, if not a surprise, that the invasion of Laos did not provoke the same public outcries and disturbances which followed last year's entry into Cambodia. The cynical say it's because the pub-

lic—even the young—have become so numb about Indochina they won't get exercised unless American ground troops are directly engaged. Anyway, the kids stayed in school this time and the protests have been muted.

Nevertheless, what is happening in Laos is, in a real sense, only an extension of what already happened in Cambodia—minus Americans on the ground. The same basic arguments pertain, for and against, and the same arguments are being made. In Washington, Bob Schieffer spoke to Secretary of Defense Melvin Laird, and Marvin Kalb talked with Senator Frank Church, still a strong Administration critic.

KALB. Senator, its claimed by the Administration that the war has been fought in this part of Laos for five years now, so it really hasn't been widened, and that's what they're saying.

CHURCH. It hasn't been fought with American helicopters in close tactical support, hovering above the tree-tops and firing into any enemy target of opportunity. It hasn't been fought in the middle of Cambodia and the western reaches of Cambodia. No, of course the war has been widened. Why fool the people?

KALB. Senator, why do you feel that there has been so little public outcry? There was public outrage last year at the time of Cambodia.

CHURCH. Because now we don't have an American army on the ground. We don't have thousands of American troops moving in on the ground to engage the enemy in hand-to-hand combat. And I'm glad that we were able to enact the Cooper-Church Amendment, which restricts the introduction of American ground forces in Laos and Cambodia. Otherwise, I think we'd have an American army in there, just as we had an American army in Cambodia eight or nine months ago.

KALB. Is the difference in climate, in your judgment, limited solely to that one reason, that there is not an American army in Laos?

CHURCH. No. The difference in climate is partly due to the fact that this is just more bombing. And the country has long since become accustomed to the bombing. Its been one of the brutalizing effects of this war.

But there's another reason for the change of climate. The President seems to be saying that he's winding down the war and he has withdrawn substantial numbers of American troops. I give him credit for that. I don't think that in that sense, his Vietnamization program is a token program. If he continues his present pace, if this is all the faster he feels he can go, I'd be willing to settle for that, as long as I knew that we're going to continue to come out . . . That we're not going to stop in May or August or in December of this year, and leave a large American military force in Vietnam indefinitely.

KALB. Come out lock, stock and barrel?

CHURCH. Come out. The time has come. We've equipped the Vietnamese, they have the capability. After all, we didn't promise to make that country the 51st American state, or use American men indefinitely to defend a government that South Vietnamese men should be willing to defend. And now that they have the capability the overriding objective in American policy should be to come out.

KALB. Senator, have you heard about any time limit on the use of American air power in support of South Vietnamese units in Cambodia or Laos?

CHURCH. No. No time limit at all. This is part of the reason why long-time critics of the war grow cynical when they hear about Vietnamization. They're fearful that rather than bringing us out of the war, it's just a method for changing our method of warfare, for converting our participation from ground warfare to air warfare, logistical support and artillery support, and that this is just going to go on endlessly.

There's going to come a time at the end of the summer, or the fall of this year, when the President will have to face his moment of truth on Vietnamization, when he's going to have to take his chances with the Vietnamese being able to do their job in their country . . . when he's going to have to turn back the risk of the war, and the eventual outcome of the war, to them.

SCHEIFFER. When the United States moved into Cambodia, there was a great public outcry. And yet when the details of this operation into Laos became known there was not really very much public criticism. Why do you suppose that is?

LAIRD. Because the South Vietnamese are handling this operation themselves as far as the ground combat is concerned, not only in the Cambodian situation but also in Laos. If there's been any escalation in this war, it's been the escalation in South Vietnam, giving South Vietnam a capability to defend itself and to carry on these combat responsibilities.

SCHEIFFER. But the fact is that U.S. helicopters are going in there, ferrying the troops directly into battle, as it were. They're landing, they're on the ground. Is that cutting the line a little bit thin, by using this air power for this close troop-lift as it's being used?

LAIRD. Air support has not been prohibited by the Congress. This was discussed at some length, but air support is perfectly within the letter of the law as well as the intent of Congress.

SCHEIFFER. The question I think that many critics are asking is this: How do you shorten the war by widening it? Is that a fair question?

LAIRD. Well, the important thing here is to disrupt the supply routes that are going to Cambodia and into South Vietnam from the Cambodian sanctuaries. By any kind of criteria you want to use on the success of this operation, even if we were to withdraw air support and the South Vietnamese were to leave Laos at the present time, this operation is to disrupt the logistic supply route so that we can reduce American casualties as we withdraw American troops. We will be withdrawing additional thousands of Americans, as a matter of fact while these operations are going on.

SCHEIFFER. Mr. Secretary, there will be another dry season next year, just like there's one this year. Will that require another South Vietnamese operation into Laos to interdict supplies?

LAIRD. Well, that would be a matter that would certainly be up to the South Vietnamese. I would—to be very frank with you they will even have a greater capability to carry on those kind of operations next year than they have this year.

SCHEIFFER. As I understand it there's no plan now to train or equip the South Vietnamese to handle this bombing of the Ho Chi Minh Trail in Laos once the United States stops that. What do you do about that? Does the United States just stay there? Will we be required to stay there and bomb as long as the North Vietnamese send supplies——

LAIRD. I don't know whose plans you're looking at. Our plans do give them very important gunship capability which is needed and necessary to interdict supplies and logistics on the Ho Chi Minh Trail. I don't know where you got your information that they weren't being prepared in this area, but we are turning over the gunships, we also are using the A–1s and other types of aircraft that can carry on a very effective interdiction campaign as far as the South Vietnamese are concerned.

SCHEIFFER. You're telling me that that plan is already underway?

LAIRD. The plan is underway to give the South Vietnamese Air Force an interdiction capability.

(Announcement).

COLLINGWOOD. Today Secretary Laird told the President the Laos operation is "going well." But even if it is a military success this time, it may have started something we are not prepared to finish. A precedent has now been established which would allow the South Vietnamese to push beyond their borders whenever necessary to keep the enemy off balance. But will they be capable of doing so, even if it were desirable?

This time, the massive operation was heavily dependent on U.S. air. Secretary Laird indicates that, in the future, South Vietnam will be able to furnish its own air support. But his air commander for Indochina, General Clay, indicated we are not leaving them that kind of force.

Three hundred U.S. helicopters, just for starters, are being used for the Laos attack. The entire projected South Vietnamese helicopter fleet is five hundred. And they will have little, if any, long-range fighter or bomber capability.

So, we may have solved a problem for this dry season—but what about the next, and the ones after that, as long as the North Vietnamese keep coming down the Ho Chi Minh Trail?

To fly cover for future adventures across the border, will we have to leave the South Vietnamese a far bigger and costlier air force, and one which will take us far longer to train? Or will we keep the U.S. air strength there longer, and will the rate of its withdrawal be slower rather than faster from now on? And, if so, will the muted reaction of the American public to this geographical extension of the war remain that way?

Like all operations designed to buy time, the success of the ones in Laos and Cambodia will ultimately depend on how the time bought is used. And that means within South Vietnam. What is happening there is the second part of our report. Next Sunday at this same time I'll report on the situation in South Vietnam today—military, economic, political.

This is Charles Collingwood. Good night. (Announcement).

ANNOUNCER. This has been a CBS NEWS SPECIAL REPORT, "The Widening War in Laos and Cambodia," the first of two broadcasts on "The Changing War in Indochina."

PROPOSED CUTS—ADMINISTRATION ON AGING FUNDS

Mr. PROUTY. Mr. President, it is with considerable regret that I take note of proposed reductions of more than $7 million in the 1971–72 budget for the Administration on Aging in the Department of Health, Education, and Welfare.

It is my understanding that cuts in funding for community grants under title III of the Older Americans Act and Foster Grandparents program by the Bureau of the Budget were contrary to recommendations from HEW Secretary Elliot Richardson.

The needs of older Americans, and hopes created by unanimous enactment of the Older Americans Act in 1965, are such that there should be an immediate reconsideration of these funding cuts.

I am especially disturbed by proposed reductions in activities directly involving older individuals. Important among these are the community programs—senior citizens centers, homemakers services, meals on wheels, and so forth—funded through State grants under title III of the Older Americans Act and the Foster Grandparents program.

I am also deeply disturbed, however, about the persistent downgrading of the Administration on Aging within the Department of Health, Education, and Wel-

fare. This process began almost immediately after the passage of the Older Americans Act of 1965 and has continued under both the Johnson and Nixon administrations.

Even before the Older Americans Act, action taken during the Kennedy administration suggested a bias within HEW against the needs of the elderly that has continued unabated ever since. Indeed, passage of the Older Americans Act of 1965 without a dissenting vote in either the House of Representatives or the Senate could, in itself, be interpreted as a congressional protest against current and previous discrimination against the elderly within HEW.

It may again be time for Congress to take a serious look at what appears to be a basic long-term departmental policy within HEW contrary to congressional intent. President Nixon's action in naming the Commissioner on Aging to a second post as Prsidential Assistant on Aging strongly suggests that he, too, is personally concerned about the elderly and recognizes their need for a highly visible focal point within the executive branch of the Federal Government.

Proposed cuts in the Administration on Aging budget would seriously impair realization of this objective and work of the AOA. The total AOA budget does include some improvements. Among these, the increase of $4,500,000 in funding for the recently authorized retired senior volunteers program, RSVP, is worthy of special commendation. It provides money for out-of-pocket expenses incurred by retirees doing voluntary community service. Its approval and implementation will do much to expand opportunities for involvement by older Americans in projects useful to themselves and others. There is also a proposal to increase funds for areawide projects by $1,800,000.

This step forward with RSVP, however, and area-wide projects, does not justify the backward steps on existing, highly successful programs, particularly at the community level. The $3,650,000 reduction in funds for community program grants under title III of the Older Americans Act and the $3 million reduction for the Foster Grandparents program will work serious hardship in almost every State. Many persons and organizations in my own State of Vermont are seriously disturbed by this possibility. Also deserving review is the $2,150,000 cut in funds proposed for research and training.

While the proposed reductions are a substantial percentage of the total Administration on Aging budget, it should be remembered that the savings they would involve would be almost insignificant in comparison to other Federal expenditures and would have little impact on the total Federal budget. Certainly the amount is small when related to the needs of over 20 million older Americans and all out of proportion to damage the cuts would do to the State Offices on Aging.

Serious as the immediate problem would be if the proposed reductions are allowed to stand, my work as a member of the Senate Special Committee on Aging since 1962 makes me wonder if they are not a symptom of a far more serious problem within the Federal Government's executive branch regarding older persons.

I do not propose to give a complete review of the history of HEW's attitude. Certain facts on the record suffice to indicate the problem and its persistence.

In 1962, the very year after the White House Conference on Aging called by President Eisenhower had emphasized the importance of a strong focal point for needs of older persons in the Federal Government, the Office of Aging was downgraded and made a subsidiary part of the Welfare Administration in HEW. This action was probably a factor in heightened interest on the part of Congress in an independent unit on aging, an interest which ultimately produced the Older Americans Act of 1965.

Resistance from HEW continued. This is documented by repeated testimony between 1962 and 1965 by the Secretary of Health, Education, and Welfare against proposals similiar to that finally enacted. That the Congress did not share such reluctance to move on behalf of older persons is shown by its action in passing the Older Americans Act, which was signed into law by President Johnson, July 14, 1965.

In August 1967 a reorganization plan was announced placing the Administration on Aging under a new Social and Rehabilitation Service within HEW. So far this action, recommended by then Secretary of HEW Wilbur Cohen and regarded by many as violating Congressional intent, remains unchanged.

That this persistent pattern of submerging programs for the elderly has generated much dissatisfaction among older Americans is obvious. That it is contrary to the intent of Congress in its passage of the Older Americans Act of 1965 and subsequent amendments is clear.

It seems to me that corrective action, either by the administration or by the Congress, deserves serious consideration. A first step, but only a first step, will be early action on the proposed budget cuts for the Administration on Aging. The entire history of the Administration on Aging strongly suggests, however, that a thorough review of its relationship to other Federal agencies should be undertaken.

CEYLONESE INDEPENDENCE

Mr. MUSKIE. Mr. President, on February 4, 1971, Ceylon commemorated the 23d anniversary of its independence. Ceylon has remained a stable democracy throughout the last two decades of our history and has carried on the finest democratic traditions in its election of government officials, and in the other functions of its government

I should like to express my admiration for the people of Ceylon and my hopes that their example will serve as an inspiration to other countries of the world.

THE SEV AND THE ARCTIC

Mr. STEVENS. Mr. President, in a time when many persons have expressed concern about damage that could be done to the tundra by surface vehicles, we should consider all alternatives. One method of transport which may hold the answer to the problem is the Surface Effect Vehicle—SEV—which rides on an air cushion. An article dealing with the SEV and its potential in the Arctic was published recently in "Rendezvous," the public relations department magazine of Bell Aerospace. The article, is based in part on a technical paper by A. W. Courtial, technical director for SEV development at Bell Aerospace.

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

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

Awesome, icebound and ruler of one of the Free World's last potentially great oil and mineral deposits, the Arctic region of Alaska and Canada lies waiting . . . majestically influencing world weather conditions and challenging man's every move along its frontiers.

Exploration to date has surfaced the prospect of vast resources in Arctic Alaska and Canada. The southern slopes of Alaska's Brooks Range promise huge stores of metallic ores. Below the northern slopes are huge reservoirs of low-sulphur coals. Recent evidence of submerged gold is being pursued on the northern continental shelf in Norton Sound off the coast of Nome.

Although the Prudhoe Bay oil strikes are now history, additional millions are being invested each year in attempts to speed development of the oil-rich Alaskan North Slope. However, as it is with practically every other polar project, significant progress here has been limited to a large extent by the lack of an effective, flexible and economically feasible off-road transportation system.

Approval for the Trans-Alaska Pipeline System also has not yet been granted. The pipe for it remains stored at Valdez, Prudhoe Bay and strategic points to the north along the proposed pipeline route.

The mammoth tanker Manhattan, which attempted to establish the feasibility of year-around operations through the Northwest Passage, proved only that the transport of crude oil from the Arctic continental land mass by tanker would be economically unfeasible.

Scientific research in the Arctic Basin and surrounding land masses is still looking for a transportation system that will return more for the budget dollar.

Personnel and high-value cargo transportation in the Arctic today is primarily by air. Such air transports as the C130, DC–3, 727 and 737 are serving remote airstrips, many of which are makeshift, and accessible only during certain months of the year.

And, once on the ground, most air-lifted cargoes still face the ever-present deterrents to delivery of cargo from the landing strips to the final point of delivery.

For example, railroads are almost nonexistent. Roads are generally prohibitively expensive and normally useable only during winter months, therefore are few in number and most often local only. Rivers are shallow, winding, boulder-strewn and generally unnavigable by conventional craft. And, transportation by ship or barge where possible, is limited to the short summer when the Arctic ice is melted or penetrable. Helicopters are constrained by range, weather and restricted pay-load carrying capacities. Cargo transport by snowmobile or dog sled is slow, limited and economically impractical.

Then there's the vast, flat and barren Arctic tundra. Criss-crossed with thousands of frozen ditches, troughs and other obstacles in the sub-zero winter months, the tundra is interspersed with thousands of small lakes

and riverlets in the summer months, that make off-road travel even on foot all but impossible.

Tracked and over-sized wheel vehicles have negotiated the Arctic tundra during thaw periods only with difficulty. Furthermore, their tracks have inflicted such permanent and erosion-prone scars on the terrain that they have been banned from the Alaska North Slope during the summer months as a preventive measure against further ecological damage.

Fear that it also may do irreparable harm to the Arctic permafrost has halted work on the Trans-Alaska Pipeline System which stands as the major hope for making the North Slope oil fields economically feasible.

Most of the localized work roads have been constructed from river-bed gravel—a practice that at this early stage has already caused significant change in fish life as well as the rivers themselves.

Another dimension of the problem is posed by the millions of square miles of Arctic Ocean—a constantly moving ice cover that is interlaced with an endless and ever-changing network of pressure ridges, ice fields and open water that makes it virtually impenetrable by conventional surface vehicles.

Today, the question of how best to develop an effective, economical and safe high-speed transportation system in the Arctic is being addressed by a growing number of private and governmental interests in both the United States and Canada.

As a result of studies and operational experience to date, one of the most promising concepts in Arctic transportation today is the amphibious Surface Effect Vehicle (SEV) which, by virtue of the fact that it rides on a cushion of air, has demonstrated its ability to successfully overcome many of the heretofore deterrents to Arctic terrain mobility.

Although the production SEVs now in operation have spent most of their time over water, some also have been adapted in cooperation with Canadian government agencies by the Bell Aerospace Company to extensive overland roles in the past four years in test programs over a wide range of representative terrain in Arctic Alaska and northern Canada.

Two 10-ton SEVs have been operating with encouraging results over the North Slope oil fields since 1969 as logistical support craft. Although not specifically designed for this environment or mission but instead modified passenger-carrying craft, these craft have vividly demonstrated their ability to handle and negotiate the Arctic terrain without leaving scars.

Operating on cushion pressures ranging from 0.1 to 0.5 pounds per square inch, the SEV is now the only surface vehicle permitted to operate over the tundra on the North Slope during the May-to-October thaw—the Arctic time-frame that offers the best overall working conditions.

SEVs also have demonstrated their ability to utilize heretofore unnavigable waterways as direct and/or alternate routes by which to bypass limiting terrain conditions. In 1969, for example, the 80-mile overland route between Sagwon Airport and Prudhoe Bay was first negotiated by an SEV that went via the previously unnavigable Sagavanirktok River and made the trip in just over two hours.

Other SEVs have also made trips from Yellowknife on Great Slave Lake, up the Mackenzie River and west along the Arctic Coast to Prudhoe Bay. These and other voyages have provided invaluable information on the nature of ice formations and the operational difficulties that future SEVs can expect to encounter under such conditions.

This data today is being applied by Bell Aerospace engineers to the design of SEVs for a variety of Arctic overland and oceanic missions.

Envisioned among the near-term possibilities is the development of a family of SEVs of from 15 to 300 tons, designed initially for such overland commercial transport and research operations as oil field development, seismic and geophysical survey, search and rescue, cargo transport and personnel ferry.

Such craft are well within the scope of available technology. Payloads of up to 150 tons could be realized, as could speeds of up to 70 miles per hour.

Currently under development by Bell is a new 38-ton heavy-haul SEV designed specifically for Arctic Operations. Called the Voyageur and designated the Bell Model 7380, the twin-engine craft's rugged flatbed structure will be capable of handling a 25-ton payload and at speeds approaching 50 knots.

The craft's 25-ton payload carrying capacity is equal to that of the C-130 "Hercules" air transport now in regular supply operations in the North.

The Model 7380 could provide the much needed off-road transportation link for the movement of men, material and supplies from the Arctic's few scattered air strips to settlements and support bases.

To be of modular construction, the craft will be capable of being rapidly disassembled into easily-handled units for transportation by air, road or rail. On-site reassembly would be equally as fast.

A transportation system integrating the Model 7380 with the "Hercules" aircraft could be the biggest breakthrough yet in North Slope logistical support operations.

The look at the 1980s and beyond centers on the Arctic Ocean where the emphasis will be on the 500-to-1,000-ton SEV transporter that will be needed for long-range, deep penetration of the Arctic Ocean area.

Because air seal system thickness increases proportionately with the size of a craft, these SEVs would have the obstacle clearance capabilities required for Arctic Ocean travel.

Fundamental to any assessment of SEV applicability to Arctic operations is the understanding by their developers that SEVs in themselves are not the overall answer to polar transportation problems . . . but rather a viable candidate to be included in the mix of air and surface craft that inevitably will be needed to reap the full scientific, economic and military rewards offered by Arctic Alaska and Canada.

JOHN MUIR, PROPHET OF THE 1970'S

Mr. CHURCH. Mr. President, we face in this decade the problem of changing from an attitude that man must conquer nature to an attitude emphasizing coexistence with nature. We can find no better guide for this task than John Muir, America's great naturalist.

John Muir spoke to the value of nature, of the need to protect and treasure nature's creations. His voice finds a welcome refrain in the thanks of those who find their spirits lifted, their vision enhanced, by their contact with nature. His voice helps us place in proper perspective the merits of projects such as the SST, giant oil tankers, and other offshoots of a technology out of control.

The value of nature is found even in our thought. Our expert pointed out recently that city children who are not exposed to plant life and animals find that their language resources suffer as a result. Many an analogy and many a term in the American language is based on nature. Our language and our thought would be that much the poorer if we fail to maintain a relation with nature in our living patterns. Cities that destroy their parks, States that fail to protect their wild areas, men that assault nature, do us all a disservice.

Those who seek to correct the contemporary emphasis on mechanics may find the article appearing in the February 13, 1971, edition of the Washington Post of interest. In it, Colman McCarthy comments on the meaning of John Muir to this decade. I ask unanimous consent that the article be printed in the RECORD for the information of Senators who may be interested in it.

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

THE ODD PROFESSION OF JOHN MUIR: LIVING

(By Colman McCarthy)

In March 1868, a young man with a strong survival instinct left the crowded East and arrived in the open city of San Francisco. One of the many newcomers who was lighting out for the territories, he could put up with San Francisco for only a day; even then, urbanity crushed in. He asked a native for the quickest route out of the din. "Where do you want to go," inquired the townsman, to which the wanderer replied, "to any place that is wild." The directions must have been adequate; until his death in 1914, John Muir endlessly roamed the valleys, foothills, mountains and icelands of the West, a vacuum spirit that sucked in the nourishing loose ends of nature and fed on them as if no other riches existed.

Many consider John Muir to be America's most profound and most easily read naturalist. Although popular tastes often give that honor to Thoreau, next to Muir the nonconformist of Concord seems like a mere vacationer to wildness. The Sierra of California, the Yosemite and the coast of Alaska were to Muir as Walden was to Thoreau, not visited for a season but embraced for nearly the whole cycle of adulthood. As with many men of action, Muir had little time for book writing, his first one being published at age 56. Yet he rarely let a day pass that some word or thought was not jotted on an odd piece of pocket-crammed paper, stowaway thoughts traveling secretly between his soul and heart. They eventually filled 60 volumes, much of it in the fluent style of the Transcendentalism then popular and all of it in the wisdom of a man who couldn't be bribed by civilization. Muir, in a third-person passage, said his writings gathered themselves as a result of "scribbling by flickering campfires when his body was numb with fatigue; or in the dark lee of some boulder or tree while the storm raged without; or tramping over a vast glacier, his fingers stiff with cold and his eyes blinded by the snow glare."

When he left the lowlands of San Francisco that day, Muir headed for the mountain pastures of the Sierra. Early the next spring, he jotted—almost pantingly—in his diary: "The night wind is telling the wonders of the upper mountains, their snow fountains and gardens, forests and groves; even their topography is in its tones . . . Would I could understand them! The stream flowing past the camp through ferns and lilies and alders makes sweet music to the ear, but the pines marshalled around the edge of the sky makes a sweeter music to the eye. Divine beauty all. Here I could stay tethered forever with just bread and water, nor would I be lonely; loved friends and neighbors, as love for everything increased, would seem all the nearer however many the miles and mountains between us."

How does a man get to talk like that, without being put away? In Muir's case, the conversion to naturalism and conservation bucked many odds, most of them imposed by his Scotch Calvinist father. At the Wisconsin family farm, Hickory Hill, Daniel Muir

couldn't believe a son of his could relish the woodland or delight in animals. The father, a doleful tartar who needed to prove his virility, believed in fighting the harshness of Nature, not seeking out its softer serenity. One approached the forests and beasts with ax and gun, and the good Bible-carrier who used them best prospered most.

This is still largely the ethic of America in its conversation with the wild, filled with big talk of success and loud shouts that more-is-better. The whole environmental struggle today is basically that: exhaling from our national lungs the foul air of progress-at-any-cost that we now breathe unthinkingly.

Many believe that ecology is a new term. Actually, battles to save the land raged 100 years ago and, unsurprisingly, John Muir, led them. Setting aside Yosemite as a national park captured his interest early. The merchants and speculators asked about Yosemite, "What are a few acres of trees and some herds of elk compared to the development of mining and lumber that will yield millions of dollars?" The axle of this logic has turned a thousand times since, whether the wheels of "progress" carry us to Adirondack timberlands or the oilfields of the North Slope. No one says anymore that "millions can be made"; that is too blunt. We now exploit Nature because of "national security," or "balance of payments." And besides, a government report says it's safe.

Thanks to his articles in the old Century magazine, Yosemite became a national park in 1890. The victory put Muir even more on the watch for industrial cormorants busy against innocence. He had no doubts whose side he would choose in a conflict between nature and man: "Let a Christian hunter go to the Lord's woods and kill His well-kept beasts, or wild Indians, and it is well; but let an enterprising specimen of these proper, predestined victims go to houses and fields and kill the most worthless person of the vertical godlike killers—oh! that is horribly unorthodox, and on the part of the Indians atrocious murder. Well, I have precious little sympathy for the selfish propriety of civilized man, and if a war of races should occur between the wild beasts and Lord Man I would be tempted to sympathize with the bears."

Hard talk? Muir went further. "The world, we are told, was made especially for man—a presumption not supported by all the facts. A numerous class of men are painfully astonished whenever they find anything living or dead . . . which they cannot eat or render in some way what they call useful to themselves."

Libraries are beginning to carry some of the vast Muir literature in all its richness. Houghton Mifflin has published his works in the Sierra edition, from "A Thousand Mile Walk to the Gulf," to "John of the Mountains." The essence of Muir's life can be had in the anthology selected by naturalist Edwin Way Teale; the Twayne series published an excellent critical guide to Muir's thought in a volume by Herbert F. Smith. "Not Man Apart" is the invaluable John Muir monthly newspaper sent to members of the Friends of the Earth. An application of his philosophy to the wilderness issues of today, the newspaper is available to nonmembers also.

Muir liked to say, echoing Thoreau, that his "profession was living." This put him in genuine communion with nature, that term being only a grand synonym for life itself. Long before Teilhard hinted that rocks and plants are not mere slugs of deadness, Muir understood that they also had claims to livingness. "Plants," he wrote, "are credited with but dim and uncertain sensation, and minerals with positively none at all. But why may not even a mineral arrangement of matter be endowed with sensation of a kind that we in our blind exclusive perfection can have no manner of communication with?"

It is foolish to go to Muir in hopes of "feeling good" about nature. Visit the garden club greenhouse for that. Muir is saying, come be a part of wilderness, if even for an afternoon or weekend. In Cuba once, he wrote about the growth of the agave plant: "It is said to make a mighty effort to flower and mature its seeds and then to die of exhaustion. Now there is not, so far as I have seen, a mighty effort or the need of one, in wild nature. She accomplishes her ends without unquiet effort." That is what Muir wants men to be a part of. It won't hurt, and most likely nature won't mind. It is tolerant of earthquakes, blizzards, storms and all manner of destruction. So it can tolerate human beings, too. Up to a point and provided we come with neither ax nor gun.

ALASKA AND THE SST

Mr. STEVENS. Mr. President, with the Senate soon to resume its consideration of the question of continued Federal funding for the SST, I am inserting in the RECORD a paper on this subject which was recently presented to the Anchorage Chamber of Commerce by a New York consulting firm.

Entitled "Alaska and the SST," this paper presents the tremendous advantages inherent in SST flight, the background of SST development, and the problems which must be overcome before the supersonic transport becomes operational. The statement makes particular reference to my State of Alaska, the crossroads of the world, and concludes with the observation that intelligent Government leadership and industry performance in the 1960's has resulted in the development of a good SST program, which is now balanced on the brink of success. I believe that it would be a serious national setback if this research and development program is not funded at the level to insure the completion of the two prototype SST's and the testing program necessary to fairly judge the SST.

This statement refers to exhibits the speaker had prepared on slides which are not available to me. I ask unanimous consent that "Alaska and the SST" be printed in the RECORD.

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

ALASKA AND THE SST

(By R. Dixon Speas)

[Illustrations not printed in RECORD]

The role of Alaska as an aerial crossroads of the world will become enhanced with the advent of the SST. Two reasons support such a conclusion. SSTs are 2 and 3 times as fast as subsonic jets. The increased speed will allow air transportation to become more effective. Major distant markets such as the Far East to and from Europe and North America can be expected to grow more rapidly under the encouragement of substantially shorter flight times. Secondly, the SST now emerging, for at least the next generation, will have flight range limitations. The limitations will require an enroute stop in Alaska for serving the aforementioned markets. Subsonic jets have recently emerged into non-stop Orient to Seattle and Orient to San Francisco schedules. With further technical development the subsonic jets could be expected to provide non-stop service between the Orient and Seattle-San Francisco and Los Angeles terminals in both directions—bypassing Alaska.

Figures 1 and 2 illustrate the magnitude of forward step with respect to speed of transportation as it has been represented in the transition from piston aircraft to jet aircraft. If we reflect upon the transportation improvements, which have come to Alaska since jets started regular service approximately 10 years ago, and when we reflect upon the related economic benefits to the Alaskan community which have come as a result of this advanced transportation, we can gain some foresight as to what to expect when air transportation takes the pending giant step in moving into the SST era as illustrated by the differential between Figure 2 and 3.

At the moment, there are three major SST projects in the world. The British-French project, the Concorde, which has advanced through test flying of two prototypes, is shown in Figures 4, 5, and 6. This aircraft flew almost two years ago on March 2, 1969 and in November of 1970 it was announced that the aircraft had obtained a speed of over twice the speed of sound, which speed was reportedly held for 53 minutes. Incidentally, the reference to speed twice the speed of sound is designated Mach 2.0. The Mach number of an aircraft relates its speed to the speed of sound under atmospheric conditions in which an aircraft is flying at point of measurement. Most subsonic jets fly at a cruising speed of Mach .82. So you can see that going to over Mach 2.0 represents a giant step, indeed.

The Russian SST, the TU-(Tupelov)-144 first flew on December 31, 1968 just two months before the Concorde. The TU-144 shown in Figures 7, 8, and 9 flew at Mach 2.2 (1,458 miles an hour) just two months ago on November 12, 1970. It is designed to fly at Mach 2.35, approximately 200 miles an hour faster than the Concorde.

As to the third SST project of the world, namely that of our nation, at the moment we must content ourselves with artist views, such as Figures 10, 11, and 12. Also, as I am sure you know that if the opponents of the SST are successful in their current congressional battle, artists sketches are all we will ever have.

Opposition to new developments is nothing new in our society. It was just over 20 years ago that a prominent public figure stated to me that he felt we should. ". . . stick to piston powered aircraft and turboprops, because no one would wish to go to heaven on a blow torch . . ."

There is a strangeness about the opposition to the USA-SST program which comes into clear focus when we consider the fundamental circumstances as are involved. It was in the 50s, 1958 to be exact, that the aeronautical engineering talent of our nation first expressed serious interest in a supersonic transport aircraft. For approximately five years, there were numerous studies by aircraft manufacturers, engine manufacturers and government agencies of the nation searching out the feasibility and economic viability of an SST project.

In 1963, an executive decision to proceed was announced by President Kennedy and a comprehensive development program was launched. As a result of this total of 12 years of study, research and development, we are now within sight of the first flight of a USA-SST as scheduled for November of next year. Federal monies spent as shown in Figure 13 have reached more than beyond the halfway point as can be seen in the Figure 14 comparison of USA funding and British-French funding of the Concorde.

Here in the eleventh hour of a logical development program, at a time when to stop the program would result in total cost of approximately 80% of that required to complete two prototypes and fly them for 100 hours, it is seriously proposed that we stop

our forward progress. Is it not strange that we would consider stopping now or drastically changing our course of committed action? The overlay comparison between the three aircraft as shown by Figure 15 and the specification comparison as shown on Figure 16, present the USA–SST as substantially faster and of higher passenger capacity and of longer range flight capability than the other two SST aircraft. As to availability, however, it would be reasonable as of this date to think in terms of 1973 for commercial use of the TU–144, 1974 for commercial service of the Concorde and 1978 for commercial service of the USA–SST.

In effect, the USA program has chosen a later time schedule to come forward with an advanced performance aircraft. A strong requirement that we advance forward with our transport aircraft development program into the SST era is clear to those authorities in industry and government who are directly associated with world air transportation responsibilities. Some legislative leaders and others, however, have strongly objected to the SST program on the basis of national priority circumstances. Among the suggestions of those who object to the SST program is that we might seek to "trade out" the competitive threat of SST services by convincing England, France, and Russia that they should discontinue their efforts and in return we would discontinue our efforts. Mr. C. R. Smith, recently pointed out that such endeavor would be hopelessly weak because we have very little to trade on with no SST flying until late next year and with a schedule calling for SST into operation 4-5 years later than those we would seek to influence.

Among the "anti-SST" groups, there appear to be two prime objections to the SST program:

1. The money which would go into the SST could be used for social welfare programs which would more broadly benefit the citizens of our nation than would the engineering and development work needed to carry the SST to a production plateau.

2. The SST will mess up our environment by adding pollution to the atmosphere and noise to communities.

With respect to objection No. 1, a desire to accomplish social advancement programs is most certainly consistent with the objectives of our nation. We must recognize, however, that social advancement must be paid for by taxes which come from industries and individuals. The air transport manufacturing industry has paid millions and millions of dollars in taxes and it can continue to pay millions and millions in taxes if given the support now needed and required to stay in the lead of world transport aircraft manufacturing. Taxes are meaningful only if there is a broad tax base. The fact that there are approximately 90,000 people in the United States currently at work engineering and manufacturing advanced transport aircraft for this nation and world markets is itself an indication of the tax base provided by transport manufacturers.

Further, concerning the Federal Government contribution, the program is one where the taxpayer is scheduled to recoup all of his money with the sale of the 300th airplane and both Boeing, General Electric and many subcontractors have invested millions of dollars of their own funds and the airlines have placed millions of dollars on downpayment of the SST as direct evidence of their confidence in the program's viability.

With respect to concern on pollution and noise, it is increasingly clear that the SST program as undertaken must give full consideration to pollution reduction. One of the most recent expressions of concern came from a group of 23 leading national and international environmentalists who gathered at Williams College to consider world environment circumstances. Their preliminary conclusions and recommendations dated July 1, 1970—(a full report is scheduled for later this year) express concern ". . . that uncertainties about supersonic transport contamination and its effect be resolved before large scale operation of supersonic transports begin. . . ." In the research and development programs underway in this country at present, there is sufficient evidence that the balancing effects of SST environmental relationships can be evolved with full compatibility with the best interests of mankind in this century and centuries to come. Figures 17, 18, and 19 as prepared by the Boeing Company give reassurance as to the basic considerations. With emphasis properly applied during the eight years before the earliest scheduled service by the USA-SST, there is no more reason to reject the SST out of hand than to have rejected many other prior technological advances of great consequence which have positively affected man's welfare.

As to noise, it is clear that substantial improvements must be made and evidence is mounting that such improvements can be made before anybody's SST goes into large scale service on major trade routes of the world. A recent pronouncement by the British Government states that additional funding is being provided for noise reduction of the production Concordes. It is to be expected that the Russians are sufficient realists in international and political matters to recognize that protests of local populations surrounding airports in major capitals of the world are sufficiently important that noise specification must be established and met if SST operations are to be normally accomplished. A review of the forecast noise circumstances from the USA-SST as compared to the subsonic jet is shown by Figures 20, 21, and 22.

It can be seen that because of the high rate of climb of the SST, the noise exposure extends for less distance than for the subsonic jet. It is true, however, that sideline noise extends to a further degree for the supersonic than the subsonic.

In reflecting upon the significance of SST speeds related to air routes of the world, it is of interest to do so with respect to the major trade routes of the respective nation. Figure 23, shows SST one-hour zones constructed from New York and San Francisco. Figure 24 shows this construction from London and Paris and Figure 25 from Moscow-Vladivostok. An interesting hypothetical circumstance of SST transport aircraft operation from Moscow and Vladivostok with subsonic aircraft operation out of New York-San Francisco, as some SST opponents would have it, gives the travel time results shown in Figure 26. Under these circumstances, it is to be noted that two of our states, Alaska and Hawaii, would be closer timewise to Vladivostok than to San Francisco. Such combinations could emerge, however, only if the USA would continue its air transportation programs on subsonic jet performance bases with the Soviet utilizing advanced speed capabilities of the SST.

There is a view in some quarters that the Soviets may not be seriously advancing their SST aircraft program. Such a conclusion, however, does not appear to be warranted. By now we are well acquainted with the basic policy of the Soviets to achieve their technological advancement and production outside the limelight of world publicity. Therefore, we must consider basic motivations in judging whether given programs can be expected to be advanced. When one looks at the gradually emerging pattern of Aeroflot international trade routes as they reach into the major markets of the world (Figures 27, 28, 29, and 30), there is a clear line of reasoning apparent as to why the Russian SST is a serious and major undertaking of basic Soviet policy significance.

Initially, Aeroflot entered New York via Montreal on July 15, 1968. Early this year their North Atlantic service was broadened to include 2 flights a week Moscow-Paris-Montreal with traffic rights granted for carrying passengers between Paris and Montreal; previous operations had been from Moscow to Montreal direct. Also 2 flights per week were established earlier this year Moscow-London-New York with traffic rights yet to be granted between London and New York. In Singapore, one sees the Aeroflot scheduled flights coming in through 2 gateways, Delhi, India and Karachi, Pakistan.

Of highest significance with respect to Aeroflot's developing network of international air trade routes and Russia's SST program, was the opening of the Moscow-Tokyo route on April 17, 1967. As part of a joint agreement between Japan and Russia, both Japan Air Lines and Aeroflot initially operated this route. Since that time, Air France and BOAC have undertaken operations to the Far East via Moscow, which route offers significant timesavings, compared to going around the Soviet territories. Also, it was recently announced that an agreement has been reached whereby SAS will start operations from Europe to Tokyo via Moscow and several governments are negotiating with respect to rights for their carriers.

In Africa, Cairo, Khartoum, Entebbe, Brazzaville, and Lagos are among the 13 major cities of the African Continent served by Aeroflot with other extensions expected. In the Latin American area, Aeroflot operates three weekly services as far as Havana, with discussions underway with respect to extensions into the South American Continent. The Soviet air transport presence in Latin America became further apparent when Soviet aircraft undertook a substantial airlift of supplies to Peru following the disastrous earthquakes of May 1970. Soviet transport aircraft carried supplies and equipment to Lima via Iceland, Nova Scotia and Cuba. In addition to providing aircraft for its own services, it is clear that the Soviets are considering aircraft manufacture as a means of increasing exports.

Thus far, Soviet transport aircraft have been sold almost entirely within Communist Nations who are closely allied to the Soviet through trade agreements or other alliances. A number of unsuccessful attempts have been made by the Soviets to interest western countries in their transport aircraft. Until now, however, their transport aircraft have been either design deficient with respect to performance, operating systems and maintainability (for example, their TU–104 of Figure 31, compared to our 707s and DC–8s) or, they have lagged with respect to timing and availability (namely, their IL–62 of Figure 32, which emerged in 1967, compared to availability in 1959 for the DC–8s and 707s and 1962 for the VC–10).

It is clear that the Russians have full technological capability for developing and producing superior transport aircraft. Russian designers are among the world's greatest aircraft designers and development requirements once undertaken (as in the case of Sputnik and more advanced space achievements) have been successfuly achieved in a manner that clearly demonstrates an ability of the Russian industry to achieve when national policy so dictates. Thus far, we have only viewed the results of Russian transport aircraft marketing under the previously mentioned competitive disadvantages—design deficiencies and timing.

A Russian SST without competition from either USA or England-France, and there are many in USA, England and France who suggest that the SST development be given up, would have quite different results than the prior Russian marketing efforts. Indications of increased activity on marketing of Russian aircraft to western nations is becoming evident these days including such items as the recent advertisement in Aviation Weekly. (Figure 33)

In summary, it would appear that sev-

eral conclusions can be drawn from the current status of SST aircraft development as they relate to Alaska:

1. Within two to three years, SST aircraft will be operating to and from the State of Alaska, with service benefits and economic benefits to the State. Probably a Russian SST first, followed by the Concorde.

2. A successful SST program by our nation is required if we are to maintain our position of leadership in air transport development, production and services.

3. A noise and pollution reduction effort as is underway can be expected to accommodate the SST characteristics and the flight program which involves two prototypes in flight operations is a required accomplishment in order to provide the base for required research programs.

4. A successful SST program by our nation is required if the air transport manufacturing industry is to continue its share of contributing corporate and individual taxes in support of needed social advancement products.

Under intelligent government leadership and industry performance of the 60s, we now have a good SST program which is balanced on the brink of success. It is important to this nation that we carry this program through to a successful conclusion.

SENATOR TAFT PRAISES YOUNGSTOWN MAYOR—CITES CLEVELAND PLAIN DEALER ARTICLE

Mr. TAFT. Mr. President, the Friday, January 29, 1971, edition of the Cleveland Plain Dealer carried a most interesting article about Youngstown's progressive, dedicated mayor, Hon. Jack C. Hunter.

Mayor Hunter brought a new spirit to Youngstown and has proven himself not only an able administrator but an effective leader. It is a new Youngstown, one that its citizens can be proud of.

Along with my colleague, Hon. FRANK BOW, I request that the article be printed in the RECORD.

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

YOUNGSTOWN GETS NEW IMAGE

YOUNGSTOWN.—"The Mob" apparently was interested in "buying" bank official Jack C. Hunter three months after he became the Republican nominee for mayor of this tough Mahoning County steel city of 139,000 persons.

A character purportedly representing a top Youngstown racket figure offered to finance Hunter's campaign, replace his five-year-old car and provide "anything you want afterwards—if you win."

In return, Hunter was to arrange that "Youngstown not be deprived of the income from gambling."

The meeting took place at Berlin Reservoir in western Mahoning County, where Hunter was fishing one August afternoon in 1969. The contact man and another soft-spoken, dapper racketeer arrived wearing suits and ties.

Hunter had agreed to meet them because he was curious. He gave them no answer because he did not want to close a pipeline to information on what the Mafia was doing in Youngstown.

Their interest waned, Hunter recalled recently, after straw votes indicated he was going to be defeated by incumbent Democrat Mayor Anthony B. Flask and when Hunter vowed while campaigning to choke the network that funnels wealth to the Youngstown underworld.

Hunter, a former Sunday school teacher surprisingly won the mayor's race. He won without any help from the rackets and, without them, will run for a second term this year.

The first week he occupied the mayor's office in the southeast corner of Youngstown's soot-trimmed City Hall, some opportunists visited him. They wanted directions to the bag man.

To whom do we go to get favors from the new administration, they glibly inquired of the outraged Hunter.

"I found out there were some hoodlums, architects, contractors, suppliers, car dealers, municipal job applicants and you name it, that had really expected me to accept a payoff for contracts or for special favors," Hunter said. "I found out it was the way of doing business in this town for a small, wheeling and dealing few."

At least one other Youngstown mayor, Harry Savasten, who served in 1962 and 1963, affirmed that he had the same approaches made to him—on a barbotte game and a city contract.

Ex-Mayor Flask denied having had any such experience.

"They knew better," Flask said.

"No more," promised the 40-year-old, pipe-puffing Hunter.

Hunter has one more problem than did mayors of most middle-aged Midwest communities—a bad municipal image.

Hunter believes that Youngstown's reputation for corruption helps explain a 16% dip in population in the last decade and the ease with which outlying areas pirate businesses and industries. He cited a general resistance to taxes, some because of lack of pride, and so the city limps on a $22 million budget.

It was bad enough for a school levy to be defeated six times, bringing ultimate padlocking of classrooms two years ago.

But people remember most the catchy-appellations for this city—Murdertown, USA; Crime City, America—earned for 14 rackets killings and 100 bombings in 20 years.

On Dec. 31, 1969, a rain-spattered inauguration day in Youngstown, Hunter gave his police department a green light to rout vice. The word got out and some operations fled to the peripheries before new Chief Donald Baker dispatched his tactical squad to interrupt numbers pools, barbotte, prostitution and after-hours liquor sales.

As soon as Hunter took office, he did some instant housecleaning.

He unplugged the vending machines in municipal buildings and insisted that vendors bid properly for city contracts. As a result, vending operators coughed up more income in three months in 1970 than they produced in all of 1969.

Hunter promptly distributed the lucrative towing business among qualified firms.

Baker, a 20-year policeman with savvy, asked for the Federal Bureau of Investigation for help in cleaning out Youngstown rackets at a meeting of police chiefs with the federal strike force in Cleveland in March 1970. Baker said that all but one other chief at the session indicated that everything in their towns was in order.

"I knew we had trouble," Baker said.

Lawyer Robert Gary, second in command of the Cleveland-based federal strike force in Ohio, confirmed, "We were not surprised. We knew the rackets were entrenched in Youngstown and coddled."

The Justice Department in Washington had said that one sixth of Ohio's official "syndicate" membership could be attributed to Youngstown and environs.

Of cases handled by the strike force until early this year, at least 80 percent of the principals were from the Youngstown area, Gary pointed out.

An FBI effort to strangle organized crime in the Youngstown district started with arrests in the autumns of 1968 and 1969.

It has been stepped up and speculation is there may yet be 30 indictments from raids last October that nipped an interstate numbers ring. The operation was tying together a long-time Youngstown "bug" setup with the organization of a Pennsylvania contractor who does business with officials of the Keystone state and Pittsburgh's primary numbers "bank."

Gary said pressure from the FBI and the Hunter administration has "crippled the Youngstown rackets."

Baker affirmed: "They're confused."

Numbers writers say that though operations began to accelerate a little early in November, business by telephone was low key because of fear of wiretaps. Some of the writers reportedly are short of income and funds to pay off on hits. But numbers activity again is on the increase today.

An FBI sortie on a sports betting network operating between Warren, Cleveland and Pittsburgh just before Christmas added to underworld nervousness.

Although no estimate has been made of the numbers taken here, one principal in a ring including several Youngstowners—upset by the FBI in 1969—had personal annual income of more than $350,000 from the illegal business, according to government spokesmen.

The 1970 raids here boosted the morale of Youngstown police. Police were asked for information by the FBI and were invited to go along on massive searches to collect numbers paraphernalia.

Said one officer: "Finally, we're trusted. We were tarnished as a unit for a long time. It was so bad—there was so much rottenness—some of the men who were on the force didn't even ask about salaries.

"The protection racket paid well for those who were dishonest. If a store didn't want burglaries, if a joint wanted to stay open after hours, the owners saw to it the police got food or clothing for their kids, or pocket money.

"Now we're negotiating like professionals for better pay and benefits and we're interested in training, education, upgrading. It's good to have respect."

He polished his badge as he spoke.

Drug raids that netted 25 violators in November and shut off 99% of the flow of hard narcotics into the city were another boost for police morale. Some anonymous Youngstowners were so pleased that they sent the chief a bouquet of 15 roses, one for each of the squads that participated.

Baker, going for 100% muzzling of drugs, still may have to deal with one major Youngstown racketeer who, informants say, is involved in the top level of drug distribution on the North Side of Youngstown.

Mayor Hunter, who gave a pep talk before the drugs hits and who, aides say, personally answered the call when a bakery driver was robbed at gunpoint some weeks ago, is close to the rehabilitation of his police department. "I was the nearest car," explains the mayor whose police radio listing is No. 1.

"There were some personnel there and in other offices I wanted to chop off the city payroll," Hunter admitted. "Then I decided to give them a chance, put confidence in their doing a job. Most have come out smelling like roses."

And he has delegated authority to department heads.

Ironically, out of this situation has come the first of the credibility crises of the Hunter administration.

The first crisis stemmed from a lack of trust between police and the city prosecutor's staff over disposition of racket cases. Too many were being dismissed or excused after small fines were assessed, police said. They

protested that their war against crime was being nullified.

In August, a rookie patrolman in plainclothes played a number at the Bononza Bar on Mahoning Avenue and audited a telephone transaction dealing with numbers allegedly by Mrs. Gladys Evanovich, wife of the permit holder. Mrs. Evanovich and an elderly bartender were arrested and booked.

Police heard that the prosecutor reportedly intended to drop the case. The mayor intervened.

When the charges were presented in Municipal Court in September, the judge freed Mrs. Evanovich and the barkeep, saying that the violation was minor, the two defendants were aged, and that the assistant prosecutor had, by his own admission, no evidence.

Police complained that they tried to submit the evidence but that the prosecutor rejected it, saying it was too late.

The Bonanza Bar was one of the establishments searched in the FBI raids last fall. Affidavits revealed that agents had monitored two telephone conversations that dealt with the Evanovich arrest. The text concerns attempted deals with a public official, an effort to communicate with a councilman and conniving for reduced penalties.

Mayor Hunter was adamant that there was no wrongdoing.

"It appears everyone was just conscientious," he said of the Bonanza Bar affair.

"In any town but Youngstown, this would cause no suspicion," he said. "Here there is limited faith because of what has happened in the past."

And though Prosecutor John Mock turned in his resignation, he emphasized that he had stated he would fill the law department post for only a year when he accepted it in January 1970.

Mock said relations between police and the prosecutor's office "have improved" recently.

Former Mayor Savasten has predicted that Hunter would still have some problems with police and other employees who have been "controlled for years" and dared not back out on their affiliations.

And Hunter may find difficulty in the stance of the Civil Service Commission that has such stretch in its rules that one policeman moonlighted in 1969 as the vice president of a major development firm. Another is health and welfare administrator of a Teamsters union.

In the first nine months of 1970, according to FBI compilations, Youngstown crime escalated at a faster pace than crime in other cities, with burglary, robbery, larceny and car theft rising spectacularly.

A salesman told a newspaper reporter he was so afraid to work in the city that he purchased a sawed-off shotgun and slipped it under the front seat of his automobile. The gun was stolen.

Mayor Hunter suspects the city's crime statistics have not always been accurate. He believes that some totals for felonies, other than bombings and murders, which are hard to hide, have been altered, artificially improving the picture.

Problems that could have been dealt with were sheathed, he said.

He speculates that this also happens in the police record departments of other cities and that Youngstown may have had some unpublicized companions in the years it got its notoriety.

The mayor has so much confidence in what was achieved in 1970, that he said: "If there's a racket or labor bombing now, it's to embarrass the administration."

Until 1962, bombings in Youngstown were related to gambling control. Since then, reports show, the majority have evolved from disputes among Teamsters and trucking and construction industries. The last was a major exchange between Teamsters and the Operating Engineers in 1969.

Seven local Teamsters, among them John (Chike) Angelo, testy secretary-treasurer of Local 377, have been indicted by a federal grand jury for shakedowns at the General Motors site in Lordstown in Trumbull County, west of here. This was in a case investigated by the Labor Department and the FBI, and filed by strike force lawyers.

"Head busting," said a Labor Department investigator, "is a way of life in Youngstown."

Students of politics say the voters are tired of "head busting" and that is why Jack C. Hunter won the mayorality. His victory came in the wake of armed conflict between Teamsters and truckers on smoky Poland Avenue and was a reaction to that shootout. Hunter had accused Mayor Flask of being aware that the Teamsters were armed and said Flask failed to stop them.

The Teamsters have been a power in Youngstown since 1950, a Labor Department aide said. Hunter, however, ventures that the Teamsters and the racket people are latent forces now.

Hunter lists power blocs in the city as being national, religious, racial, labor generally, and management and special interest groups. Among the last is a covey of contractors who will want to build the new terminal complex and runway and make other improvements valued at a total $22 million at Youngstown Municipal Airport.

"I can't take the credit but we had no civil disturbances in 1970, and it made Youngstown look better," Hunter said. "I hope it shows the people are getting the city's ear."

The mayor writes off December bombings at the home of a white realtor and a Negro civil rights leader as personal matters "based on Negro housing and rights."

There had been times during the emancipation of City Hall that skeptics felt Hunter was not strong enough and that the clique and its tentacles would overcome the naive, "nice guy" mayor.

Tall, gangling, sometimes buoyant Jack C. Hunter runs his town not with charisma, but sincerity. Nor does he do it by Braille.

He is out where the action is. It is not unusual for him to drive through the city's South Side and for a group of blacks to stop his familiar Thunderbird and ask him to come into a bar and have a bottle of beer with people congregated there.

They have something to talk over.

There is nothing patronizing or ingratiating about the mayor's complying. "I have to know what is happening in Youngstown and they help me tune in," he says.

After the drug arrests, Hunter toured the jail where those arrested were lodged. He was chastized by one of the prisoners. A man in a cell down the row defended Hunter.

"Hey, shut up, man," he yelled. "The mayor's on our side."

On Christmas Day 1970, Hunter joined a group who distributed cigarettes, cigars, candy and fruit to jail inmates.

One of the "mayoresques" ascribed to Hunter is that he is "nonhyphenated."

"I don't believe in Negro-Americans, Italian-Americans, Slav-Americans," Hunter observes. "I just believe in Americans."

He wears a U.S. flag in the lapel of his otherwise unornamented gray suit.

"He is everything opposite to the backslapping, baby-kissing and handshaking politician," says Martin Milich, the mayor's administrative assistant.

"If it hadn't been for Democrats, Mayor Hunter would have never been elected," grieved County Chairman Jack Sulligan, citing the city's Democrat registration majority.

Youngstown citizens want Hunter to run again, if response to an advertisement published in the Youngstown Vindicator is indicative.

Of the more than 300 replies to the ad asking citizen opinion whether he should seek a new term, the mayor has been supported in a ratio of 9 or 10 to 1.

"Some have told me off," he admits, but he is going to run.

Hunter first ran for mayor in 1969 while he was Ward 5 councilman.

"I didn't want to," he says, "but I protested so much to my friends about gaming and graft in the city, they told me to 'put up or shut up.'"

When he was elected to the $20,000 a year post, with limited GOP support, he resigned a modest paying job as assistant trust officer of the Mahoning National Bank. The bank gave its blessing.

Since, according to Hunter, "banks are bastions of conservatism," this was a departure from tradition.

As mayor, he has no banking hours. His day starts at 7 a.m.

But because he came out of a banking background, he has been dubbed an "establishment" candidate.

Hunter served in the Marines in the Korean war after "not doing very well" at Youngstown University. While he was being educated in the Youngstown school system, his father, a paymaster at the Republic Steel Corp., warned him he had "better get nothing below a C."

"I got nothing above it either," Hunter recalls.

But after military duty, he made the dean's list at the University of Denver, where he studied economics. Later he majored in political science at Youngstown State University.

"The attitude is that I'm an impertinent young punk," Hunter points to his attacks on the city's upper crust for lethargy and lack of civic commotion.

Historically, Youngstown has been a make-a-living town, starting with discovery of ore in a creek, through the era of the charcoal furnace, local coal and gasping Bessemer converters.

The contrast between the elegant, who built the industries, and immigrants, who worked in them, has not been totally erased, Hunter said.

Until the 1930s, Youngstown had seldom elected a mayor whose name was other than North European.

When Italians and Slavs started politicking, the power structure clambered into ivory towers and generated no influence, except cultural, he notes.

Youngstown has a symphony and a building donated for it; a beading of libraries; posh, columned Stambaugh Auditorium; an able playhouse group; an art institute, museum, parks and the university, the latter well-endowed by the dynasty that operated it before it was given state status.

The university is surprisingly immune from student disorders of any magnitude. Capt. Chester Hayth of District 4 of the State Highway Patrol credits the tranquility to commuter student population and limited space for congregating. Now educating 15,000, Youngstown State University has a tremendous draw in the Youngstown area and in western Pennsylvania.

The mayor is pragmatic about Youngstown.

"We need new business and diversities. We used to let Santa Claus come to us. Finally, he didn't. Now, we're writing to Santa Claus to sell our assets.

He exhibited advertising promotional gimmicks that will be expanded and released to trade publications and industrial organs that have influential readership. Basically, they say, "Youngstown is what you want."

"Faint hearts never won fair hands," says the unmarried mayor.

He lives with his elderly mother in a frame house surrounded by a manicured yard in the city's southwest residential area.

Interestingly, it may be another native who will rebuild the downtown. The developer, once in the Flask camp, has been meeting in exploratory discussions with some city leaders since September.

"My vision," Hunter said, "is of a vertical building for business and professional use, flanked with an elongated structure closer to the ground, a mall idea. Quite large."

Projects, valued at $4 million were assured for three urban renewal areas at the end of December. A 3½-deck parking garage for Youngstown State University, a new building for the Goodyear Tire & Rubber Co. and rehabilitation of the Youngstown Automobile Club structure on Front Street are slated. Advance Dies of America and Dyna-Kleen Power Cleaning plan to build in another section.

If Youngstown does get a new skyline, it will be because of a homogenization of effort and money from federal, state and banking sources. The banks are vitally interested in the Youngstown city core, where their main offices are located.

They are giving umbrellas and silverware as incentives to keep depositors here, said one banker.

The cautious mayor is not taking a chance on losing what Youngstown has now.

Some weeks ago, he discovered that a merchant renting a store two blocks from City Hall had tacked a yellow sign on his door that announced he was going out of business.

The mayor dispatched an emissary to ask the businessman to give the city five weeks to come up with a solution for him. The man obligingly ripped down the sign.

"By George!" the businessman said, "I think I'll stay around to see what happens next. It's just not the same old Youngstown."

"Precisely," said the mayor.

LITHUANIAN INDEPENDENCE DAY

Mr. MUSKIE. Mr. President, on February 16, 1971, Americans of Lithuanian descent commemorated the 53d anniversary of Lithuanian independence, with celebrations and festivities throughout the Nation. Lithuania gained its independence from the Czarist Russian Empire at the end of the First World War, only to lose it again to the Soviet Union at the beginning of World War II. The celebration is a reminder of past freedom, and an impetus to strive for the return of that freedom.

It is important that the 53d anniversary of the independence of Lithuania be recognized, for perhaps it will serve to remind us that there are many peoples in the world who are striving—yet without success—to attain the very freedom we take for granted.

RULES OF PROCEDURE OF THE COMMITTEE ON GOVERNMENT OPERATIONS

Mr. McCLELLAN. Mr. President, in compliance with the requirements of section 133B of the Legislative Reorganization Act of 1946, as amended, I submit herewith for publication in the RECORD the rules of procedure adopted by the Committee on Government Operations.

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

RULES OF PROCEDURE ADOPTED BY THE COMMITTEE ON GOVERNMENT OPERATIONS, PURSUANT TO SECTION 133B OF THE LEGISLATIVE REORGANIZATION ACT OF 1946, AS AMENDED

RULE 1. MEETINGS AND MEETING PROCEDURES OTHER THAN HEARINGS

A. *Meeting Dates.* The committee shall hold its regular meetings on the first Thursday of each month, when the Congress is in session, or at such other times as the Chairman shall determine. Additional meetings may be called by the Chairman as he deems necessary to expedite committee business. (Sec. 133(a), Legislative Reorganization Act of 1946, as amended)

B. *Calling Special Committee Meetings.* If at least three members of the committee desire the chairman to call a special meeting, they may file in the offices of the committee a written request therefor, addressed to the chairman. Immediately thereafter, the clerk of the committee shall notify the chairman of such request. If, within three calendar days after the filing of such request, the chairman fails to call the requested special meeting, which is to be held within seven calendar days after the filing of such request, a majority of the committee members may file in the offices of the committee their written notice that a special committee meeting will be held, specifying the date and hour thereof, and the committee shall meet on that date and hour. Immediately upon the filing of such notice, the committee clerk shall notify all committee members that such special meeting will be held and inform them of its date and hour. If the chairman is not present at any regular, additional or special meeting, the ranking majority member present shall preside. (Sec. 133(a), Legislative Reorganization Act of 1946, as amended).

C. *Meeting Notices and Agenda.* Written notices of committee meetings, accompanied by an agenda enumerating the items of business to be considered, shall be sent to all committee members at least three days in advance of such meetings. In the event that unforeseen requirements of committee business prevent a three-day notice, the committee staff shall communicate such notice by telephone to members or appropriate staff assistants in their offices, and an agenda will be furnished prior to the meeting.

D. *Open Business Meetings.* Meetings for the transaction of committee business, shall be open to the public, except during executive sessions for marking up bills, for voting, or when the committee by majority vote orders an executive session. (Sec. 133(b), Legislative Reorganization Act of 1946, as amended).

RULE 2. QUORUMS

A. *Reporting Legislation.* Ten members of the committee shall constitute a quorum for reporting legislative measures or recommendations. (Sec. 133(d), Legislative Reorganization Act of 1946, as amended.)

B. *Transaction of Routine Business.* Six members of the committee shall constitute a quorum for the transaction of routine business. (Rule XXV, Sec. 5(a) Standing Rules of the Senate.)

C. *Taking Sworn Testimony.* Two members of the committee shall constitute a quorum for taking sworn testimony, provided, however, that one member of the committee shall constitute a quorum for such purposes, with the approval of the chairman and the ranking minority member of the committee, or their designees. (Rule XXV, Sec. 5(b), Standing Rules of the Senate.)

D. *Taking Unsworn Testimony.* One member of the committee shall constitute a quorum for taking unsworn testimony. (Sec. 133(d)(2), Legislative Reorganization Act of 1946, as amended.)

E. *Subcommittee Quorums.* Subject to the provisions of Sections 5(a) and 5(b) of Rule XXV of the Standing Rules of the Senate, and Section 133(d) of the Legislative Reorganization Act as amended, the subcommittees of this committee are authorized to establish their own quorums for the transaction of business and the taking of sworn testimony.

F. *Proxies Prohibited in Establishment of a Quorum.* Proxies shall not be considered for the establishment of a quorum.

RULE 3. VOTING

A. *Quorum Required.* No vote may be taken by the committee, or any subcommittee thereof, on any measure or matter unless a quorum, as prescribed in the preceding section, is actually present.

B. *Reporting Legislation.* No measure or recommendation shall be reported from the committee unless a majority of the committee members are actually present, and the vote of the committee to report a measure or matter shall require the concurrence of a majority of those members who are actually present at the time the vote is taken. (Sec. 133(d), Legislative Reorganization Act of 1946, as amended.)

C. *Proxy Voting.* Proxy voting shall be allowed on all measures and matters before the committee, or any subcommittees, thereof, except that, when the committee, or any subcommittee thereof, is voting to report a measure or recommendation, proxy votes shall be allowed solely for the purposes of recording a member's position on the pending question and then, only if the absent committee member has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded. All proxies shall be addressed to the chairman of the committee and filed with the chief clerk thereof, or to the chairman of the subcommittee and filed with the clerk thereof, as the case may be. All proxies shall be in writing and shall contain sufficient reference to the pending matter as is necessary to identify it and to inform the committee as to how the member wishes his vote to be recorded thereon. (Sec. 133(d), Legislative Reorganization Act of 1946, as amended).

D. *Announcement of Vote.* (1) Whenever the committee by rollcall vote reports any measure or matter, the report of the committee upon such measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter by each member of the committee. (Sec. 133(d), Legislative Reorganization Act of 1946, as amended).

(2) Whenever the committee by rollcall vote acts upon any measure or amendment thereto, other than reporting a measure or recommendation, the results thereof shall be announced in the committee report on that measure unless previously announced by the committee, and such announcement shall include a tabulation of the votes cast in favor of and the votes cast in opposition to each such measure and amendment thereto by each member of the committee who was present at that meeting. (Sec. 133(b), Legislative Reorganization Act, 1946, as amended).

(3) In any case in which a rollcall vote is announced, the tabulation of votes shall state separately the proxy votes recorded in favor of and in opposition to that measure, amendment thereto, or recommendation. (Sec. 133(b) and (d), Legislative Reorganization Act of 1946, as amended).

RULE 4. HEARINGS AND HEARING PROCEDURES

A. *Announcement of Hearings.* The committee, or any subcommittee thereof, shall make public announcement of the date, place, time and subject matter of any hearing to be conducted on any measure or matter at least one week in advance of such hearing, unless the committee, or subcommittee, determines that there is good cause to begin such hearing at an earlier date. (Sec. 133A(a), Legislative Reorganization Act of 1946, as amended).

B. *Open Hearings.* Each hearing conducted by the committee, or any subcommittee thereof, shall be open to the public unless the committee, or subcommittee, determines that the testimony to be taken at that hearing may (1) relate to a matter of national security, (2) tend to reflect adversely on the character or reputation of the witness of any other individual, or (3) divulge matters deemed confidential under other provisions of law or Government regulations. (Sec. 133A(b), Legislative Reorganization Act of 1946, as amended).

C. *Radio, Television and Photography.* The committee, or any subcommittee thereof, may permit the proceedings of hearings which are open to the public to be photographed and broadcast by radio, television or both, subject to such conditions as the committee, or subcommittee, may impose. (Sec. 133A(b), Legislative Reorganization Act of 1946, as amended).

D. *Advance Statements of Witnesses.* A witness appearing before the committee, or any subcommittee thereof, shall file a written statement of his proposed testimony at least one day prior to his appearance, unless this requirement is waived by the chairman and the ranking minority member, following their determination that there is good cause for failure of compliance. (Sec. 133A (c), Legislative Reorganization Act of 1946, as amended).

E. *Minority Witnesses.* In any hearings conducted by the committee, or any subcommittee thereof, the minority members of the committee shall be entitled, upon request to the chairman by a majority of the minority, to call witnesses of their selection during at least one day of such hearings. (Sec. 133A(e), Legislative Reorganization Act of 1946, as amended).

RULE 5. COMMITTEE REPORTS

A. *Timely Filing.* When the committee has ordered a measure or recommendation reported, following final action, the report thereon shall be filed in the Senate at the earliest practicable time. (Sec. 133(c), Legislative Reorganization Act of 1946, as amended).

B. *Supplemental, Minority and Additional Views.* A member of the committee who gives notice of his intention to file supplemental, minority or additional views at the time of final committee approval of a measure or matter, shall be entitled to not less than three calendar days in which to file such views, in writing, with the chief clerk of the committee. Such views shall then be included in the committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report. In the absence of timely notice, the committee report may be filed and printed immediately without such views. (Sec. 133(e), Legislative Reorganization Act of 1946, as amended.)

C. *Draft Reports of Subcommittees.* All draft reports prepared by subcommittees of this committee on any measure or matter referred to it by the Chairman, shall be in the form, style and arrangement required to conform to the applicable provisions of the Standing Rules of the Senate, and shall be in accordance with the established practices followed by the committee. Upon completion of such draft reports, copies thereof shall be filed with the chief clerk of the committee at the earliest practicable time.

D. *Cost Estimates in Reports.* All committee reports, accompanying a bill or joint resolution of a public character reported by the committee, shall contain (1) an estimate, made by the committee, of the costs which would be incurred in carrying out the legislation for the then current fiscal year and for each of the next five fiscal years thereafter (or for the authorized duration of the proposed legislation, if less than five years); (2) a comparison of such cost estimates with any made by a Federal agency; or (3) a statement of the reasons for failure by the committee to comply with these requirements as impracticable, in the event of inability to comply therewith. (Sec. 252(a), Legislative Reorganization Act of 1970).

RULE 6. SUBCOMMITTEES AND SUBCOMMITTEE PROCEDURES

A. *Regularly Established Subcommittees.* The committee shall have four regularly established subcommittees, as follows:

Permanent Subcommittee on Investigations

National Security and International Operations

Intergovernmental Relations

Executive Reorganization and Government Research

B. *Ad Hoc Subcommittees.* Following consultation with the ranking minority member, the chairman shall, from time to time, establish such ad hoc subcommittees as he deems necessary to expedite committee business.

C. *Subcommittee Membership.* Following consultation with the majority members, and the ranking minority member, of the committee, the chairman shall announce selections for membership on the subcommittees referred to in paragraphs A and B, above.

D. *Subcommittee Meetings and Hearings.* Each subcommittee of this committee is authorized to establish meeting dates and adopt rules not inconsistent with the rules of the committee.

E. *Subcommittee Budgets.* Each subcommittee of this committee which requires authorization for the expenditure of funds for the conduct of inquiries and investigations, shall file with the Chief Clerk of the committee, not later than January 31 of that year, its request for funds for the 12-month period beginning on March 1 and extending through and including the last day in February of the following year. Each such request shall be submitted on the budget form prescribed by the Committee on Rules and Administration, and shall be accompanied by a written justification, addressed to the chairman of the committee, which shall include (1) a statement of the subcommittee's area of activities; (2) its accomplishments during the preceding year; and (3) a table showing a comparison between (a) the funds authorized for expenditure during the preceding year, (b) the funds actually expended during that year, (c) the amount requested for the current year, and (d) the number of professional and clerical staff members and consultants employed by the subcommittee during the preceding year and the number of such personnel requested for the current year. (Sec. 133(g), Legislative Reorganization Act, 1946, as amended).

THE DAVIS-BACON ACT

Mr. TAFT. Mr. President, I believe the President's action in suspending the Davis-Bacon Act will have positive effects on curbing the wage-price spiral in the construction industry.

The act, which provides a mechanism whereby the Federal Government can suspend payments to Federal contractors who fail to meet prescribed wage levels, provided an option for the President, and one which I am happy he chose to follow, as opposed to a wage-price freeze.

In effect, suspension of the act may force unions and contractors to hold prices and wage levels in order to compete.

I believe we are faced with an emergency situation which required such drastic measures.

Once we are past this crisis stage in housing and other construction costs, I expect that the President will reinstate the Davis-Bacon Act.

RULES OF THE SENATE COMMITTEE ON FOREIGN RELATIONS

Mr. FULBRIGHT. Mr. President, in accordance with the provisions of section 133B of the Legislative Reorganization Act of 1946, as amended, the following rules were adopted by the Committee on Foreign Relations on March 1, 1971:

RULES OF THE COMMITTEE ON FOREIGN RELATIONS

COMMITTEE AND SUBCOMMITTEE MEETINGS

1. The regular meeting day of the Committee on Foreign Relations for the transaction of Committee business shall be on Tuesday of each week, unless otherwise directed by the Chairman.

2. Six Members shall constitute a quorum for the purpose of transacting Committee business.

3. Proxy voting will be permitted on all matters, except that no measure or recommendation shall be reported unless a majority of the Committee were actually present.

4. The Chairman of the Committee on Foreign Relations, or the Chairman of any Subcommittee thereof, is authorized to fix the number of Members who shall constitute a quorum for the purpose of taking testimony.

5. Except when funds have been specifically made available by the Senate for a Subcommittee purpose, no Subcommittee of the Committee on Foreign Relations shall hold hearings involving reporting expenses without prior approval of the Chairman of the full Committee or by decision of the full Committee.

6. Unless otherwise authorized by law or Senate resolution, Subcommittees shall be appointed each Congress by the Chairman. They shall be of three general types: consultative, "study" or "oversight," and ad hoc.

Consultative subcommittees are created primarily for purposes of consultation and not for the consideration of legislation.

Study or Oversight subcommittees are created to deal with specific problem areas which may or may not require legislative action originating with the Committee.

Ad hoc subcommittees are created to act on behalf of the full Committee on specific legislation or treaties.

COMMITTEE TRAVEL

No Member of the Committee on Foreign Relations or staff shall travel abroad on Committee business unless specifically authorized by the Chairman, who is required by law to approve vouchers and report expenditures of foreign currencies, and the ranking minority Member. Requests for authorization of such travel shall state the purpose and when completed, a full report shall be filed with the Committee.

NOMINATIONS

1. Unless otherwise directed by the Chairman, the Committee on Foreign Relations shall not consider any nomination until six days after it has been formally submitted to the Senate.

2. Nominees for any post who are invited to appear before the Committee shall be heard in public session, unless a majority of the Committee decrees otherwise.

3. No nomination shall be reported to the Senate unless the nominee has been accorded security clearance on the basis of a full field investigation by the Federal Bureau of Investigation, and, in appropriate cases, has filed a confidential financial statement with the Committee.

TRANSCRIPTS

1. The Committee on Foreign Relations shall keep verbatim transcripts of all Committee and Subcommittee (except consultative subcommittees) meetings and such transcripts shall remain in the custody of the full Committee, unless a majority of the Committee decides otherwise.

WITNESSES

1. The Committee on Foreign Relations will consider requests to testify on any matter or measure pending before the Committee.

2. If the Chairman so determines, the oral presentation of witnesses shall be limited to ten minutes. However, written statements

of reasonable length may be submitted by witnesses and other interested persons who are unable to testify in person.

TRANSCRIPT REGULATIONS

1. Maintenance and security of classified transcripts.

a. The Chief Clerk of the Committee shall have responsibility for the maintenance and security of the classified transcripts.

b. A record shall be maintained of each use of the classified transcripts.

c. Classified transcripts shall be kept in locked combination safes in the Committee offices except when in active use by authorized persons. They must never be left unattended and must be returned to the Chief Clerk promptly when no longer needed.

d. Classified transcripts shall be permitted to leave the Committee offices only in the possession of authorized persons. Delivery and return shall be made only by authorized persons. They shall not be permitted to leave the city or the country, unless adequate assurances are made to the Chairman for their security.

e. Transcripts classified secret or higher shall not be permitted to leave the Committee offices.

f. Extreme care should be exercised to avoid taking notes or quotes from classified transcripts. Their contents must not be divulged to any unauthorized person.

2. Persons authorized to use classified transcripts.

a. Members and staff of the Committee, in the Committee rooms, or, by permission of the Chairman, in their offices.

b. Senators not members of the Committee, in the Committee's Capitol offices, by permission of the Chairman.

c. Members of the executive departments in the departments, or, in the Committee's Capitol office, by permission of the Chairman.

3. Declassification of executive transcripts and other executive records.

Executive transcripts and other executive records of the Committee shall be released to the National Archives and Records Service for unclassified use in accordance with the policies of that Agency whenever all members of the Committee at the time such transcripts or records were made shall no longer be living or shall no longer be members of the Congress, and shall have given their permission for such use.

REGULATIONS FOR THE USE OF CLASSIFIED MATERIAL (OTHER THAN TRANSCRIPTS)

Receipt and distribution of classified material.

1. All classified material received or originated by the Committee shall be keyed in at the Committee's offices in the New Senate Office Building, and except for material classified as "Top Secret" shall be filed in the NSOB offices for Committee use and safekeeping.

2. Each such piece of classified material received or originated shall be card indexed and serially numbered, and where requiring onward distribution shall be distributed by means of an attached, indexed form approved by the Chairman. If such material is to be distributed outside the Committee offices it shall, in addition to the attached form, be accompanied also by an approved signature sheet to show onward receipt.

3. Distribution of classified material among offices shall be by Committee Members or staff only. All classified material sent to Members' offices, and that distributed within the working offices of the Committee, shall be returned to Room 4229 NSOB. No classified material is to be removed from the offices of the Members or of the Committee without permission of the Chairman. Such classified material will be afforded safe handling and safe storage at all times.

4. Material classified "Top Secret," after being indexed and numbered, shall be sent to the Committee's Capitol offices for use by the Members and staff in those offices only.

5. The Chief of Staff is authorized to make such staff regulations as may be necessary to carry out the provisions of these regulations.

STAFF REGULATIONS

The Committee recommends that the following concepts serve to guide the staff in its activities:

1. The staff works for the Committee as a whole, under the general supervision of the Chairman of the Committee, and the immediate direction of the Chief of Staff.

2. Any Member of the Committee should feel free to call upon the staff at any time for assistance in connection with Committee business. Members of the Senate not members of the Committee who call upon the staff for assistance from time to time should be given assistance subject to the overriding responsibility of the staff to the Committee.

3. The staff's—as, indeed, the Committee's—primary responsibility is with respect to bills, resolutions, treaties, and nominations.

4. The staff and the Committee also have a responsibility under Section 136 of the Legislative Reorganization Act which provides that ". . . each standing committee . . . shall review and study, on a continuing basis, the application, administration, and execution of those laws, or parts of laws, the subject matter of which is within the jurisdiction of that committee." In the case of foreign relations, there is an additional responsibility deriving from the advice and consent clause of the Constitution. By the same token, there are limitations deriving from the President's special constitutional position in regard to foreign relations.

5. In addition to carrying out assignments from the Committee and its individual Members, the staff should feel free to originate suggestions for Committee or Subcommittee consideration, making it clear in every case that the decision lies with the Committee or Subcommittee concerned. The staff should also be free to make suggestions to individual Members regarding matters of special interest to such Members.

It is part of the staff's duty to keep itself as well informed as possible in regard to developments affecting foreign relations and in regard to the administration of foreign programs of the United States. Significant trends or developments which might otherwise escape notice should be called to the attention of the Committee, or of individual Senators with particular interests.

6. In carrying out the responsibilities in paragraph 5, the staff should bear in mind the workload of Senators and attempt not to deal in trivia but to limit itself to broad questions of basic policy, or specific matters which point up a question of basic policy.

7. The staff should pay due regard to the constitutional separation of powers between the Senate and the executive branch. It should, therefore, try to help the Committee bring to bear an independent, objective judgment on proposals to the executive branch and when appropriate to originate sound proposals of its own. At the same time, the staff must avoid impinging upon the constitutional prerogatives of the executive branch in the day-to-day conduct of foreign affairs.

8. In those instances when Committee action requires the expression of minority views, the staff shall assist the minority as fully as the majority to the end that all points of view may be fully considered by Members of the Committee and of the Senate. The staff must bear in mind that under our constitutional system it is the responsibility of the elected members of the Senate to determine legislative issues in the light of as full and fair a presentation of the facts as the staff may be able to obtain.

9. The staff should regard its relationship to the Committee as a privileged one, in the nature of the relationship of a lawyer to a client. In order to protect this relationship and the mutual confidence which must prevail if the Committee-staff relationship is to be a satisfactory and fruitful one, the following criteria are suggested:

a. The staff must be completely nonpartisan and responsible only to the Committee. Staff members should be hired and fired by the Committee solely on the basis of merit and without regard to political considerations.

b. Members of the staff must not be identified with any special interest group in the field of foreign relations or allow their names to be used by any such group.

c. Members of the staff must not accept public speaking engagements or write for publication in the field of foreign relations without specific advance permission from the Chief of Staff, or in his case, from the Chairman and the ranking minority Member. In any event, such public statements should avoid the expression of personal views and should not contain predictions of future, or interpretations of past, Committee action.

d. The staff must in no circumstances discuss with anyone the proceedings of the Committee in executive session or conversations with individual Senators without specific, advance permission from the Committee or the Senator concerned.

PROVISIONS OF LEGISLATIVE REORGANIZATION ACT

In addition to the foregoing, the Committee on Foreign Relations is governed by the standing rules of the Senate and the rules and procedures set forth in the Legislative Reorganization Act of 1946, as amended.

TRIBUTE TO THE LATE SENATOR RICHARD B. RUSSELL

Mr. GOLDWATER. Mr. President, very few times in the course of a man's journey through life does he have the opportunity of living with greatness and nobility. This rare experience has been mine in the friendship I have always borne for the late Richard Russell, a friendship which I have proudly considered to be mutual.

I had not been in the Senate more than 3 days before Senator Russell approached me and asked me what he could do to help me get started, and he reminded me of his long friendship with my friend and colleague, Carl Hayden.

Later it was my pleasure to serve with Dick on the Armed Services Committee and there I really had the opportunity to learn and know this great man. There is nothing that I can possibly say that could add to the eulogies already given him, but I would like his family and his friends wherever they may be to know that I consider him to be one of the greatest Americans we have ever produced whose influences on the legislative processes of our Nation have probably been greater than any other man, and his example of honesty and courage, knowledge, and nobility have been an inspiration to everyone who has come in contact with him, particularly the junior Senator from Arizona.

FOUR YEARS OF TALK ON HUMAN RIGHTS CONVENTIONS, BUT NO ACTION

Mr. PROXMIRE. Mr. President, on January 11, 1967, I served notice that I

would speak daily to remind the Senate of our failure to ratify a number of major human rights conventions of the United Nations. It has now been 1,519 days since my pledge and we have yet to ratify three of these important conventions.

What do these conventions propose that is so controversial that we have been unable to reach agreement on them?

The Genocide Convention would outlaw the terrible international crime of genocide. This treaty was unanimously approved by the General Assembly of the United Nations.

A second treaty would prohibit forced labor.

The Convention on the Political Rights of Women guarantees women all their political rights.

Obviously these treaties guarantee to all the world's people the basic rights which Americans are guaranteed in our Constitution. Yet we in the Senate have not ratified these important international documents.

A major hurdle was cleared late during the last session of Congress when the Senate Foreign Relations Committee reported favorably to the floor of the Senate the Genocide Convention. Due to the extremely heavy work load at that time, this convention was never brought up for consideration by the Senate. I hope the Foreign Relations Committee will again report this convention to the floor.

It is long past time for us to consider ratification of all of these conventions. Certainly we should not allow the opportunity to pass without action on the Genocide Convention. Favorable action on the Genocide Convention would be a giant step in the right direction.

ABOUT THE CONCORDE

Mr. GOLDWATER. Mr. President, in light of the coming debate over whether the United States should abandon the SST and relinquish its lead and superiority in the manufacture of aircraft, both subsonic and supersonic, we should begin to put things in their proper context.

This whole question of whether we are to go ahead with an American SST has been vastly complicated by arguments having to do more with the ecology and economics than with air travel.

Because of this, it is becoming more important for us to obtain direct information on the problem of supersonic travel from acknowledged experts. One such is Mr. Robert Hotz who recently wrote a very important editorial in the magazine Aviation Week and Space Technology entitled "The Concorde Is Coming." Because I believe this editorial, which appeared in the February 8, issue of the magazine, should be read by every Member of this body I am asking that it be placed in the RECORD at this point in my remarks. The Members will find that Mr. Hotz states in a few words the truth about the testing of the Concorde—truths that were overlooked in the closing days of the last Congress.

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

CONCORDE IS COMING

The Anglo-French Concorde supersonic transport has emerged in 1971 as a new factor in the international airline equation for the next decade. After more than a decade of technical development, it has flown through its crucial flight test envelope to prove that the concept of a supersonic transport is sound and its increased productivity offers an interesting profit potential.

The flight test program of the French prototype 001 and its British counterpart 002 during the winter of 1970–71 has proved that the production versions of the Concorde can deliver their guaranteed payloads over nonstop ranges including London and Paris to New York and key transpacific stage lengths. A solid technical base for Concorde production has been demonstrated by the initial test program. A variety of airline pilots and safety board examiners have flown the Concorde prototypes through the supersonic regime and found no special handling problems even with simulated double engine failure. The recent incident of an air intake ramp door tearing loose at Mach 2 and going through the Olympus engine without any further incident than an engine shutdown and a three-engine return to base is an example of both the Concorde's durability and docility.

Much detailed test flying remains to be done to isolate the many problems that develop only with experience in the air. When it enters airline service in the 1974–75 period, Concorde will be the most thoroughly tested transport in history. It will have amassed nearly 4,000 hr. of flight testing including certification to U.S., French and British standards and 1,000 hr. of actual route flying by airline pilots. BOAC, Air France and Pan American pilots will probably begin this route simulation this spring using the prototypes to get an early start on adapting Concorde's performance to airline patterns.

Next step will involve working out the detailed equation of fares, utilization and passenger appeal that are a necessary preliminary to the firm contract negotiations between the Concorde manufacturers, British Aircraft Corp. and France's Aerospatiale, and the key bellwether airlines, BOAC, Air France and Pan American for the Atlantic and Qantas and Japan Air Lines for the Pacific. This should begin by summertime.

Concorde was the first supersonic transport program to take shape more than ten years ago. It triggered both the Russian and American efforts to get into this market. This has been both an advantage and a problem for Concorde. By using basic, well-proved state-of-the-art aerodynamics, propulsion, avionics and materials, it built on a sound technical base. But in the decade of Concorde development, technology has advanced rapidly in all areas, opening wide possibilities of improvement for a second generation SST.

Similarly, Concorde's early start has given it a significant lead over its most potentially serious commercial competitor, the Boeing 2707. At the very time that U.S. political resolve to back its SST program is wavering, the Anglo-French governmental support for Concorde appears to be gathering strength.

The gap between Concorde's entry into airline service and the appearance of a U.S. supersonic transport on the market is an extremely significant factor in Anglo-French economics. For the longer the Concorde enjoys a western world monopoly on supersonic service on the Blue Ribbon high-density routes across the Atlantic and Pacific, the more aircraft its makers will sell and the more money its airline customers can harvest from its slender cabin. At the moment, a solid five-year gap is firming and any further slippage of the U.S. program would provide an additional bonus for Concorde.

Concorde technology was also pretty firmly committed long before the environmental issue arose and adapting to the operational temper of the times will pose some problems. The sonic boom is the least of these. Supersonic tests over a previsely instrumented range in western England have dispelled many of the boom superstitions with facts. The historic cathedrals are undisturbed by Concorde though the measuring instruments showed alarming vibrations from their local organ peals.

A cow may have been frightened by a Concorde boom into an unwarranted romp that aborted its calf, but thunderstorms, trains and a small boy throwing stones could have produced the same result.

Nor will Concorde emit a sonic boom over any land on its currently contemplated airline routes. Heavy smoke trails from the early Olympus engines are unacceptable and are being eliminated in the production aircraft. Less amenable to solution is the ground sideline noise from the afterburning Olympus. Palliatives applied to date leave Concorde ground noise somewhat above currently accepted standards.

Nevertheless, with all of its anticipated and unanticipated operational and economic problems, Concorde is now coming on strong as a contender for the Blue Ribbon traffic of the mid-1970s and already is the strongest challenger to American domination of the international transport market in history.

THE CLOTURE RULE

Mr. RIBICOFF. Mr. President, for nearly 5 weeks now, we have been debating Senate Resolution 9 to relax the cloture rule of the U.S. Senate. I support this resolution and have twice voted this year to end the present filibuster. Two motions to end this filibuster have been defeated. But I share the determination of the other supporters of Senate Resolution 9 to persist during this session of the 92d Congress until the cloture rule permitting filibustering is modified. There will be a third attempt to end the debate tomorrow and I shall again cast my vote in favor.

The merits of the case are compelling. Since 1917, 54 years ago, Senate rule XXII has permitted debate to be ended—cloture—only if two-thirds of the Senators agree. On 49 occasions during these years, efforts have been made after extended debate to apply cloture to a variety of vital legislative matters. Cloture has been voted only eight times. In addition, on numerous other occasions the threat of a filibuster, implict, in rule XXII, has resulted in constructive legislation being weakened, if not abandoned.

Rule XXII, with its two-thirds cloture formula, is unworkable. It creates a major barrier to the rational and effective conduct of the business of the Senate in its efforts to legislate.

Senate Resolution 9 proposes a modest change. It would reduce the requirement for ending debate from two-thirds to three-fifths of Senators present and voting. If a three-fifths formula had prevailed, Mr. President, cloture would have succeeded on several critical issues during the past years including the electoral college reform amendment last September. Exactly 60 percent of Senators present and voting supported cloture on that measure.

The resolution to modify rule XXII, Mr. President, would establish no radical change. It would not alter the essential and desirable character of the Senate as

a deliberative body. It would not jeopardize the opportunity for extended debate. It would simply afford a large majority of Senators after a matter is discussed thoroughly for several weeks the ability to say: "Enough. We have heard all the arguments. We have had time to discuss the matter and think about it. Now let us vote."

I think this is fair. I hope my colleagues who have been reluctant to join in a modification of the cloture rule will now agree. The time has come to end a situation in which undue power to obstruct legislation is placed in the hands of a relative few.

THE 50TH ANNIVERSARY OF DISABLED AMERICAN VETERANS

Mr. EAGLETON. Mr. President, I am pleased to have this opportunity to pay tribute to the Disabled American Veterans on this observance of the 50th anniversary.

Many of us in this body speak from time to time about the barbarities of war and the urgency of finding a better method of settling international disputes. And I believe rightly so.

But sometimes we tend to forget that no one knows more intimately the horrors of war than those of our fellow citizens who bear its physical and emotional scars.

This occasion serves to remind us that our dedication to the ending of war must be matched by our dedication to the care and rehabilitation of those who have already borne personnally the burden of war.

The DAV has a proud record of 50 years of service to disabled veterans. It has been invaluable in assisting Congress in discharging the Nation's obligations to these men.

Mr. President, I salute the DAV—and in particular its 8,000 members in Missouri—for their outstanding service to our country both in war and the aftermath of war.

IN PURSUIT OF TRUTH

Mr. GOLDWATER. Mr. President, it grieves me to say that I do not believe there has been an advancement suggested in American technology or American aviation that has been so grossly distorted as the recommendation for the production of an SST prototype for the United States.

I do not wish at this time to go into all the mistatements, innuendos, and outright lies which have been recorded by some of the enemies of the SST program. I will merely point out that many newspapers throughout the country last year carried scare stories to the effect that supersonic flights might cause an epidemic of skin cancer throughout the world.

This unsubstantiated and fantastic suggestion was used effectively by critics of the SST at a time when it was heading toward a decisive vote in the Senate.

Because of the zest with which the SST opponents grab and distort any problem that arises in connection with supersonic planes being developed abroad, I want to call the Senate's attention to an article in Aviation Week & Space Technology of February 8 which tells of a difficulty encountered January 26 on the 122–D test flight of the French Concorde prototype 001. The problem arose when a ramp door tore loose from the aircraft and was ingested by one of the engines. The pilot shut down the engine and effected a perfect landing without difficulty.

Mr. President, I realize that problems such as the one I just mentioned provide grist for the propaganda mills of the SST critics. For this reason I should like the entire article entitled "Concorde off Flight Status for Modification" to be printed in the RECORD at this point in my remarks. I intend to continue telling the truth, not only about the American SST but also about the experiences of the British and French Concorde and, where we can obtain the truth, about experiences of the Russian SST prototype called the TU–144.

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

CONCORDES OFF FLIGHT STATUS FOR MODIFICATIONS

PARIS.—Both Concorde supersonic transport prototypes will be grounded until the end of this month for modifications, including strengthening of the barn door auxiliary intake ramps. Action came after the ramp unit on the No. 4 engine tore loose from the French-built 001 prototype during a recent Mach 2.0 test.

Parts of the ramp mounting were ingested by the Rolls-Royce/Bristol-Snecma Olympus 593 engine, forcing the crew to shut it down. The ramp door also damaged the nacelle as it was ripped away.

The aircraft commander, Andre Tunrcat, director of flight test at France's Aerospatiale, flew the prototype back to its home base at Toulouse on three engines and landed without further incident. Single- and multiple-engine failures have been simulated often during Mach 2.0 tests (see p. 48).

The incident occurred Jan. 26 on the 122nd flight of the 001 prototype. Aerospatiale officials acknowledged the incident two days later. The flight was the second since the aircraft had been grounded for modifications to reduce drag and improve the pressure seal of the nacelles (AW&ST Jan. 18, p. 16).

On the first flight after grounding, the 001 logged 2 hr. 33 min., with 1 hr. 20 min. spent at supersonic speed. Highest speed reached was Mach 2.05. On the second flight, the aircraft logged a total of 2 hr. 32 min., with 1 hr. 2 min. spent at supersonic speed. Aircraft performance had been evaluated at Mach 1.5 and 1.8 before accelerating to Mach 2.0. The intake ramp tore loose shortly after Mach 2.0 speed was reached.

Officials at both Aerospatiale and British Aircraft Corp., the other partner in the Anglo-French program, said grounding would not seriously affect the pace of the current Concorde test phase. Both 001 and 002 prototypes are being used to gather Mach 2.0 data for contract performance guarantees.

Mach 2.0 data obtained so far is good quality and may be sufficient for performance computations, according to one observer. BAC officials said the two companies have enough Mach 2.0 data for the Feb. 18 Concorde program review by Frederick Corfield, British Minister of Aviation Supply, and Jean Chamant, recently named French minister of transport.

This, coupled with the fact that flying weather generally is bad in February, prompted BAC to extend the 002 grounding to include revisions other than intake modifications. Prototype 002 has flown a total of 73 flights, logging 146 hr. A total of 26 hr. 39 min. has been at supersonic speed.

Some new instrumentation will be installed on the 002, and two engines will be replaced. Both engines have old style carbon chrome steel washers on the main bearing bevel gear. Metal from the washers was found in the No. 1 engine oil filter on the 002 prototype late last year (AW&ST) Sept. 28, 1970, p. 23). New washers of harder steel are now being used.

One engine on 001, which is equipped with the old style washer, also will be replaced.

Test schedule for the immediate future with 001 is in a state of flux due to the grounding. After Mach 2.0 performance test, the aircraft had been scheduled to make a roundtrip flight from Paris to Dakar, Senegal, to simulate a North Atlantic crossing.

The aircraft was scheduled to depart from the Bretigny flight test center near Paris, fly 2,300 mi. to Dakar and return in the same day. The aim would be to fly the profile an operational aircraft would fly on the Paris-New York route. The Paris-Dakar flight with the prototype is roughly equivalent to a Paris-New York flight with production Concordes which will have improved performance.

Prototype 001 also is scheduled to make some Mach 2.0 sonic boom tests and take aircraft registration officials and airline crews on demonstration and familiarization flights.

DEATH OF GUY "RED" MACKEY

Mr. BAYH. Mr. President, last Monday my State of Indiana lost one of its outstanding men, Guy "Red" Mackey. Red was the dean of Big Ten Athletic Directors and was associated with Purdue University as student, coach and administrator for 45 years.

Mackey was born at Glasgow, Ky., December 14, 1905, but called New Albany, where he graduated from high school in 1925, home.

Mackey began his career at Purdue as a student in the university's agriculture school, but he spent most of his time on the football field.

He won outstanding plaudits for his brilliant play as a defensive end on Boilermaker teams from 1926 to 1928.

From the days as a player, Mackey could be described as growing up with the modern Purdue athletic system. He became an assistant freshman football coach on the Purdue staff following his graduation in 1929. Three years later he was promoted to the varsity staff as an assistant.

Mackey was made an administrative assistant to athletic director Mal Elward in 1941 and stepped up to the top spot in the Boilermaker athletic setup a year later when Elward entered the naval service.

The smiling, affable and hard-working redhead stimulated athletic department business and plant improvements to the point that Purdue is one of the top-rated, most soundly run intercollegiate athletic programs in the country.

One of his friends, Bob Collins, wrote his reminiscences of Red in his column in the Indianapolis Star on February 25. His conclusions capture the feelings that we of Prude and all who knew Red share at his passing. I ask unanimous consent

that the column be printed in the RECORD.

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

SPORTS OVER LIGHTLY

(By Bob Collins)

I would rather remember the happy times. And there were many.

There was Red the "teaching pro," who couldn't keep his mouth off of anybody's golf swing, completely taking apart my game and reassembling it in nine holes.

Then, peacock proud of himself, he asked, "There, don't you notice a difference?" To which I replied, "It would be hard as hell not to, since I was hitting the ball in the air before I started listening to you."

And there was the day he dedicated himself to curing my hook and was so spectacularly successful I finally sliced a tee shot across two fairways.

Then there was the time, like two big, friendly grizzly bears, feeling our oats (or was it corn?) we engaged in a wrestling match for the "overweight" championship of Vinton Woods. It concluded with me on top and Red declaring himself the winner—a real hometown decision.

And there was Red the world's worst teller of jokes. He always had one and I used to drive him up a tree by sitting poker-faced after he delivered the punch line and saying, "Go on, Red, what's the rest of it?"

And let us not forget the annual "Mackey Open" for members of the media. It featured some of the worst golf and best corn and prime rib in Indiana.

Red Mackey was a man of strong opinions. And he could be cantankerous. But he was straightforward and nobody ever doubted exactly where he stood on any issue. Also, I don't think I ever met a man who tried so hard to be fair.

He was a man of fierce, unyielding loyalty. Members of his staff knew that, whatever his personal feelings, he would stand behind them if they were under attack. And they repaid him in kind. In 22 years of covering Purdue, I never heard a staff member, even in anger, saying anything derogatory about Red.

Red loved Goldie and he loved sports. But Purdue was his mistress. It was a love affair that never wavered. There couldn't have been a happier man on this earth. He was exactly where he wanted to be, doing exactly what he wanted to do for most of his life.

Once, some years ago, I was sitting in his office complaining about the people who lie to newspapermen. After the tirade I said, "Red, I don't think you'd ever lie to me."

Without hesitating, he answered, "I would if I had to do it to protect Purdue."

Red was not wealthy and he and Goldie were childless. But he left a legacy. While his achievements were many, the legacy is not in the brick and steel of the athletic plant or in the record book.

It is right here, walking this earth. It is his hundreds of friends who will remember him and think well of him as long as they are here.

If life is but a journey, then there is no doubt that Red had a beautiful trip.

THE PROBLEMS OF CRIME—ESSAY BY JUDGE J. C. DUVALL

Mr. TOWER. Mr. President, recently Judge J. C. Duvall, of the county criminal court No. 1 in Fort Worth, Tex., wrote an essay on the problems of crime. This essay was entered in a national contest and was judged to be the best entry in the country. I believe that Judge Duvall made some very interesting observations which are buttressed by his distinguished service on the bench in Texas.

To share Judge Duvall's thoughts with Senators, I ask unanimous consent that an article published in the Fort Worth Star Telegram about Judge Duvall be printed in the RECORD.

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

[From the Fort Worth Star-Telegram, Dec. 24, 1970]

PRIZE-WINNING ESSAY—JUDGE DRAFTS CALL FOR LAW, ORDER

County Criminal Court No. 1 Judge J. C. Duvall is an outspoken champion of law and order.

In a recent essay, which he entered in a nationwide contest and which won him first prize, Duvall explains what law and order is and why it's necessary.

It's needed, Duvall wrote:

"Because this country is founded upon the principle that all men have a right to liberty and equality under the law and any impairment of law and any disruption of order is an assault upon the equality of men and the freedom to which they are entitled."

In the 2½-page essay, Duvall wrote that the American system of government and the law and order it needs to exist "is the most perfect system of government that the world has ever known.

"We know that it is not perfect, but it so far surpasses the systems which govern other people that the great majority of the citizens of the United States are willing to sacrifice to maintain it at any cost."

Duvall strikes out hard at those "among us who would destroy our constitutional republic and who offer us nothing as a substitute for it.

"There are those, a small minority it is true, who confuse liberty with license and order with violence; there are those who would substitute violence for our constitutional processes, well knowing that their efforts, if successful, would result in chaos in our nation and the destruction of liberty."

Law and order, says the jurist in the essay he wrote for judging by the Fraternal Aesthetic Cultural Technical Society (FACTS), is necessary "because our forebears and the great majority of our citizens have sacrificed to perfect the system of government under which we live.

"We have seen our land grow great under our democratic processes; we have seen our people enjoy safety in their homes and on their streets and we have also seen the havoc wreaked upon some communities by a disgruntled few who undertake to substitute their personal desires for our fundamental laws and to acquire the fulfillment of those desires by violence and disorder."

Crimes and disorder cost $51 billion per year, Duvall said.

"Assaults alone have cost our people $5 billion per year; vandalism, a senseless crime without any kind of reward to the offender, is now costing us in excess of a billion dollars per year; drunk drivers are killing more than 24,000 people per year, and our parks, our streets and our homes are no longer safe."

Duvall said that criminals must not be coddled.

"One must give more thought to the rights of the honest, law-abiding citizens than to those who have no regard for our property or our lives.

"We do not need more laws to keep America free and safe—we need to vigorously enforce those that we have.

"We need law and order and, by the grace of God, we the people of the United States, intend to have it.

"We the people are sick and tired of long-haired, drug-ridden dreamers threatening our institutions, rendering our parks and our streets unsafe and undertaking to substitute their immature judgment for the orderly process of government.

"We are tired of a situation in which our youth is unable to pursue education peacefully . . . We are sick and tired of seeing our national flag burned and insulted by a few disgruntled dissenters, we are sick and tired of seeing a small group of unwashed zealots disrupting the due process of government."

Duvall concludes that "so long as we have respect for the things we hold most dear, law and order must and will prevail and no blind Samson of ignorance and lethargy is going to destroy our heritage of justice and law.'

A JUST SETTLEMENT FOR THE ALASKA NATIVES

Mr. CRANSTON. Mr. President, on February 17, 1971, I joined with nine of my distinguished colleagues in cosponsoring S. 835, a bill to provide for the settlement of certain land claims of the Alaska natives. S. 835, the Alaska Native Claims Settlement Act of 1971, is an alternative to S. 35, also cited as the Alaska Native Claims Settlement Act of 1971, previously introduced by Senator JACKSON and now pending in the Senate Committee on Interior and Insular Affairs.

Mr. President, the bill which I am cosponsoring—S. 835—reflects the position of the Alaska Federation of Natives. The other bill—S. 35—is identical to the bill passed by the Senate last July. The major thrust of S. 835 is to preserve the right of self-determination for the natives of Alaska by insuring them a sufficient land base for their economic and social needs. S. 835 provides the natives with title to 60 million acres of land, a figure which represents a conservative estimate of the land now used and occupied by the natives. It constitutes only 17 percent of the land to which they have a valid legal claim. In contrast, S. 35 provides the natives with title to only 10 million acres of land, a mere 3 percent of the lands to which they have a valid legal claim. Yet the 60,000 Eskimos, Indians, and Aleuts make up over 20 percent of the population of Alaska.

S. 835 contains several important provisions that are different from those proposed by the committee bill. It provides for 60 million acres of land. It deletes the provision which provides for the phasing out or termination of Federal services to the Natives of Alaska within 5 years. It provides for three, rather than two, Natives on the five-member Commission to be appointed by the President. This Commission will have the duty of preparing the final membership roll of the Natives. It also differs on the provisions to establish and manage regional corporations and the moneys to be received from mineral production.

The single most important issue in this settlement bill is land. It is my judgment that the 10 million acres provided by S. 35 is not sufficient to support the Natives. It is not an adequate economic base and it may very well destroy the Native culture. To the Natives, the land is life. They continue to use and occupy 60 to 80 million acres out of a total of 375 million acres in the State. They hunt whale, walrus, and seal in the coastal waters and caribou on the tundra. They hunt moose, beaver, muskrat, rabbit and

bear in the forests. They do all this as they have for many years—without upsetting the ecological balance of the region.

Shortly after the Senate passed S. 1830 last July, the Association for American Indian Affairs published an economic analysis of the Senate bill. This analysis concludes that without an adequate land base, the Native economy and culture are doomed.

The proposed settlement in S. 1830 is economically unsound, for the Alaska Native people and for the nation. It will impoverish many Alaska Natives by substituting an unlivable annual cash income supplement ($53 per person in the first year, rising to $418 in 20 years) for their present right to make a subsistence living (and some cash income) by hunting, fishing, berrying, trapping on the lands this bill strips from them. It does this without offering these natives the means of transition from a subsistence style of life to a full cash/job economy.

I believe this is a sound analysis of the inadequacy of 10 million acres for the Alaska Natives. We must consider not only the potentially damaging effects this settlement proposal may have on the Natives, but also the probable social costs which result from an abrupt transition to a full cash/job economy without proper assistance.

Mr. President, it is the duty of every Member of Congress to seek an immediate and just settlement of the Alaska Native land claims. This obligation dates back to the Organic Act of 1884 which stated:

The Indians . . . shall not be disturbed in the possession of any lands actually in their use or occupancy or now claimed by them but the terms under which such persons may acquire title to such lands is reserved for future legislation by Congress.

The obligation is further delineated in section 6 of the 1958 Alaska Statehood Act:

The State and its people . . . forever disclaim all rights and title . . . to any lands or other property (including fishing rights), the right and title to which may be held by any Indians, Eskimos, or Aleuts. Such lands . . . remain under the jurisdiction of the United States until disposed of under its authority . . .

I believe we also have a responsibility to refrain from including provisions for the termination of Federal services to the Alaska Natives in this legislation. This provision was included in the Senate-passed bill in the last Congress, although I voted for an amendment to delete it. The policy of "termination" dominated Federal Indian policy during the decade of the 1950's. It resulted in the forced termination of Federal services to Indians under Federal supervision, without regard to their potential for economic development and totally ignoring the special Federal responsibility to Indians established by numerous treaties and agreements.

Although termination has been denounced by many, the Senate passed the Alaska Native Settlement Act last July just 7 days after President Nixon's historic message on Indian affairs. This message repudiated the policy of forced termination and elevated a policy of "self-determination." It would be a sad mistake if the Senate again passed legislation with the unfortunate policy of forced termination.

Mr. President, we can delay this settlement no longer. The discovery of valuable mineral resources has stimulated widespread interest in the vast lands of Alaska. If we are to fulfill our obligation to the Alaska natives we must provide them with an immediate settlement, an adequate land base, and a fair share of the moneys to be derived from mineral production from the lands they will cede.

The Alaska Native Claims Settlement Act is not a welfare bill. The natives are not seeking the generosity of the U.S. Congress. They have not asked to give up their lands. We are asking them to give up a major portion of the lands to which they have a valid legal claim, lands which are rich in valuable mineral resources. This calls for generosity on the part of the Alaska natives. Let us avoid, if we can, the tragic mistakes we made in dealing with the Indians of the continental United States. Let us grant them an adequate land base—60 million acres—in order that they might survive economically and culturally.

The natives of Alaska have waited for 103 years for Congress to act. The time is at hand for Congress to fulfill its long-standing obligation to the natives of Alaska in a fair, reasonable, and humane manner.

RECOGNITION FOR JOE FLOYD

Mr. McGOVERN. Mr. President, a distinguished citizen of my State, Mr. Joe Floyd, president, Midcontinent Broadcasting Co., Sioux Falls, S. Dak., was recognized recently in the February 1971 edition of Format, the official publication of the Advertising Club of Minnesota.

I have known Mr. Floyd for many years. He is a leader not only in his profession, but in the civic activities of his community and our State. This recognition is most appropriate not only for what he has accomplished, for what he is doing, but for the rich promise his future service holds for broadcasting and the development of the upper Midwest.

I am pleased to join with the editors of Format in recognizing the accomplishments of this dedicated South Dakotan and ask unanimous consent that the article be printed in the RECORD.

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

I'M JOE FLOYD—I CONSIDER MYSELF A HELLUVA SALESMAN

(By Howard Phillips)

When Joe Floyd was 15, he found he could fill empty theatre seats at the "Minnesota" in Minneapolis by running much and by saying "the last vacant seat please."

Today at 59, Joe Floyd is running more and still trying to fill the future vacant spaces.

From his modest beginning as a Theatre usher to his position today as president of Midcontinent Broadcasting Company, heading Com-Net Inc., Floyd has maintained the same basic philosophy . . . find what the people want and give it to them.

Joe managed a rather impressive history through the depression years of promoting motion picture theatres, sometimes with fairly conventional methods, but more often with more innovative ideas . . . like auctioning feminine wearing apparel . . . while it was still on the model.

His promotional methods today, while just as effective, are considerably more sophisticated, although it could be said that Joe Floyd is still a brain storming promoter.

Early in his business career he became associated with Eddie Ruben, still partners and deep friends for over 30 years.

An avid fan of aviation, Joe travels 24 days out of 30 and well over 100,000 air miles a year now promoting and selling his beloved Kelo-Land Television, now the major advertising medium in the Dakotas.

His first radio experience was on the production-side as originator and packager of "Blind-Date" first starring Arlene Francis on her famous career.

The horn-rimmed glasses, the clipped moustache, the unlit cigar, the booming voice, and the unexpected sudden grin, combine to present a figure now familiar from Sioux Falls, South Dakota to L.A., D.C. and of course Madison Avenue. The broadcast recognition was not too easily won. In 1953, when the Kelo-Land concept was born, Joe armed himself with a pocketful of cigars and an unrivaled enthusiasm and introduced himself to Madison Avenue, through the help of the Clifford Gill Agency.

"I'm Joe Floyd, I consider myself a helluva salesman."

It mattered little to Floyd that he had nothing to sell but an idea. It was his idea and it was a good one. They had only the shell of a television station, with no live cameras; he had no viewers, since there were no TV sets in the area and very few people. But Joe did have one tangible . . . himself. In selling his idea, Joe Floyd sold the man, Joe Floyd.

Selling Kelo-Land to Madison Avenue was only a beginning. With his Minneapolis-based partners Eddie Ruben and now N. L. (Larry) Bentson, Joe then proceeded to sell Kelo-Land to potential listeners, building a major selling force that now reaches over a million listeners in 85,000 square miles in five states.

In addition to Kelo-Land, and its satellite hookup, Joe and his associates operate the parent firm of Midcontinent Broadcasting, operate radio interests in Wisconsin, and 30 motion picture theatres in more than a dozen cities in the Dakotas and Minnesota.

The Floyd name also figures in cable television interests in nine cities in South Dakota; the BFR broadcast group operating WLOL radio in Minneapolis, and more recently as president of Com-Net, an organization exploring the possibilities of nationwide cable transmission.

Nor does the Floyd enthusiasm diminish outside of sales and broadcasting. Joe's great love of aviation has made itself felt in his home territory. Much of the fine air service now enjoyed by South Dakota is due in part to the untiring public service efforts of this man.

He was instrumental in the establishment of a commercial airport in Sioux Falls in the early 1950's and more recently helped promote a new four million dollar terminal in South Dakota's largest city.

Whether it's aviation, theatre, or broadcasting, Joe Floyd is still "a helluva salesman," who now, with over 500 people working for the Midcontinent Enterprise, prefers to keep running more and thinking harder, and—always trying to fill "the last vacant seat please."

THE BIG THICKET NATIONAL PARK

Mr. TOWER. Mr. President, On January 27, 1971, I introduced a bill, S. 378, to establish the Big Thicket National Park in Texas. Since that date, I have received

indications of support from many Texans. I would like to call the attention of my colleagues to a letter from the Texas Society of Architects endorsing my bill. I ask unanimous consent that this letter be printed in the RECORD at this time.

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

TEXAS SOCIETY OF ARCHITECTS,
Austin, Tex., February 15, 1971.

Hon. JOHN TOWER,
U.S. Senator, Old Senate Office Building, Washington, D.C.

SENATOR TOWER: I wanted you to know that the Texas Society of Architects supports the Bill for the establishment of the Big Thicket National Park that you have introduced in the Senate.

The TSA has formally endorsed creation of the Park of sufficient size and design to preserve this unique area and has asked for a similar endorsement by the American Institute of Architects in Washington.

Our best wishes for speedy action in the Congress on this important Bill.

TOM BULLOCK.

THE FAMILY FARM

Mr. McGOVERN. Mr. President, I have long been concerned with the progressive disappearance in my State of South Dakota, as well as in neighboring States, of the last real bastion of our independence in rural America, the family farm. And along with the elimination of the small, independent farmers goes the gradual but irreversible demise of the communities dependent on them for business, including goods, professional and governmental services. The prairies are dotted with these formerly vital and now vanishing communities.

The Minneapolis Tribune of February 21, 1971, contains two excellent news articles describing in graphic detail the dying farm towns and the migration of their residents to other States in search of employment. I ask unanimous consent that they be printed in the RECORD.

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

[From the Minneapolis Tribune, Feb. 21, 1971]

THE YOUNG, THE WEARY LEAVING SMALL PRAIRIE FARM TOWNS

(By Douglas E. Kneeland)

As the sprawling metropolitan areas of the East and West struggle with the miseries of overcrowding, some areas of the vast plains of the American midlands—from Montana down through Texas—are growing more and more desolate.

Weary farmers and ranchers, frustrated village dwellers and, perhaps most of all, the educated young are fleeing the lonely prairies by the thousands.

The Census Bureau has reported the proportion of the nation's population still living in such rural areas fell to 26.5 percent last year, from 30.1 percent in 1960.

The outflow has been going on for years as the more efficient farmers swallowed up their neighbors' land, as small-town residents sought better jobs or more hospitable surroundings and as the young heeded the lure and challenge of the cities.

But what one observer called the "snowball effect," building upon what used to seem a tolerable drain on the countryside, has now caused an almost desperate situation in many rural areas, especially on the plains of the heartland. As more people leave, economic survival becomes more difficult and the quality of life harsher for those left behind.

There is another phenomenon operating in other parts of the Prairie states. New industries, looking for cheaper, more enthusiastic labor and sometimes lured by tax breaks and other local incentives are springing up in small towns. Last year 23 new plants opened in Iowa, 41 in South Dakota, 48 in North Dakota, 50 in Nebraska, 107 in Kansas and 311 in Minnesota.

But agriculture-centered towns are dying in the Prairie states. Some are already dead.

McClusky, N.D., is merely sick. Still a relatively busy shopping center for the surrounding area, it has seen several stores close as the population dwindles. The Roxy Theater no longer shows movies. And the town has never been able to keep a doctor in the small but modern medical clinic it built a dozen years ago.

Denhoff, 9 miles to the east, a once-thriving railroad town of several hundred, is down to its last 50 residents, most of them aging and retired.

Lincoln Valley, 19 miles northeast of McClusky, is beyond help. It has one resident, a farm-implement dealer.

Winnett, the seat of Petroleum County in central Montana, lost 89 people and now has 271 clustered around its courthouse, its one store, two taverns and two filling stations. The whole county is down to 675. The nearest doctor is in Roundup, more than 40 miles away.

Although Roundup shrank from 2,842 to 2,116, the only doctor there is so overworked that he is threatening to leave. The community is offering $30,000 a year to get another doctor to lighten the burden.

In eastern Wyoming, such hamlets as Albin and Chugwater and Fort Laramie are fading fast. And bigger towns, such as Newcastle, Upton and Lusk all lost about 20 percent of their population during the last 10 years.

Down through Nebraska and Kansas and the panhandles of Oklahoma and Texas the story is echoed over and over.

Nebraska, for instance, has seven counties, all in the sandhills region in the west-central part of the state, that have fewer than 1,000 residents. Of these, Arthur county is the smallest, with just 606 people.

"The forces which have been working are still at work," said Everett E. Peterson, an agricultural economist at the University of Nebraska in Lincoln. "It can't be over yet, though. There are still too many small farms, too many small towns. But unless some counties become completely depopulated, you have to imagine the population will level off somewhere.

"We hear a lot of high-sounding phrases about rural development," he said, "but people get stymied. By and large, even farm people who want the quiet, bucolic life still want the amenities of urban living. And there's the dilemma. Farm people want good schools, access to good medical services, and good entertainment, without the pressures of urban living. but these may be incompatible goals."

These things are not available in most of the forgotten towns of the prairies. And the exodus continues.

In addition to those given by Peterson, there are other reasons for the continuing migration from the Great Plains at a time when millions of Americans are yearning for the clear skies, breathable air and limitless living space that those same plains offer. They include the following:

The regions that are losing population are primarily agricultural—wheat, cattle, barley, oats, flax—and agriculture has changed rapidly. Farmers' returns have not kept pace with the increasing cost of land, labor, machinery, fertilizer and other expenses. To survive, the farmer has had to grow bigger and make his profit on volume and efficiency.

As some expand their holdings, others are forced to leave the farm. Some find jobs in nearby towns. But since the towns exist almost entirely to service the surrounding agricultural community, a drop in the number of farmers leads to a decrease in the number of service jobs available. Therefore, many who leave the farm must move out of the area to find work. Their departure leads to a further decline in business at the local grocery or other stores.

The rising educational level of the young has left many too highly trained for the scant opportunities available in their home areas.

The mobility of Americans, which is always increasing, coupled with their inherent restlessness, has affected this region much as it has others.

The climate—constant wind and oppressive summer heat in the southern plains and the long winter sieges on the northern prairies—has persuaded many to seek more comfortable surroundings, most frequently in California or Arizona.

If the migration goes on, McClusky need only look down the road a few miles to Denhoff for a glimpse of what could be its future.

On the wall of the tiny post office at Denhoff is a faded picture of the main street taken in 1907, when the town was the end of a rail line. Printed on the picture are notes of the glories that were Denhoff's in that era—five hotels, four stores, three grain elevators and a dozen other businesses.

Behind the grilled window of the post office, Mrs. Barbara Peerboom, the acting postmaster, recalled that when she came to town in the 1930s there were more than 300 residents. About 50 remain, and the main street is reduced to the post office, a small grocery, a dingy bar and the Farmers Union Oil Co., all clinging grimly to life amid the dilapidated hulks of vacant buildings.

A few miles away lies Lincoln Valley—a name that recurs frequently in conversations in Denhoff and McClusky.

Lincoln Valley is two and a half miles of gravel road from Hwy. 14, an island of pleasant trees, houses and church steeples on a sea of snow-covered farmland that stretches from horizon to horizon. But there are no tracks in the shallow snow on the gravel road. The main street is eerily silent in the flat light of the afternoon winter sun.

Joe Leintz's fading red International Harvester shop is locked, too. He still lives there—he's the last one. But word is abroad in Sheridan County that he is in a hospital in Bismarck.

No one is left in Lincoln Valley to explain why a town had to die.

MANY DAKOTANS FLOCK TO CALIFORNIA'S LODI

LODI, CALIF.—Everyone in Lodi isn't from the Dakotas. It only seems that way. As it did, for instance, to Leo Leberman when he moved here several years ago from Leola, S.D.

"When I first came out here, when I naturally didn't know anybody except my sister that I'd known before," the 28-year-old Leberman said the other day, "one Sunday I was sitting in church and I counted 21 people from St. Paul's Lutheran Church in Leola that were now in St. Peter's Lutheran here. There was an old Sunday school teacher of mine and her husband and various people I had known—some farmers and others.

"Here you are, 1,600 miles from home and you run into them."

When Leberman left Leola in McPherson County, on the North Dakota border, he wasn't thinking about becoming a statistic. But he was. His departure was part of the continuing outflow from the prairies that left the Dakotas to join West Virginia as the only state losing population during the last

decade. And he was part of the nation's population shift from 30.1 to 26.5 percent rural that the Bureau of the Census announced recently. Not to mention his role in reducing Leola's population from 833 in 1960 to 787.

"Out of our family of eight, there are four of us right here in Lodi," said Leberman, an advertising salesman for the Lodi News-Sentinel. "And, of course, I have several uncles and cousins here. I only have one sister who lives back there. There's nothing for the younger generation back there. They stick around while their friends are there and then when their friends leave, they leave."

Henry A. Glaves, city manager of Lodi, relaxed behind his desk, and tried to estimate the number of Lodi residents who had migrated from the Dakotas.

"I don't know whether you could guess as high as 25 percent, or not," he said. "I suspect at one time it was close to half, when the city was around 10,000 people."

Lodi's population is 28,600 now, an increase of 6,400 since 1960 and almost 15,000 since 1950.

Thirty-four miles south of Sacramento, in the rich farmland of the northern San Joaquin Valley, Lodi is as flat as the prairies from which its Dakotans fled.

And despite its occasional palm trees, there is much of the Midwest about the place.

The sprawling, low-built business district is paralleled by railroad tracks. The name of the town is in lights on an arch over Pine St. The inevitable strip is lined with bowling alley, drive-in restaurants, motels and gas stations, chicken-fried steaks, $1.65 menu special.

But Lodi's mean temperature in winter is about 44 degrees, and fog and drizzle are not snow.

Moreover, it has industries, small but diversified, to soak up those who no longer can or who no longer will farm.

Many of those who leave the plains are the young who have gone to college and have been forced to scatter to find opportunities to match their education. But the migration to Lodi does not seem to fit that pattern. It is more reminiscent of the flow of job seekers from Maine to Massachusetts and Connecticut, or the stream of refugees from Appalachia to northern Ohio. They follow relatives and friends—some elderly folks follow their children and retire here—and in a sense never leave home.

"I doubt, if many of them are college graduates," said Thomas A. Peterson, the youngish,, crewcut assistant city manager. "They're mostly high school graduates—young men in their late 20s or early 30s with families—looking for jobs."

SICKLE CELL ANEMIA

Mr. KENNEDY. Mr. President, sickle cell anemia has afflicted black people in America for many years. Only recently has there been widespread awareness of this malady. Significant studies and research on this disease by Dr. Roland B. Scott, chief of the Department of Pediatrics at Howard University, Washington, D.C., have begun to extend our knowledge on ways to gain relief for the many thousands of victims who annually suffer with sickle cell anemia.

As the newly appointed chairman of the Senate Subcommittee on Health, I intend to offer support and assistance to those who are fighting for solutions to the suffering caused by this disease.

My attention was drawn to a recent feature in the Boston Globe that describes work on this sickness by the Boston Children's Hospital. I believe that those who are examining methods that will cure this dreadful disease deserve the full service of all available resources.

Accordingly, Mr. President, I ask unanmous consent to enter in the RECORD a series of articles from the Boston Globe on January 31, 1971.

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

FREQUENTLY CALLED "BLACK CANCER"—INFAMOUS SICKLE CELL DISEASE

Dr. David G. Nathan, chief of hematology at Children's Hospital Medical Center, offers this explanation of how sickle cell anemia works and why victims are only intermittently ill.

The red cells are made in the bone marrow and delivered into the blood containing the red hemoglobin protein in solution. The function of hemoglobin is to transport oxygen to the tissues.

The normal red blood cell functions like a plastic bag partially filled with water. Its shape can be changed by a squeeze. Otherwise, the red cell could never get through the tiny capillaries of the body to carry oxygen to the tissues.

The oxygen-carrying hemoglobin is made up of chains of amino acids, two alpha chains and two beta chains. Each chain contains more than 100 component parts linked in definite sequence determined by the genes.

A mutation in the genes can cause a variation in the structure of the amino acid chains.

Dr. Vernon Ingram at MIT recently discovered that the sickle cell mutation causes a change in the beta chain of the amino acid.

As a result of the change, sickle-hemoglobin has a tendency to change its state of solubility in a peculiar way when exposed to low oxygen levels.

When this happens the molecules become stacked together like twigs. In doing so, the normally fluid cell becomes elongated and rigid.

These cells cannot get through the capillaries to carry oxygen to the tissues. Instead, the sickle cells block capillaries and they can prevent oxygen from reaching the bones and vital organs, the heart, lungs, and brain.

HER DEATH FOCUSES ATTENTION ON A THREATENING DISEASE—CYNTHIA LEAVES A LEGACY OF HOPE

(By Jean Dietz)

From every black or Puerto Rican child who goes to the Martha Eliot Health Center for routine check-ups, Dr. Irving Williams takes a small blood sample.

A technician adds an oxygen-reducing chemical to the few drops of blood and makes a slide which the pediatrician checks later under a microscope.

A normal red blood cell usually is circular, looking much like a doughnut with a thin membrane in the center instead of a hole.

What Dr. Williams is looking for are cells which are shaped more like a sickle moon or which form a double-curve like an S.

Chances are that he will find such cells in the blood of a number of his young black patients, including many who are apparently healthy in every respect.

It is estimated that one of every ten blacks in the United States carries the trait in his blood. It is when two carriers marry that sickle cell anemia can result in their children.

Although 1 in every 400 blacks may actually have the disease, recent surveys indicate that only 3 of every 10 adult Negroes in the US have ever heard of the disease.

In Africa, up to 50 percent of some tribes are affected by the illness. In fact, sickle cell anemia occurs almost entirely among Afro-Americans in this country because the disorder evolved as a gene mutuation centuries ago in Africa.

At that time, the mutation caused an improved survival rate from a particularly severe strain of malaria. Most American blacks are descendants of Africans who managed to survive this fatal form of malaria.

In the US, the sickle cell problem may also strike an occasional white family whose forebears came from the Mediterranean area and survived the same malaria epidemic.

The average life span of a person who has the disease is about 20 years. First symptoms can occur in children between the ages of 2–4 who may die from a sudden cut-off in oxygen.

URGE SCREENING

But the problem of the sickle cell patient often is not obvious until he contracts another disease, pneumonia or a simple virus infection.

However, doctors propose that the armed services should screen all blacks for the sickle cell trait because of the danger, even to carriers, from violent exercise at high altitudes.

An extreme decrease in oxygen may be hazardous for a carrier. They should avoid mountain climbing in high altitudes or flying at a height over 8000 feet in non-pressurized planes. Usually individuals who carry the sickle cell trait only in a single gene seldom have any problems related to it.

But chances are one in four that parents who both carry the gene will give birth to a child who has two sickle genes and therefore may have the severe form of the disease.

If one parent is a carrier and the other has normal blood, their children will either have normal blood or sickle cell trait.

The test for sickle cell trait has been available for many years; the standardized method was developed at the Thorndike Laboratories of Boston City Hospital by Dr. William Castle. But it has never been widely applied in conjunction with genetic counselling.

"If screening were offered prior to marriageable age, those who were found to carry an abnormal hemoglobin gene could be counseled to be sure that their mates were tested at the same time of marriage," writes Dr. Robert B. Scott of the Medical College of Virginia in the Journal of the American Medical Assn. of Oct. 26, 1970.

Unlike a number of inherited diseases, sickle cell anemia cannot be detected in the fetus by withdrawal of amniotic fluid from the mother during the early months of pregnancy because the fluid does not contain hemoglobin.

Although this genetically carried disease is one of the commonest long-term illnesses in Negro children, only a small group of people in the Boston community are aware of the problem.

The new interest is the legacy of an exceptionally-loved little girl named Cynthia Hearns who was growing up in Roxbury. Just five days before her sixth birthday, Cynthia died from her first bout with a crisis caused by sickle cell anemia, actually her first illness from the disease.

FUND BEGINS

Even today, it is difficult for Mrs. Clifford Hearns, her 44-year-old mother, to talk about Cynthia without crying, as she says

"The loss of a child, I do believe, is the most difficult of all human experiences."

Left on their own, the grief of Cynthia's parents would remain a private matter. But friends convinced them that a fund in Cynthia's memory can help to increase the life span of some 60,000 black boys and girls born each year to families with the same problem.

"We call the problem the 'black cancer'," says Mrs. Annetta Capdeville of Dorchester. "Doctors have emphasized that if we want help for a black disease, it is important that black people begin to arouse interest in it

and carry the ball. But we need all the help we can get."

"My own advice to would-be parents who carry this boomerang in their blood is to adopt their children," says Mrs. Hearns, who is just beginning to look at Cynthia's short life as a special gift from God.

She calls the defective gene a "boomerang" because of the double-affliction for the carrier who may or may not have the disease and who should be made aware that the trait can produce the disease if two carriers should happen to marry.

In her case, Mrs. Hearns grew up knowing she has sickle cell anemia.

IN SPLINTS

"Most of the first seven years of my life were spent checking in and out of Grady Hospital in Atlanta, Ga., she recalls. "Often they kept my arms and legs in splits because they were afraid my bones would not develop properly."

(During a crisis, a victim will often double up his limbs from the excruciating pain. Splints may be applied to prevent crippling contractures).

"When Clif and I were married in 1948, we hoped to have four children," Mrs. Hearns went on. "No one told us what effect the sickle cell might have on children. I thought I had outgrown the disease, and there was no one to turn to for counseling.

"Early in my pregnancy with Cynthia, a doctor told us the child would be all right," says Mrs. Hearns. "He was wrong. He should have told us what the statistical chances of our having a healthy child would be."

"It's ironic that sickle cell anemina could be eradicated in time, simply by making more people aware of it," says Dr. Williams. But many medical personnel know little more about the disease than its name.

In Boston, Dr. Williams says he got started screening for sickle cells at the Martha Eliot Health Center simply by "default."

Now, he is medical advisor to the Cynthia Sickle Cell Anemia Fund.

In Cynthia's case, according to her mother, no symptoms of the disease appeared until 12 hours before her death.

The little girl had a remarkable childhood. At 16 months, she was learning to swim with her mother at the Roxbury "Y." By the age of 3, she was ice-skating at Franklin Field. At 4 and 5, she was helping with hospitality after services at the Charles St. AME Church and attending nursery school and kindergarten classes sponsored by a group of nuns at Emmanuel House.

FUND ADDRESS

Following her death, the Hearns family moved to 5 Russell Court, Woburn, which is now the address of the Cynthia Sickle Cell Anemia Fund.

The dream of the founding members of the fund is to have a sickle cell clinic in the Roxbury community where patients could be screened and treated. Meanwhile, screening is available at the major Boston hospitals and some community health centers.

The original group meets each month at Freedom House in Roxbury to share information. First funds, raised through bakery sales and a turkey raffle, have already gone to pay $700 for 25,000 pamphlets distributed to hospitals and clinics explaining basic facts about the disease. The group now seeks to expand its activities to a spring festival in the Roxbury-North Dorchester community.

"It is perfectly clear that it is up to black people to conduct a mammoth campaign to inform the public and eventually support research which will find a cure for this dread disease," says Mrs. Capdeville.

NO KNOWN CURE FOR BLOOD DISEASE—MANY QUESTIONS, FEW ANSWERS—YET

In one, early draft of his recent State of the Union message, President Nixon specifically mentioned sickle cell anemia as one of several diseases for which a cure must be found.

The reference to so-called "black cancer" was dropped from the final speech however, and the President only mentioned a $100 million boost in Federal spending for cancer research, and made no reference to blood diseases.

White House sources say the mention of sickle cell anemia was dropped only because the disease is not well known among the general public, but they stress that new Federal funds will be devoted to the sickle cell mystery.

Whatever the public posture of Washington on the matter, there is no question that intense research attention on the disease is long overdue.

The first clinical description of sickle cell anemia was reported 60 years ago when a doctor noticed peculiarly elongated and sickle-shaped red blood cells in a severely anemic black patient. Since then, the disease has presented many difficult clinical problems, because there is no specific cure and therefore no truly effective management.

The life span of patients who receive proper care has greatly improved, however, although hematologists are still unable to say why some victims do extremely well, sometimes with minimal medical care, and others succumb to the disease.

A recent, widely publicized announcement that the first "fully effective" treatment for sickle cell anemia has been found has met with skepticism from most blood specialists.

The treatment announced in December by Dr. Robert N. Nalbandian, a pathologist at Blodgett Memorial Hospital in Grand Rapids, Mich., consists of intravenous injections of high concentrations of urea, a body waste chemical, in a sugar solution.

He said that the result is an unsickling of the red blood cells and a tremendous alleviation of pain.

At a meeting of American Society Hematology in Puerto Rico in December, however, other doctors noted that there were no control cases in Dr. Nalbandian's progress report on 25 patients treated with urea in four hospitals, that many patients recover from a crisis of sickle cell anemia without treatment, and that the method carries serious danger of side effects.

Dr. Frank H. Gardner, chief of hematology at Presbyterian University of Pennsylvania Medical Center, points out that the urea treatment is an extremely difficult procedure because it must be accompanied by such massive administration of fluids.

A child treated by this method at Children's Hospital in Philadelphia was given 12 gallons of fluid intravenously in a single day to prevent dehydration—an amount of fluid, which, according to Dr. Gardner, presents problems "almost worse than those caused by the disease."

Although very high concentrations of urea can reverse the sickling process of red cells in the test tube, there is still no good evidence that urea, at levels achieved in blood of patients, stops sickling in man, says Dr. Gardner.

In Boston, Dr. David G. Nathan, chief of hematology at Children's Hospital Medical Center, said the effect of urea is now under investigation in Laboratory blood samples, but not on patients.

While clinicians test various methods of treatment, doctors suggest that if mothers can learn to force fluids on a child at the first sign of a crisis, and otherwise maintain good medical care, many crises will be averted, and the general well being of the child can be improved.

"You can't legislate love and marriage," said Dr. Nathan in discussing the disease. "But all healthy persons who carry the trait certainly should be aware of their condition."

Carriers may need careful medical attention in case of pneumonia, he pointed out, and do not make ideal blood donors.

He emphasized that the trait cannot be passed on through blood transfusions, but sickle blood would be inadvisable to give to children undergoing heart surgery, to pneumonia cases, or to newborn infants who need maximum oxygen.

THE BOMBING OF THE CAPITOL

Mr. MATHIAS. Mr. President, the bombing of the Capitol, like the assassination of President Kennedy, not only constitutes a criminal act of violence, but also repudiates the centuries of slow growth in the peaceful use and transfer of power. I hope the persons responsible will be quickly found and strictly punished. In any event, an additional judgment on them must inevitably be the complete futility of the act.

The secret bomber and the unseen sniper assassin alike not only strike at the vitals of the Nation, but also deal a blow to their own causes. Such criminals, whether on the radical left or on the radical right, usually seek to dictate to the rest of the people a dramatic change national policy, but the people will not submit to such tyranny.

TRIBUTE TO SENATOR RUSSELL

Mr. McGOVERN. Mr. President, I rise to add my voice to the great and deserved tribute to the late Senator Richard Russell. Senator Russell graced this Chamber with a sense of personal honor and a parliamentary ability which are unlikely to be surpassed. Great leadership is always unique. The qualities of this man marked him as an aristocrat of the Senate.

He was dean of the Senate as much for his quality of character and mind, as for his long experience and leadership through many trying days of the life of the Republic. His friendships were always marked by the deepest bond of faith. As parliamentary adversary, the strength generated by his ability was of profound proportions.

In the life of the Senate there has seldom, if ever, been a Senator of his parliamentary talent. Richard Russell's memory will endure not only among those who knew him, but is enshrined in the very process of our democracy.

THE PRESIDENT'S "STATE OF THE WORLD" REPORT

Mr. HUMPHREY. Mr. President, the President of the United States recently submitted a report on foreign policy to Members of the Congress which is worthy of our serious attention. Gov. Averell Harriman and Mr. Paul Warnke, speaking for the Democratic National Committee's Policy Council, gave some constructive criticism on this document. Their comments raise several important questions about U.S. foreign policy and the report itself, which will certainly be a central topic of discussion in this session of the Congress. I, therefore, ask unanimous consent that this well-thought out reply to the President's message be printed in the RECORD.

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

"STATE OF THE WORLD"—A DEMOCRATIC RESPONSE

WASHINGTON, February 26.—W. Averell Harriman, chairman of the Democratic Policy Council's Committee on International Affairs, and Paul C. Warnke, chairman of the Council's Committee on Arms Control and Defense Policy, reported today the comments of the two committees on President Nixon's State-of-the-World message. A more detailed statement will be considered by the Democratic Policy Council at its March 24 meeting.

The text follows:

INTRODUCTION

Yesterday President Nixon submitted to Congress his second annual report on United States foreign policy—a "State of the World" message.

Reference to the Nixon doctrine crops up in discussions of most parts of the world without definition of whether it means the continuation of old policies or new approaches to old problems. It is suggested that we have joined in partnership with all nations for undefined aims. Generalities and well-meaning declarations attempt to conceal the failure to formulate definite policies or to take effective action. The President is correct in saying that the world is changing but too many of his policies are drawn from the attitudes of past decades. He talked of a generation of peace but his policies are not creating the necessary conditions for peace.

The report's 180 pages of uninformative rhetoric are filled with unstinting self-praise, an absence of candor and a distortion of results. An example of these failings is its statement in the economics section that "In 1970, we made solid progress toward restoring stability as well as growth in the U.S. economy." We can only hope that this nation will be spared another year of such "solid progress" with its increase in unemployment and inflation and decline in real G.N.P. It must also be news that the Administration "did not oppose Congressional restrictions this past year on the use of U.S. ground combat forces" in Laos and Cambodia.

INDOCHINA

Our most urgent international problem remains the ending of the tragic war in Indochina. During the 1968 campaign Candidate Nixon pledged that he had a plan to end the war. Now in 1971, President Nixon admits that his policy in Vietnamizing the war "cannot, except over a long period, end the war altogether." He states that unless the other side agrees to a settlement Vietnamization will lead to "perpetuating the war." Since the President has indicated that he does not expect a negotiated solution, the Administration's policies offer the prospect of endless war.

Although the report claims credit for "winding down" the war, in fact it has been expanded into Cambodia and Laos. Even though American casualties have declined, South Vietnamese are dying in larger numbers and civilian casualties continue to mount. It is callous to assume that only American deaths are important. While American troop strength has been slowly reduced, at the end of nearly two and a half years of the Nixon Administration less than half our troops will have been withdrawn and there has been no assurance of the withdrawal of all American forces.

Our air power is fully engaged in both Cambodia and Laos. United States planes have stepped up the bombing of North Vietnam. The President has indicated that he will not accept any limitation upon the use of American air power anywhere in Indochina and refused to rule out an invasion of North Vietnam, which President Thieu has threatened. Escalation of the war increases the risk of Chinese intervention.

The President continually justifies his expansion of the war as necessary for the protection of American lives and the continuation of his program of slow troop withdrawal. Surely the way to save American lives is to end the fighting and bring our troops home. The report claims continuing popular support of the Vietnamization policy, yet public opinion polls show that the overwhelming majority of the American people favor a total American withdrawal in 1971. In recent elections the people of South Vietnam have themselves indicated they want an end to the war.

There should be a firm unequivocal declaration that all American forces will be withdrawn by the end of this year. A policy of complete withdrawal this year will obtain the speedy release of our men who are prisoners of war. Vietnamization offers no prospect for obtaining their freedom. There should also be agreement prohibiting reprisals by either side against supporters of the other with international supervision. Other issues should be left to negotiations among the Vietnamese themselves.

MIDDLE EAST

The President noted the dangers in the Middle East and the problems in resolving them. We support the Administration's initiative which has brought about a cease fire and the commencement of negotiations through Ambassador Jarring. We are encouraged by the clear indications from both sides of a desire for a permanent settlement. The differences are being clarified and to some extent narrowed. Every effort should now be made to bring about direct talks between the parties to reach the compromises essential for settlement of the highly emotional issues. The four powers should continue their consultations and stand ready to guarantee any settlement reached by the parties. Our objective remains a lasting peace between the Arab nations and Israel—a peace that will assure independence and security to Israel and all other nations in the area.

STRATEGIC ARMS LIMITATIONS TALKS

The President's message notes the extensive efforts that have gone into the preparations for the talks with the Soviet Union on control of strategic nuclear arms. He also discusses the major difficulties that delay the development of a formal agreement.

We recognize the importance of securing as comprehensive an agreement as possible. But we question a policy under which the nuclear arms race is permitted to continue and even to accelerate as both sides seek to build up their bargaining strengths.

What appears to be lacking is the political initiative which would make the SALT talks themselves an instrument for mutual restraint. While continuing to seek a broad agreement, the time has come to take a step toward actual control over strategic arms expansion. Agreement now to limit the deployment of defensive systems need not leave offensive forces unconstrained. An ABM limit could be expressly conditioned on mutual restraint, and preferably a complete freeze on the further deployment of offensive missile systems, while negotiations continue.

EUROPE

We commend the Administration for its continued emphasis on partnership with our European allies which began with the Marshall Plan and NATO and which has been continued by each Administration since then and, in particular, for the care with which it has consulted our European allies on matters of mutual interest.

Progress in Europe has occurred as it should, largely as a result of the efforts of the Europeans themselves. The initiative of Chancellor Brandt to improve relations with the Soviet Union and other Eastern European countries gives promise for the reduction of some of the tensions between East and West and should be fully supported. The treaties he has negotiated with Moscow and Warsaw are to be ratified only after there is a satisfactory agreement on West Berlin. Such an agreement would deal with the most inflammable issue that has existed in post war Europe. It could open the way for an European Security Conference which is a logical forum to arrange for a mutual balanced reduction of forces. We regret that the Administration has been so hesitant about this conference which could lead to an agreement permitting reduction of United States troops in Europe without adverse impact. Pending these developments, our troop stand strength in Europe should be maintained.

We continue to support the expansion of the Common Market. We should also protect our exports to the Common Market, particularly agricultural products.

LATIN AMERICA

There is little new in the report on Latin America, except a few ambiguous promises about trade and assurances of "partnership." This, at the very moment when the White House has sent to Capitol Hill the first foreign aid budget in a decade to omit any line item authorization for the Alliance for Progress. This is hardly a policy equal to the dynamic and momentous changes taking place in Latin America today.

In Latin America, the Nixon Administration has compiled a two-year record of drab failure relieved by an occasional disaster. From the humiliation of the ill-starred Rockefeller trip some two years ago, there has been a process of steady deterioration in U.S. relations with the other nations of the Hemisphere. Consequently, those relation are at the lowest state in the past decade.

Change is afoot. An increasing number of countries are demanding revision of Cuban policy. In the OAS only last month, the United States was unanimously defeated in its attempt to defend itself against charges of economic aggression; no other nation in the Hemisphere joined us in that vote. Chile has installed the first elected Marxist regime in the history of the Americas. Brazil, the largest country in Latin America, suffers from police brutality under a military regime which has given no evidence of returning to democratic ways and is rocked by radical terrorism. Peru has expropriated its major U.S. oil company and is avoiding paying for it. To all these new crises, the Nixon Administration has brought neither leadership nor even a coherent policy.

AFRICA

The report seems to regard Africa as easier to deal with since in the past it has "depended less than other areas on American leadership and assistances" and therefore should be more prepared for the neglect contemplated under the Nixon Doctrine.

Two issues dominate all others in Africa—economic and social development in those countries already free and independent and the demand for racial and political justice in those countries in Southern Africa which are dominated by a racist white minority. The response of the Nixon Administration on both issues has been neglect and cynicism.

The failure of President Nixon to find a way to meet with either President Kaunda of Zambia or President Nyerere of Tanzania during their visits to the United Nations last October is the most flagrant example of the no-profile policy being pursued by the White House.

Africa is a continent with enormous growth potential—yet the Administration fails to show any concern for the aid needed by Africa.

The racial and political crises in Rhodesia, Portuguese Africa, Southwest Africa and the Republic of South Africa (an area containing

thirty-four million Africans dominated by four million Europeans) continue to deepen. These minority regimes pursue policies of repression which are leading toward violence, to polarization between black and white, and to the risk of Communist gains feeding on this repression of a huge majority.

FUNDING FOR OLDER AMERICANS ACT MUST BE INCREASED

Mr. CHURCH. Mr. President, the administration's fiscal 1972 budget request for the Older Americans Act has caused widespread concern among experts in the field of aging, lawmakers, and the elderly.

If allowed to stand, this can mean a disastrous setback for programs designed to serve our 20 million older Americans.

Once again, the administration has thrust the elderly in front ranks to fight inflation, although they are least equipped to make this sacrifice.

For fiscal 1972, the administration proposes a hopelessly inadequate $29.5 million for programs under the Older Americans Act—about $1.45 for each elderly person in the United States. This represents about 28 percent of the $105 million authorized funding level under the act, which was extended with overwhelming bipartisan support only 2 years ago.

Especially shortsighted is the $3.65 million reduction for the successful community projects. Under these title III programs, the elderly have been helped in a wide variety of ways, including: Homemaker services, employment referral, transportation for the infirm, meals on wheels, recreational opportunities, adult education activities, and many others.

Despite the unquestioned success of these projects, the administration proposes only $5.35 million for the community grants program—nearly 40 percent below the fiscal 1971 appropriation of $9 million. For every State this will mean a serious cutback in services and programs for the elderly, although the need is greater than it has ever been in our history. In my own State of Idaho, the Federal share for community programs for the aged will be slashed from the fiscal 1971 level of $102,637 to $60,450. This, of course, will mean that many ongoing projects will be terminated.

Mr. Charles H. Chaskes, president of the National Association of State Units on Aging, expressed the alarm of many persons in the field of aging when he stated in a memorandum issued this week:

> We are thus confronted with one of the most severe situations in our history. It is obvious that the Administration is not impressed by the performance of the State Agencies or the community grants under Title III of the OAA (the Older Americans Act). It is also obvious that title III funds have dwindled from $16 million allocated in 1968–69 to $5.3 million for the upcoming year, and the word that I get from Washington, through unofficial sources, is the Administration definitely wants to phase out Title III.

Equally disturbing is the fact that the administration's budget is moving the funding levels backward, to the pre-1969 levels. In fiscal 1969, approximately $32 million was appropriated for programs under the Older Americans Act and the foster grandparent program—nearly $2.5 million more than requested for fiscal 1972. However, our total budget outlays during this same period are projected to increase by nearly $45 billion, approximately a 24-percent raise.

Instead of going backwards in funding projects for the aging, we should be going forward, as we are in other programs.

In his memorandum to State agencies on aging, Mr. Chaskes described the cutbacks as evidence of "a complete disregard of congressional intent by this administration." He said:

> Congress, through its legally constituted committees, holds extensive hearings on matters pertaining to the elderly, and then in its wisdom, allocates funds to start meeting these problems. The Bureau of the Budget, without the experience or the wisdom gained by close contact with the program, then cuts the Congressional authorization to less than one-third.

And equally disconcerting are recent reorganizations which have tended to downgrade the role of the Administration on Aging as the focal point in Government for improving the lives of older Americans. The title IV and title V research and training programs have been transferred to the social and rehabilitation services regional offices. The foster grandparent program has also been transferred to the SRS regions. Many in the field of aging have expressed alarm that these maneuvers would jeopardize funding for aging programs, since they may become submerged in the welfare-oriented activities of SRS. And these fears have been confirmed. Proposed funding for research and training has been cut by more than $2 million, compared with the fiscal 1971 appropriations for these programs. Funding for the foster grandparent program has been trimmed back sharply from this year's appropriation of $10.5 million to $7.5 million.

Quite clearly, these recent cutbacks represent a serious turn of events which can possibly nullify the successful achievements under the Older Americans Act or render the law useless for our elderly. This is not only a matter of vital concern to our Nation's elderly, but also should be a matter of bipartisan concern for every Member in Congress when the Labor–HEW appropriations bill is considered.

Mr. President, I ask unanimous consent that a table comparing the authorized funding levels with the budgetary requests for programs under the Older Americans Act be included at this point in the RECORD.

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

1971–1972	Congressional authorization	Bureau of the Budget allocation
Title III:		
Community grants	$30,000,000	$5,350,000
State agency	5,000,000	4,000,000
Areawide model program	10,000,000	4,000,000
Titles IV and V:		
Title IV	20,000,000	1,800,000
Title V		1,850,000
RSVP program	15,000,000	5,000,000
Foster grandparent program	25,000,000	7,500,000
Total	105,000,000	29,500,000

STATE OF MICHIGAN,
DEPARTMENT OF SOCIAL SERVICES,
February 16, 1971.

Re 1971–72 AoA Appropriations.
To: All State Agency Executives, National Association of State Units on Aging.
From: Charles H. Chaskes, President.

By this time you are all probably aware that the budget request for 1971–72 calls for sharp reductions in funding the various titles under the Older Americans Act. The Administration on Aging asked for 9 million dollars for Title III projects which was cut back by the Administration to 5.3 million. The 4 million that was allocated to the State Agencies at $75,000 per agency remains the same. Titles IV and V have been reduced to 3.65 million. The Foster Grandparent Program has been reduced from 10 million last year to 7.5 million this year. The Area Wide Model Program is in for 4 million and the RSVP program is in for the only increase from $500,000 this year, to 5 million next year.

The authorization by the Congress was 105 million for all the titles under the Older Americans Act. The Bureau of the Budget has only authorized 29.5 million.

1971–1972	Congressional authorization	Bureau of the budget allocation
Title III:		
Community grants	$30,000,000	$5,350,000
State agency	5,000,000	4,000,000
Area wide model program	10,000,000	4,000,000
Titles IV and V:		
Title IV	20,000,000	1,800,000
Title V		1,850,000
RSVP program	15,000,000	5,000,000
Foster grandparent program	25,000,000	7,500,000
Total	105,000,000	29,500,000

We are thus confronted with one of the most severe situations in our history. It is obvious that the Administration is not impressed by the performance of the State Agencies or the community grants under Title III of the OAA. It is also obvious that Title III funds have dwindled from 16 million allocated in 1968–69 to 5.3 million for the upcoming year, and the word that I get from Washington, through unofficial sources, is the Administration definitely wants to phase out Title III.

It is time for NASUA and its members to unite and fight for our very existence. The best thing that each individual State Agency can do is to write and contact every member of his State's Congressional delegation, pointing out the sharp reductions, and pointing up the value of the Title III program.

I would suggest that each member of the Congress have called to his attention the complete disregard of Congressional intent by this Administration. Congress, through its legally constituted committees, holds extensive hearings on matters pertaining to the elderly, and then in its wisdom, allocates funds to start meeting these problems. The Bureau of the Budget, without the experience or the wisdom gained by close contact with the program, then cuts the Congressional authorization to less than one-third.

Title II of the OAA definitely stated that there would be established within the Department of Health, Education and Welfare, an administration to be known as the Administration on Aging. Section 202 of the act, defines the duties and functions of the AoA. Now we are faced with the complete decimation of the AoA.

Title IV, the Research and Demonstration section has been transferred to SRS Research and Demonstration section. Title V, the training title, has been transferred to the SRS Training section. The AoA does not even pay the bills or order the printing in connection with the planning of the White House Conference on Aging. This is being handled by the GSA. As a result, it takes a great deal of time to get requests through

the GSA, (where we are the smallest kind of a program as compared to their ongoing responsibilities), and this is the reason that there have been all sorts of delays in receiving the materials which were promised us for the White House Conference on Aging.

I cannot over-emphasize the seriousness of this situation. Whatever differences we as a national organization may have had in our thinking in the past, have to be overlooked, and with complete unanimity, we have to memorialize the Congress, calling to their attention the erosion of the AoA and the programs which the Congress has authorized to be supported under the AoA.

Another helpful assist in this fight would be for you to circularize your Title III projects and have the project directors and members of the board of the grantee organizations, write letters in their own words to their congressmen and senators, objecting to the severe reduction in this program, and have them point out the impact which their projects have on the lives of the older people they serve. Only by complete and thorough onslaught of letters to the congressmen and senators, will we be able—if not to stem the tide—to at least call the attention of the Congress to what is going on, and hopefully, make them aware of the complete disregard of their intent by the Administration.

Please send copies of the letters you write to your congressional delegations to me and to:

Mr. William E. Oriol, Staff Director, U.S. Senate Special Committee on Aging, G–233—New Senate Office Building, Washington, D.C., 20510.

I cannot overstress the seriousness of this situation.

BUDGET REQUESTS INADEQUATE FOR AGING PROGRAMS

Mr. WILLIAMS. Mr. President, as the former chairman and now the ranking member of the Senate Committee on Aging, I wish to associate myself with the remarks of the distinguished Senator from Idaho (Mr. CHURCH).

If there is an overriding imperative confronting our Nation today, it is to readjust our national priorities and to make a more effective reallocation of Government expenditures.

Our spending priorities are still determined largely by yesterday's thinking. They fall far short of meeting today's needs. They hardly begin to perceive tomorrow's problems.

And the administration's budgetary request for funding under the Older Americans Act provides a striking example of this tendency. For many other programs, the administration's budget is "expansionary"—but not for the elderly. For our 20 million older Americans, these proposed cutbacks represent a tragic retreat.

Two years ago the Congress expressed its strong intent for expanding and improving the Older Americans Act by authorizing significant funding increases. For this coming fiscal year, the Congress authorized $105 million to be spent. Yet, the administration requests only $29.5 million, only about 28 percent of the authorized funding level. Moreover, the budget estimate for fiscal 1972 is $2.5 million less than the amount appropriated for this year.

Practically every program under the Older Americans Act will feel the financial pinch. Services will be seriously curtailed. And opportunities for the elderly to serve will also be severely hampered.

Today a critical shortage of trained personnel continues to be one of the most pressing problems for expanding and providing services for the aged.

It is estimated that less than 20 percent of the professional and technical workers employed in programs serving the aged have had formal preparation for their work.

Quite clearly there is an urgent need for stepping up training efforts on behalf of the elderly. We know this need exists because it has been documented in a report called "The Demand for Personnel and Training in the Field of Aging."

In that report, it was forcefully pointed out:

Although some progress has been made in developing appropriate training programs, it is far behind the expanding need. As a result most if not all service programs are faced with critical shortages of trained personnel. The outlook is for little improvement in this regard unless drastic changes are made in the scope and character of the training effort.

Yet, the administration proposes only $1.85 million for the title V training programs, more than $1 million below this year's appropriation. Unfortunately this is only one example. Other programs will also experience similar cutbacks. Funding will be reduced for the community programs on aging, research, and demonstration, and the popular foster grandparent program.

In my own State of New Jersey, the community programs on aging—the lifeline for service for the elderly—will be cut back sharply. It is projected that funding for these successful programs will be reduced from the fiscal 1971 level of $227,394 to $135,092.

However, this is the year of the White House Conference on Aging. And this is the year older Americans will be meeting at local, State, and national levels to formulate a national policy on aging. How can they develop realistic policies, when they may question our Nation's determination to fund existing successful programs with realistic appropriations?

But we owe this commitment to our elderly: To back up authorized congressional policies with the funding necessary to enable these programs to be more than mere hollow promises. And I genuinely hope that this Congress will fulfill its role when funding for the Older Americans Act is considered in the House of Representatives and Senate.

SENATOR RANDOLPH OPPOSES REDUCTION IN FUNDS FOR ADMINISTRATION ON AGING

Mr. RANDOLPH. Mr. President, I commend the able Senator from Idaho (Mr. CHURCH) for his detailed analysis of the fiscal 1972 budget request for the Administration on Aging. As the Senator has outlined, the 1972 budget shows the less than high priority which this administration places on programs serving our 20 million older Americans.

Despite the unquestioned success of the Older Americans Act, the administration requests only $29.5 million—nearly $2.5 million below this year's appropriation—for its continuation in fiscal year 1972.

This is particularly tragic, since this is the year of the White House Conference on Aging. Throughout the year, the elderly, representatives of senior citizens organizations, and experts in the field of aging will be meeting at local, State, and national levels to produce a long awaited national policy on aging. However, with such an inadequate funding request for existing programs, these delegates may well question our Nation's future commitment for such an undertaking.

It was only a couple of months ago that the Congress acted to restore urgently needed funding for the Older Americans Act and the White House Conference on Aging:

To pay $650,000 for delegate expenses for the White House Conference on Aging to assure that elderly persons from all walks of life and income levels will be represented at the Conference in Washington this November;

To fund $500,000 for the retired senior volunteer program for the first time; and

Increasing funds for the popular foster grandparent program from $10 to $10.5 million.

The Congress must again act forcefully to assure realistic appropriations for the Older Americans Act for the coming fiscal year. The administration's present request of $29.5 million represents only 28 percent of the authorized funding level of $105 million.

Practically every program will feel the effect of these ill-advised cutbacks. In West Virginia, Federal funding for the title III community grants projects will be reduced sharply—from $129,181 to $76,745. This represents a 40-percent decrease in appropriations, although there is a critical need for expanding programs funded under this title which provide transportation, nutrition, employment referral, homemaker, recreation, and other services for the elderly.

Funding for the foster grandparent program has also been trimmed significantly, from this year's appropriations of $10.5 million to $7.5 million. Yet, $25 million is authorized for this program.

Since 1968, the number of persons 60 and over falling below the poverty line has increased by nearly 200,000. If these requests are allowed to stand, the effectiveness of the Older Americans Act will be seriously impeded.

Too often the needs of the elderly have been overlooked or ignored. Too often old age brings loneliness and frustration, when it could be a time for continued self-development. This has been well-documented in hearings conducted by the Senate Select Committee on Aging, on which I serve, and was further substantiated in hearings I had the privilege of conducting last year in West Virginia on transportation problems of the elderly.

I join the distinguished chairman of our Select Committee on Aging (Mr. CHURCH), in strongly urging that funding for the Older Americans Act be increased significantly when the Congress acts on the fiscal year 1972 Labor-HEW appropriations legislation.

Mr. President, I ask unanimous consent that a letter I have received from the executive director of the West Virginia Commission on Aging regarding the effect of these cutbacks on our West Virginia programs and a table showing the rising percent of my constituents who will be denied these benefits and opportunities be printed at this point in the RECORD.

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

WEST VIRGINIA COMMISSION ON AGING,
Charleston, W. Va., February 25, 1971.

Senator JENNINGS RANDOLPH,
Senate Office Building,
Washington, D.C.

DEAR SENATOR RANDOLPH: We have just learned that the Administration's budget request for 1971–72 calls for sharp reductions in funding the various titles under the Older Americans Act, and a weakening of the Administration on Aging.

In West Virginia, we will be particularly affected by the proposed cutback in money for Title III projects. Sixteen million dollars ($16,000,000) were allocated in 1968–1969; only five million three hundred fifty thousand ($5,350,000) are allocated for 1971–72. Title III projects have meant the beginning of needed programs for older men and women in our state. You are familiar, I know, with the senior centers, the special outreach programs, the training of persons working with the elderly, the development of housing programs for rural elderly—all made possible by Title III funds. These programs are so new that they need additional support before they are able to continue without aid.

Interest in these programs has never been higher in the state, and we have many more requests for Title III funds than we can meet. In spite of a tight budget and limited revenues, Governor Arch Moore, Jr. is recommending state funds in 1971–72 to help meet some of the needs not covered by Title III. We are hopeful that the Legislature, now in session, will approve these funds, but the total effect will be for naught if there is a cutback in Title III funds. And in plain language, *we are alarmed* by reports that the Administration wants to phase out Title III completely.

I know you have a deep, personal interest in the elderly in West Virginia, and I want to learn from you what we can do to change the budget picture. How can we make our voices heard? Following Administration guidelines, we have been having meetings all over the state in preparation for the White House Conference on Aging, and we have been planning programs and services in response to the needs expressed at these meetings. Yet precisely at this time we receive reports that we face retrenchment in funds. Have we gone to our older people only to raise false hopes?

I would appreciate your advice and counsel.

Sincerely,

LOUISE B. GERRARD, Ph. D.,
Executive Director.

WEST VIRGINIA COMMISSION ON AGING—STATE CAPITOL, CHARLESTON, WEST VIRGINIA

[Louise B. Gerrard, Ph. D., executive director]

MEN AND WOMEN AGE 65 AND OVER IN WEST VIRGINIA 1970 CENSUS

	Total population	Persons 65 and over	Percent 65 and over, 1970	Percent 65 and over, 1960
West Virginia	1,744,237	194,120	11.2	9.3
Barbour	14,030	2,025	14.4	12.5
Berkeley	36,356	4,031	11.1	10.9
Boone	25,118	2,538	10.1	7.1
Braxton	12,666	1,899	15.0	12.3
Brooke	29,685	2,768	9.3	8.2
Cabell	106,918	12,995	12.2	10.3
Calhoun	7,046	1,000	14.2	11.8
Clay	9,330	1,069	11.5	8.0
Doddridge	6,389	1,053	16.5	15.4
Fayette	49,332	6,168	12.5	8.9
Gilmer	7,782	1,024	13.2	11.5
Grant	8,607	994	11.6	10.3
Greenbrier	32,090	4,074	12.7	10.0
Hampshire	11,710	1,370	11.7	11.0
Hancock	39,749	3,287	8.3	7.1
Hardy	8,855	1,120	12.7	10.9
Harrison	73,028	9,504	13.0	11.4
Jackson	20,903	1,903	9.1	8.7
Jefferson	21,280	1,916	9.0	9.3
Kanawha	229,515	21,528	9.4	7.0
Lewis	17,847	2,950	16.5	15.8
Lincoln	18,912	2,033	10.8	8.6
Logan	46,269	4,209	9.1	5.6
McDowell	50,666	4,555	9.0	6.0
Marion	61,356	8,029	13.1	11.1
Marshall	37,598	4,101	10.9	10.2
Mason	24,306	2,548	10.5	9.2
Mercer	63,206	7,343	11.6	9.2
Mineral	23,109	2,393	10.4	9.5
Mingo	32,780	3,177	9.7	6.9
Monongalia	63,714	5,908	9.3	9.6
Monroe	11,272	1,641	14.6	13.9
Morgan	8,547	1,003	11.7	10.4
Nicholas	22,552	2,296	10.2	7.8
Ohio	64,197	8,686	13.5	12.2
Pendleton	7,031	1,020	14.5	11.7
Pleasants	7,274	766	10.5	10.4
Pocahontas	8,870	1,374	15.5	12.4
Preston	24,455	3,195	12.6	10.2
Putnam	27,625	2,321	8.4	8.0
Raleigh	70,080	7,921	11.3	8.2
Randolph	24,596	3,017	12.3	10.8
Ritchie	10,145	1,742	17.2	16.6
Roane	14,111	2,154	15.3	12.8
Summers	13,213	2,019	15.3	11.7
Taylor	13,878	2,077	15.0	13.6
Tucker	7,447	1,077	14.5	14.3
Tyler	9,929	1,357	13.7	14.8
Upshur	19,092	2,461	12.9	12.3
Wayne	37,581	3,695	9.8	8.3
Webster	9,809	1,230	12.5	8.8
Wetzel	20,314	2,323	11.4	10.7
Wirt	4,154	612	14.7	14.1
Wood	86,818	8,615	9.9	9.7
Wyoming	30,095	2,006	6.7	4.7

KENTUCKY DEPARTMENT OF MINES AND MINERALS REPORT ON THE HYDEN, KY., COAL MINE DISASTERS

Mr. COOPER. Mr. President, the Kentucky Department of Mines and Minerals has just released its report on the coal mine disaster that took place in Leslie County, Ky., on December 30, 1970.

This report was prepared under the direction of Mr. H. N. Kirkpatric, commissioner of the department of mines and minerals, and Mr. J. H. Mosgrove, assistant to the commissioner, with the assistance of Mr. Everett Bartlett, district supervisor for the Hazard district, and Mr. Albert Alexander, Jr., mine inspector for the Hazard district.

In its report the Kentucky Department of Mines and Minerals concludes that—

The explosion occurred when coal dust was ignited by detonating cord (Primacord) and permissible explosives used in a nonpermissible manner or by the use of nonpermissible explosives (dynamite) during the blasting of roof rock for a loading point (boom hole). The explosion was propagated by coal dust which was brought into suspension and ignited by the initial blast.

I do not presume to say that the report is conclusive, but it represents a valuable part of the record being developed on this tragic explosion.

Mr. President, I ask unanimous consent that this report be included in the RECORD.

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

REPORT OF MAJOR MINE EXPLOSION DISASTER, FINLEY COAL CO., MINES NOS. 15 AND 16, HYDEN, LESLIE COUNTY, KY., DECEMBER 30, 1970.

GENERAL INFORMATION

This report is based on an investigation made pursuant to Kentucky Revised Statutes 352.180—Accidents in mine assistance and reports.

The Finley Coal Company, Mine Numbers 15 and 16 (actually one mine) were opened on Hurricane creek about four miles East of Hyden, Leslie County, Kentucky. One hundred men were employed in the two mines, of which ninety-five worked underground on two coal producing shifts and one maintenance shift, five days per week. The operation produced about 1,500 tons of coal a day with the use of loading machines, rubber-tired mine cars and a belt conveyor system. Each mine was opened with four drift entries into the Hazard Number 4 Seam, which ranged from 29 to 36 inches in thickness locally. The floor, main and immediate roof were generally firm shale.

The coal from the Finley operation is trucked to a preparation plant on a siding of the Louisville and Nashville Railroad at Sibert, Clay County, Kentucky. Operating officials of the company at the time of the explosion were:

Holt Finley, Co-owner, Sibert, Kentucky.

Charles Finley, Co-owner, Manchester, Kentucky.

Stanley Finley, Co-owner, Manchester, Kentucky.

Walter Hibbard (victim of explosion), Superintendent and Mine Foreman, Manchester, Kentucky.

GENERAL CONDITIONS, METHODS, EQUIPMENT AND PRACTICES

The Numbers 15 and 16 Mines were each opened by four drift entries with a coal barrier between the two mines which was intersected at several points. After the entries in the Number 16 Mine had been driven to a point about 260 feet underground, it was decided to interconnect the two mines so that the main belt conveyor which had originally been installed in the Number 15 Mine could be used for both mines. After the first connection was made, the mines were actually developed as a single mine. Two extra entries for each mine were picked up a short distance underground in each mine and the twelve entries, parallel to each other, were driven about 2,500 feet from the mine openings. Connections were made at varying intervals through the barrier pillar between the two mines. Cross entries were operated in sets of six to seven entries off the left and right main entries beginning at points 1,200 and 1,600 feet respectively from the mine openings. They were driven to depths of 110 feet to about 800 feet depending on conditions of the parts of the mine being worked. Entries were driven 20 to 30 feet wide with crosscuts at 60-foot intervals. A block system of mining was employed and pillars were not recovered.

On December 30, 1970, two sections, one in the Number 15 Mine and one in the Number 16 Mine were producing coal. The section in the Number 15 Mine consisting of six entries had been driven about 800 feet off the Number 6 main entry of that mine. A Jeffrey Model 81–C loading machine was used to load coal in this section. The First Left section of the Number 16 Mine consisted of six entries which had been driven about 150 feet off the Number 1 main entry of that mine. Coal was loaded with a WABCO Model 970 loading machine. Since it was intended to extend the workings in the Number 16 side of the mine, a new loading point (boom hole) was being prepared. Holes about 30 inches deep were drilled on about two foot centers in the roof of the Number 1 entry, Two Left near the second crosscut, adjacent to Number 6 entry, of One Left. Measurements made after the explosion showed that the portion to be blasted was approximately 18 feet long and 28 feet wide. Indications were that drilling operations were completed by the day shift at some time during the morning of December 30, 1970.

ROOF CONTROL

Conventional timbering and roof bolts were used for roof control. The roof bolts were installed in accordance with plans which had been submitted by the company and approved by the Bureau of Mines. Roof drilling and bolt installation was performed by the use of rotary-hydraulic drilling equipment. The methods of roof control appeared effective and satisfactory to the Department of Mines and Minerals.

FACE PREPARATION, EXPLOSIVES, AND BLASTING

Permissible explosives and electric detonators were stored in metal magazines located on the surface. A magazine had been provided for each of the mines. Underground storage magazines were not used because explosives were only taken underground as needed. Explosives for underground use were transported into the mine in specially constructed containers in rubber-tired mine cars pulled by rubber-tired tractors.

Two 50-pound cartons and a part-carton of Hercules 40% extra strength dynamite and four 1,000 foot rolls of detonating cord were stored on the surface in a highway type trailer, constructed of wood and metal, about 105 feet from the Number 15 Mine portal.

It was stated by the mine operators that these explosives were used in construction work along the surface roadways leading to the mine.

In preparing coal faces for blasting, undercuts were made to depths of about 9 feet and three or more holes were normally drilled for the placement of explosives. The number of holes drilled depended on the width of the place to be blasted. Stemming consisted of water dummies (plastic bags of water) and shots were fired either singly or in multiple by designated shot firers. Multiple approved type shot-firing units were used to fire shots. Two MSA 10-shot approved type shot firing units were found in the working sections and were later tested in the Explosives Research Laboratory of the Bureau of Mines. They were found to meet the electrical requirements of Schedule 16–B. The explosives used for coal blasting were Hercules Red HL and Austin Red Diamond 9B permissible explosives. Cartridges by both companies were 1¼ inches by 8 inches. The charges were detonated by electric detonators with 8-foot leg wires, made by the Austin Powder Company. It was learned by questioning, after the explosion, that a shot firer whose experience had been principally in road construction work and who was familiar with a variety of blasting materials had been employed by the company to do blasting.

During the investigation and by subsequent questioning, it was learned that holes for preparing loading points were normally drilled during the working shift and that the holes were normally blasted on idle shifts or during the 30-minute interval between the two coal producing shifts with a limited number of men in the mine. The number of shot holes would vary from 45 to 100 or more depending on whether the boom hole to be shot was for a single or double loading point. Witnesses testified that holes were drilled with the roof bolting machine and were prepared for blasting by placing one or more sticks of explosives in each hole. Testimony further showed no stemming as such, was used but that the explosives were held in place in the vertical holes by paper, pieces of brattice cloth or other available material. The lack of proper stemming would have made the shots equivalent to open blasting. It was further learned during testimony that when more than 10 shots were to be fired, that battery operated equipment or power cables were used as a power source. While investigating the areas at and around the boom holes there was no evidence that special precautions had been taken by cleaning up the area and by applying rock dust. Since the holes were drilled 30 inches in depth, it was impossible to determine the amount of explosives used in each hole.

During a follow-up check of the mines following the explosion, evidence was found which indicated that dynamite (non-permissible explosive) was being used. Albert Alexander, Jr., Kentucky Department of Mines and Minerals, found a small sample of explosives in a partially detonated shot hole in a boom hole which was blasted on December 22, 1970 in the Number 15 Mine. The sample of explosive was given to the U.S. Bureau of Mines so that it could be analyzed by the Bureau of Mines' Research Laboratory. The sample was determined to be 40% extra strength dynamite. Permissible explosives found in the mines were also tested by the Bureau's Research Laboratory and were found to meet the permissibility requirements. The detonating cord (Primacord) found in the mine on two separate spools was also tested and was found to be capable of suspending and igniting coal dust. Pieces of detonating cord were found in the vicinity of the boom hole in Number One entry, Two Left of Number 16 Mine where the explosion originated. The Kentucky Mining Law under Section 352.240 states that explosives would be fired only by electric detonators of proper strength, except as provided for in KRS 352.260 which provides for blasting from the solid. KRS 352.240 also provides that when blasting is done electrically, only permissible single shot blasting units and multiple shot units shall be used unless blasting is done from the surface.

Testimony given after the explosion pointed out that detonating cord had been used to blast boom holes in the mines. Other witnesses stated that they had no knowledge of this practice.

MINE VENTILATION AND GASES

Each mine was ventilated by a propeller type exhausting fan which operated continuously. The Number 15 Mine fan circulated approximately 55,000 cubic feet of air per minute, and the Number 16 Mine fan approximately 45,000 cubic feet of air per minute. Air currents were directed through the mines by means of incombustible stoppings, check curtains and line brattices. The mine was not classified as gassy or gaseous by the Kentucky Department of Mines and Minerals, as no explosive gas had been detected. A sample of the return air at the Number 15 fan opening taken about two hours after the explosion, and analyzed by the Bureau of Mines, showed that the return air at that time contained .07% methane, .23% carbon monoxide and .12% hydrogen. Another sample collected near the face of the Number 6 room off the Number One main entry of the Number 16 Mine during the investigation showed .01% Methane. Tests made by Department inspectors using field instruments at the Number 15 fan showed .02% of carbon monoxide about seven hours after the explosion. No methane was detected with methane detectors. Since the mine had no history of liberating methane gas and there are no oil or gas wells on the property, the constituents of the samples analyzed most likely were combustion products produced and distilled by the explosion.

TRANSPORTATION-COMMUNICATION

Rubber-tired mine cars pulled by rubber-tired battery tractors were used to transport coal from face areas to belt conveyors which conveyed coal to the mine surface. Haulage equipment was generally maintained in a satisfactory condition and belts were cleaned and inspected by men who were employed for that purpose. The rubber-tired mine cars and locomotives were used to transport the men to and from their working sections. Both mines were equipped with a system which provided communication between the surface and underground loading points of each mine.

DUST

During the April 1970 State inspection, the operation was found to need additional rock dust near the face areas. A recommendation was made that all dry and dusty sections of the mine must be rock dusted to within 40 feet of the faces. An inspection of the Number 15 Mine made on August 20, 1970, also showed that additional rock dust was needed to within 40 feet of the working faces. A recommendation to that affect was made. A recommendation was made to remove accumulations of loose coal and dust from the roadways and ribs of coal. Another inspection of the Number 16 side of the mine made during the night shift of the same day by the Department of Mines inspetcor also recommended that accumulations of loose coal and dust be removed from roadways and ribs of coal, and that dry and dusty sections of the mine be rock dusted to within 40 feet of the faces. The adequacy of rock dust applications was determined visually. If the inspector had determined by visual observation that conditions creating an imminent danger hazard were present, he would have stopped pro-

duction operations until the conditions were corrected. The First Left section of the Number 16 Mine had water available by way of a two-inch pipeline for dust allaying purposes, but testimony given later during questioning revealed that water was not being used during cutting and loading operations even though it was available.

It was further learned by questioning after the explosion that a 9-man crew for each mine was employed for the purpose of keeping the mine clean and applying rock dust. The work required of this crew was to shovel loose coal and coal dust from the ribs with hand shovels which was then pushed into piles or to the faces with a blade attached to a battery tractor. The pushed-up material was then loaded up and taken from the mine. The crew was then to apply rock dust to the mine surface with rock dusting machines of which two were available. Witnesses testified, however, that rock dusting machines were not in operation for a period of about two months before the explosion, and that the rock dusting had been done by hand. It was further learned that even though the machines had been restored to operating condition, that the crew continued to apply dust by hand.

ELECTRICITY

Seventy-two hundred (7,200) volts alternating current was furnished to the mine surface where it was reduced to 440, 220, and 110 volts alternating current for use on the surface, and 4,160, 440 and 220 volts alternating current and 275 volts direct current for underground use. The 4,160 volt alternating current was conducted in the Number 4 entry of the Number 15 Mine by a three-conductor, Number 2 shield-type, nonmetallic armored, high-voltage cable. Protection was provided the high voltage by an oil circuit breaker with the neutral circuit being provided with a fail-safe monitor system; however, a current-limiting resistor had not been installed in the circuit. Lightning arresters were provided for the circuit where it entered the mine. The high voltage circuit was provided with a disconnecting switch on the surface, but one had not been installed in the branch line leading from the Number 15 to the Number 16 Mine. The service equipment for the Number 15 Mine consisted of a portable 112-kva, 3-phase transformer, delta/delta connected, with a grounding transformer, and a 200-kw silicon diode rectifier which provided 275 volts of current for direct use. The service for the Number 16 Mine was similar to that provided for Mine Number 15.

The electric face equipment for the Number 15 Mine consisted of the following: two Jeffrey 81–C loading machines, one Joy 12–RB cutting machine, one Long-Airdox TDF–20 coal drill, one Galis 300 roof drill and four Kersey battery-powered tractors. The equipment used in the Number 16 Mine consisted of one WABCO 970–L loading machine, two Joy 12–RB cutting machines, two Long-Airdox coal drills, two Galis 300 roof drills, three S. & S. 160 battery-powered tractors, two Kersey 944 battery-powered tractors and one Elkhorn Industrial Products Corporation battery-powered Load-a-Tram.

Equipment used in both mines was both permissible and non-permissible types, and maintained in a satisfactory condition. Frames of electric face equipment receiving power through trailing cables were not grounded.

Flame resistant type trailing cables were used on face equipment. Automatic circuit breakers were provided for all cables except one of the roof drills in the Number 16 Mine. Inspection of cables after the explosion showed that many of the cables had temporary splices.

MINE RESCUE

Upon learning of the explosion the following companies were contacted by the Department of Mines and Minerals and trained and equipped mine rescue teams were alerted and placed on a standby basis:

International Harvester Company, Benham, Kentucky.

U.S. Steel Corporation, Lynch, Kentucky.

Beth-Elkhorn Corporation, Jenkins, Kentucky.

Island Creek Coal Company, Wheelwright, Kentucky.

Teams from the Clinchfield Coal Company, Dante, Virginia, were also placed on standby by the U.S. Bureau of Mines to be used if needed.

The services of the mine rescue teams were not required during recovery operations.

It was not the custom for employees to wear self-rescuers; however, twenty-one MSA one-hour self-rescuers were stored about 400 feet from the faces of the working places, in the Number 2 main entry of the Number 16 Mine. No self-rescuers were stored in the Number 15 Mine, but sixteen self-rescuers were stored on the surface.

Available escapeways were maintained from working sections to the surface of the mine. The check-in-and-out system utilizing numbered electric cap lamps did not prove adequate, due to the fact that several workmen were wearing lamps which had not been assigned to them. Not all the men wore identification tags and some had to be identified after they were brought out of the mines. Fire fighting facilities were provided and available, but were not needed as no fire resulted from the explosion.

CONDITIONS BEFORE THE EXPLOSION AND RECOVERY OPERATIONS

Organizations and persons assisting with the recovery operation or with surface activity following the disaster, included the employees of the Finley Coal Company and other local area companies, representatives of the U.S. Bureau of Mines and the Kentucky Department of Mines and Minerals, Frontier Nursing Service, Leslie County Sheriff's Office, Leslie County Judge's Office, Leslie County Coroner's Office, State and local police, Red Cross and other organizations of which the Department may have been unable to obtain the names. All these persons and organizations provided invaluable service for which the Department is grateful.

DEPARTMENT OF MINES AND MINERALS PERSONNEL ACTIVITIES

The Lexington Office of the Department of Mines and Minerals learned of the explosion immediately after the occurrence by way of a telephone call from the Department's Harlan Office. Immediate contact was made with the Hazard District Office and Mr. Everett Bartlett, District Supervisor, who was not in at the time, was left word to check on the occurrence. Upon his return to his office, he checked with the Finley Coal Company and learned that an explosion had occurred. He left immediately to the scene, at the same time alerting all his inspectors who were instructed to follow with mine rescue equipment. Personnel of the Lexington Office left immediately and arrived at the scene about 5:30 P.M. to direct the recovery operations.

Bartlett was later joined at the mine by personnel of the U.S. Bureau of Mines' Barbourville Office. Together, they coordinated plans and duties normally observed before recovery work is attempted, and a party of Federal and State inspectors proceeded underground. Other Kentucky Department of Mines and Minerals personnel arrived at various times to assist with the recovery work. They either assisted in directing the work or entered the mines to locate and recover the bodies. All bodies were recovered at about 10:00 A.M. on December 31st. The following persons of the Kentucky Department of Mines and Minerals participated:

H. N. Kirkpatrick, J. H. Mosgrove, Everett Bartlett, Albert Alexander, Jr., Clarence Powell, B. E. Banks, Cecil Sherman, Clabe Mosley, Arnold Turner, Carl Smithers, Grant Hall, L. L. Carroll, Everett Brown, Elihu Coyer, Julius Ferrell, Ray Chapman, Amos May, Eddie Akers.

A Mine Closure Order was posted at the mine openings by the Department of Mines and Minerals to prohibit all persons from entering the mine except those needed in recovery and investigative work.

WEATHER AND MINE CONDITIONS PRIOR TO EXPLOSION

Barometric pressures furnished by the Federal Aviation Agency at the London, Kentucky airport on December 29 and 30 were as follows:

December 29, 1970, 12 Noon, 29.97 inches.

December 30, 1970, 12 Noon, 30.08 inches.

The weather in the Hyden vicinity at the time of the accident was cold and cloudy. Barometric pressure conditions did not appear to be a factor in the explosion.

Since the mine was classed non-gassy by the Kentucky Department of Mines and Minerals, no fire boss examinations were required under the Kentucky Mining Law. Information contained under this heading is as the result of the Bureau of Mines requirement for mine examiner (fire boss report).

For the 7:00 A.M. to 3:00 P.M. production shift on December 30, 1970, it showed that all the places in the Number 15 Mine had been visited and were ready for day shift operation. No record of the book showing preshift examination of the Number 16 Mine could be found. Information obtained by questioning the employee who made the examination revealed that he had actually examined the Number 16 mine but that the record was listed in the Number 15 Mine record book. It was further learned while questioning the man who examined the Number 15 Mine, that he had made an examination of the places in that mine and that the results were recorded in a record book on the surface. No record of this examination could be located. The record books examined did not indicate the time the examiner entered the mine and the extent of areas examined, or whether any unusual conditions dealing with air travel or gases were found.

ACTIVITIES PRIOR TO EXPLOSION AS DETERMINED BY QUESTIONING OF WITNESSES AND BY INVESTIGATION

The day shift crew entered the mines at about 6:45 A.M., traveling in rubber-tired trailers. Thirty-nine men comprised the work force for both the Number 15 and 16 Mines. From evidence, the mine was operating routinely in each of the loading sections until immediately before the explosion.

It was learned that preparations were being made to install a belt conveyor from the main belt conveyor in the Number 15 Mine to the active working section of the Number 16 Mine. On Tuesday night, December 22, 1970, a boom hole measuring 10 feet in width and about 54 feet long had been blasted from the roof to provide space for the conveyor headpiece. On Wednesday, December 30, 1970, another boom hole was being prepared to provide space for the tail section of the conveyor and two elevating conveyors. This hole, 30 inches deep, measured 18 feet in length and 28 feet wide. Testimony given following the explosion revealed that shot holes made for blasting boom holes were not stemmed and that only pieces of material such as

wadded paper and brattice cloth were placed in the holes to hold the charges in place. It was also learned, through testimony, that it was a common practice to fire all holes at one time, either from the batteries of mine tractors or from power cables.

Two spools of detonating cord (Primacord) and three short pieces of the cord were found near where the hole had been blasted on December 22. Four short pieces of detonating cord were found in the vicinity of the boom hole which was blasted at the time of the explosion. It should be noted that three pieces of detonating cord were found out by a boom hole in the Number 3 entry of the Number 15 Mine. This strong evidence indicates that detonating cord had been used previously in this type of work. It was customary to drill holes about two feet apart and 30 inches deep into the mine roof, although some holes in the boom hole involved in the explosion were less than two feet apart. It can be concluded that more than 100 shot holes, and maybe up to 120, may have been drilled for this blasting operation.

While being questioned at Hyden, A. T. Collins, Utility Man (belt man), and the only survivor of the underground employees, testified that he entered the Number 15 Mine at 7:00 A.M. and returned to the surface at 11:30 A.M. Under questioning Collins stated that he had observed no unusual conditions in the mine that morning. Collins did state that he saw detonating cord (Primacord) in the mines sometimes prior to Christmas, and that he was instructed by the Mine Superintendent to hide it. He also stated that he was with the Mine Superintendent at about 11:00 A.M. on the date of the accident, and that the Superintendent told him that he had a man in the mine to shoot a couple of holes, and that the blast would be light, but indicated by a wink and a nudge, that the blast might be unusual. Collins stated during questioning that he observed no explosives being transported underground on this date. Two other witnesses, both employees of the Finley Coal Company, testified that detonating cord was used in blasting boom holes. Testimony indicated that it was a practice to fire from power cables or from battery connections of the battery-powered tractors, even though permissible type blasting units were provided.

From all the evidence gathered from witnesses and found during the investigation, it is concluded that a hundred or more holes were fired using detonating cord, set off with an electric detonator to fire all the shots at one time. It must be further concluded that the explosives charges were held in place with wads of paper or other like material, and the charges set off by blasting cable attached to either the shot firing unit, battery connection of a nearby battery-powered tractor or from the power cable. All three sources of power were in the immediate vicinity. In substance, it appears that surface mine and highway blasting techniques were applied to underground mining.

Under the supervision of representatives of the U.S. Bureau of Mines and the Kentucky Department of Mines and Minerals, the rock blasted from the Number 1 entry. Two Left, Number 16 Mine was started to be moved on January 14, 1971 using a Load-a-Tram scoop. An employee was instructed to move the material from the area and on the second scoop load, a detonator leg wire 14 inches in length was found near the outby edge of the fall of rock.

When the thirtieth scoop load was moved, an 11 inch piece of detonating cord was found near the center of the fall. The remainder of the rock was moved the next day but no leg wires or detonating cord were found. The fact that one detonator leg wire and the detonating cord were found, substantiates the conclusion that illegal blasting practices were being followed. Since detonating cord is usually set off by one or two detonators, the findings would indicate that the holes were fired with detonating cord. If each charge had been made up using a detonator for each hole, a greater number of such leg wires would have been found under the fall. Supporting evidence was that the blasting cable lacked 29 feet reaching the boom hole from the location where it was found after the explosion. This would mean that the difference in distance from the firing station could have been made up using detonating cord. In continuing the search for evidence, a 48-foot piece of detonating cord was found near the belt entry in the Number 26 crosscut in the Number 15 Mine.

Indications brought out by testimony were that when boom holes were being blasted, no special precautions were being taken such as applications of rock dust.

When the underground investigation was first started several relatively small pieces of rock were found scattered a distance of about 40 feet from the boom hole toward the mouth of the entry. Some consideration was given to the fact that maybe an unconfined shot or shots (unconfined explosives placed on rock to be broken) may possibly have been used to break rocks which were too large for handling by the loading machine. However, after all the evidence had been gathered the Kentucky Department of Mines and Minerals investigators concluded that the rock was thrown and scattered by the strong blast when the boom hole was shot.

MINE RECOVERY OPERATIONS

The first trip underground after the explosion was made by Federal and State inspectors at about 3:00 P.M. on December 30, 1970. They entered the Number 3 portal of the Number 15 Mine and were able to travel without using breathing apparatus to the Number 24 cross cut between Numbers 3 and 4 main entries (see Appendix B) before they encountered difficulty with carbon monoxide or smoke. They were able to travel this far, even though concrete block stoppings in 12 crosscuts outby the Number 24 crosscut had been partially or completely destroyed. With the use of gas masks the recovery crew was then able to travel on to the 30th crosscut where three bodies were located in that vicinity. High concentrations of carbon monoxide forced the recovery crew to return to the mine surface for brattice material and other supplies so that ventilation could be restored. Federal and state inspectors, along with company employees, reentered the mine to repair the blown out stoppings and to attempt exploring the working places in the Two Right section. At 4:30 P.M. the same day, the Number 16 Mine was entered by Federal and State inspectors and company employees by way of the Number 4 entry. They were able to make their way to the Number 20 crosscut where they were halted by high concentrations of carbon monoxide between Numbers 3 and 4 main entries. After the blown out stoppings were replaced with brattice cloth the crew was able to continue its exploration into the mine. Several stoppings were replaced to clear out carbon monoxide as the crew moved toward the One Left section. The Number 3 entry, One Left, was reached at about 7:00 P.M. It was there that the first body in the Number 16 Mine was found and exploration of One Left section was continued. The crew located fifteen bodies in all, before excessive amounts of carbon monoxide was encountered. They returned to the surface with three of the bodies at 8:00 P.M. on December 30th.

Other crews made up of Federal and State inspectors, company officials and employees and volunteer officials and employees from other Eastern Kentucky mines, entered both mines at various intervals during the night of December 30th and the following morning to assist in reestablishing ventilation and in recovery of bodies. The last bodies were recovered and brought to the surface at about 10:00 A.M., December 31, 1970.

It is the conclusion of state investigators, taking into consideration the location of the victims and their physical condition and appearance, that all but five were apparently killed instantly by the blast. Victims designated by the Numbers 3, 4 and 6 in the Number 16 Mine and R–4 and R–5 in the Number 15 Mine may have moved a short distance from their work location after the explosion. It appeared that the men in the Number 16 Mine may have moved less than a hundred feet and the men in the Number 15 Mine may have moved about 140 feet. The tram controls of the loading machine in the Number 6 entry, Two Right of the Number 15 Mine were found in the forward position which indicated that the machine was in operation at the time of the explosion.

UNDERGROUND INVESTIGATION OF CAUSE OF EXPLOSION

Representing Finley Coal Company

Eugene Barger, Tractor Operator.
Alson Collett, Tractor Operator.
Robert Combs, Crew Leader, 3rd Shift.
Bill Cornett, Mechanic.
Arthur Lawson, Tractor Operator.

Representing Underwriters Safety and Claims

Earl Keene, Inspector.
Warren Mullins, Inspector.

Representing United States Bureau of Mines

James Westfield, Assistant Director—Coal Mine Health and Safety.
William Park, District Manager.
Joseph Malesky, District Manager.
Thomas Mark, Subdistrict Manager.
John Crawford, Mining Engineer.
Clarence Hyde, Coal Mine Inspection Supervisor.
Raymond Linville, Coal Mine Inspection Supervisor.
Monroe West, Coal Mine Inspection Supervisor.
Ralph Jones, Mining Engineer.
Harold Dolan, Mining Engineer.
Charles Sample, Coal Mine Inspector.
Gordon Couch, Coal Mine Inspector.

Representing Kentucky Department of Mines and Minerals

H. N. Kirkpatrick, Commissioner.
J. H. Mosgrove, Assistant to the Commissioner.
Everett Bartlett, District Supervisor.
Albert Alexander, Jr., Inspector.
Clarence Powell, Inspector.
B. E. Banks, Inspector.
Carl Smithers, District Supervisor.
Grant Hall, Inspector.
H. L. Payne, Jr., Engineering Trainee.

Three investigating teams composed of representatives of the insurance carrier, Federal and State agencies and mine employees conducted a detailed examination of Mines 15 and 16 in their entirety. Each team was provided with mine maps to mark their findings so that when the examinations were over each agency would be provided with findings for their respective records. Information was exchanged between the agencies and groups, after the examination was made of the mines.

On January 6, 1971 voluntary witnesses made up of employees and others were questioned at the Leslie County Courthouse at Hyden, Kentucky. The U.S. Bureau of Mines was led by Dr. Elburst Osborn, Director, and H. N. Kirkpatrick, Commissioner, headed

the Kentucky Department of Mines and Minerals. James Westfield, U.S. Bureau of Mines and J. H. Masgrove, Kentucky Department of Mines and Minerals, questioned the mine employees and company officials. Other persons were extended an invitation to provide information which they may have had in connection with the events leading to the explosion.

METHANE AND COAL DUST

There are no records of methane having been detected in the Numbers 15 and 16 Mines by State mine inspectors who use flame safety lamps and methane testing field instruments. Since the Department of Mines and Minerals has no laboratory including sophisticated equipment and technical personnel for analyzing dust and air samples it has always depended on analyses made by the U.S. Bureau of Mines and distributed along with Bureau inspection reports. The Department has used and appreciates this information.

The analyses of air samples collected during regular inspections and during the recovery operations indicate that methane was not a factor in the explosion. Coal company records indicate that no methane had been detected by company officials in the two mines. It was evident from findings during the investigation that coal dust entered into the explosion. Deposits of coke and soot streamers were found at numerous locations. The One Left section, where the explosion originated was dry, and accumulations of loose coal and dust were present in the area where the explosion originated. While it was obvious that rock dust had been applied, the quantity, however, was inadequate. The Two Right section ranged from wet to dry and had standing water at several locations. The roof and ribs were dry. Rock dust had been applied to the section, but accumulations of loose coal and coal dust were also present. The main belt conveyor was loaded with coal and it is most likely that coal dust from the conveyor entered into the explosion. The Three Right belt conveyor was empty. Three hundred and eight samples of mine dust were collected during the investigation in a systematic pattern, in areas affected by the explosion forces. Federal and State mine inspectors worked jointly in collecting the samples which were analyzed in the U.S. Bureau of Mines Testing Laboratory. The report of the sampling is available through the U.S. Bureau of Mines report of the explosion and are also shown on the map labeled Appendix C of this report. It should be understood that samples collected after an explosion do not necessarily represent the dust conditions prior to an explosion, as coal dust from face areas, off conveyor lines and other transportation equipment are thrown into suspension and are deposited on rock dust surfaces. Dust sampling conducted over an extensive area of a mine after an explosion will give an indication of the general conditions preceding the occurrence. Samples collected following an explosion determines the extent of flame travel by the presence of coke. Samples taken after this explosion shows that coal dust was a factor.

EVIDENCE OF FLAME TRAVEL

The extent of the flame travel is shown on the map of the mines labeled Appendix C. The extent of the flame travel was determined by burned paper, soot, coke deposits and by shriveled remains of plastic stoppings. The evidence found showed that the First Right section of the mine was not affected by flame and only extended about 500 feet out by the First Right entry in Numbers 1, 2 and 3 main entries of the Number 15 Mine. All the main entries of the Number 16 Mine were involved with evidence of flame to within 500 feet of the portal. Indications were that the flame did not extend to either of the mine portals. The survivor, who stated that he was about 20 feet underground inby the portal of the Number 4 entry of the Number 15 Mine, suffered no burns nor observed any flame. His injuries were the result of flying debris and forces.

LOCATION OF ORIGIN OF EXPLOSION

Evidence found after the explosion, and testimony presented by witnesses, gave conclusive evidence that the explosion originated at a point about 120 feet in by the mouth of Number 1 entry, Two Left, Number 16 Mine. The time of occurrence was about 12:20 P.M. when roof rock for a loading point (boom hole) was being blasted.

EVIDENCE OF FORCES

The evidence compiled shows that the forces started at the boom hole which was blasted the day of the explosion. The forces traveled in different directions from this point from where they then traversed throughout the two mines as shown on map labeled Appendix C. The mine workings permitted rapid expansion of forces from the origin with less intensity enroute to the surface. It is evident that the rock dust applications which had been applied on the main entries helped to cool the explosion on its way to the mine surface. The force extended into the working areas of the mine and along the main entries to the mine surface. More than 60 concrete block stoppings were completely or partially blown out, mine equipment was moved by the forces, and the belt conveyor structures were also displaced and damaged. The offset fans were not damaged; however, the explosion (relief) doors were blown open and required minor repairs before they could again be closed.

Although the forces of the explosion reached the mine surface, it was evident applications of rock dust and the absence of excessive coal dust accumulations, together with the rapid expansion permitted at the point of origin, prevented the spread of the flame to the mine surface.

SUMMARY OF EVIDENCE

Conditions observed in the mines following the explosion, along with subsequent testimony of company officials and workmen, and mine records gave evidence as to the origin and cause of the disaster. The conclusion of State investigators are shown below as the result of the review of evidence:

1. The explosion was initiated by improper and illegal use of permissible explosives along with a nonpermissible detonating agent or by the use of nonpermissible high strength explosives detonated in a nonpermissible manner.

2. A combination of the use of a large quantity of explosives improperly used, plus coal dust were the factors creating the explosion.

3. There was no evidence indicating that explosive gas (methane) entered into the explosion.

4. Permissible explosives, electric detonators, blasting cables, and permissible blasting units were provided for underground use. Two and one-half cartons totaling about 125 pounds of 40% strength dynamite along with two cartons of detonating cord (4,000 ft.) were stored in a highway type trailer on the mine property. Short pieces of detonating cord were found near the boom hole that was blasted on the day of the explosion. While the rock blasted from the boom hole was being removed, additional detonating cord and one detonator leg wire were found. Two spools containing detonating cord were found in the mines following the explosion. If the boom hole shots had been fired electrically a large number of leg wires would have been found when the rock was removed. Witnesses testified during the investigation that boom holes had been blasted using detonating cord before, and that no stemming was used. The charges were held in place in the vertical holes with wads of paper or pieces of brattice cloth.

5. Testimony was given that all shots in a boom hole, which would probably number from 45 to more than 100, were fired at the same time using battery connections of battery-powered tractors or power cables.

6. Witnesses stated that it was a normal custom to blast boom holes between shifts or on off shifts with a limited number of men who were engaged in the preparation and blasting operations, underground.

7. Unsafe practices in handling explosives in these mines had been discovered during previous inspections by State mine inspectors.

8. A sample of explosives found in a shot hole for a loading point that was blasted earlier was analyzed in the U.S. Bureau of Mines Safety Research Center and was determined to be 40% extra strength dynamite.

9. Additional rock dust did not appear to have been applied in the vicinity of the boom holes before they were blasted.

10. Explosives were generally taken underground as needed and kept in original shipping containers.

11. Loose explosives collected from the mine floor in the One Left section of the Number 16 Mine were tested and were found to conform to specifications for permissible explosives by the U.S. Bureau of Mines.

12. Rock dusting was obviously substandard preceding the explosion. Coal dust was deposited on rock dusted surfaces after the explosion. Loose coal and accumulations of coal dust were observed in parts of both mines. Although a water line had been provided for the One Left section, testimony revealed that water was not being used to allay dust during cutting and loading operations at the face.

13. The majority of the victims suffered burns to some degree which confirms the presence of flame and intense heat during the explosion.

CONCLUSION AS TO CAUSE OF EXPLOSION

It is the conclusion of the Kentucky Department of Mines and Minerals that the explosion occurred when coal dust was ignited by detonating cord (Primacord) and by permissible explosives used in a nonpermissible manner or by the use of nonpermissible explosives (dynamite), during the blasting of roof rock for a loading point (boom hole). The explosion was propagated by coal dust which was brought into suspension and ignited by the initial blast.

SUMMARY

An explosion occurred at the Finley Coal Company, Hyden, Leslie County, Kentucky at about 12:20 P.M., Wednesday, December 30, 1970. The mines affected by the explosion were the Numbers 15 and 16 Mines located on Hurricane Creek near Hyden. Thirty-eight of the 39 underground employees were killed. Indications were that 14 of the 17 men who were employed in the Number 16 Mine were apparently killed instantly by the explosion while the three others may have moved a short distance and died from asphyxiation or carbon monoxide poisoning. Nineteen of the 21 who were employed in the Number 15 Mine were apparently killed instantly and the two others may have moved a short distance before dying of asphyxiation or carbon monoxide poisoning. The one survivor who was just inside the portal of the belt entry of the Number 15 Mine when the explosion occurred was injured slightly by the forces and debris coming from the mine. The names of victims, their ages, occupation, experience and number of dependents are listed on the

page labeled as Appendix A of this report. An intensive underground investigation of the disaster was made by personnel of the Kentucky Department of Mines and Minerals, along with others, following the disaster. Further questioning of company officials and mine employees was held at Hyden, January 6, 1971.

After reviewing evidence compiled, the Department has concluded that the explosion occurred when coal dust was ignited by detonating cord (Primacord) and permissible explosives used in a nonpermissible manner or by the use of nonpermissible explosives (dynamite) during the blasting of roof rock for a loading point (boom hole). The explosion was propagated by coal dust which was brought into suspension and ignited by the initial blast.

VIOLATIONS

The investigation of this disaster disclosed apparent violations of the Kentucky Revised Statutes which led to the explosion or caused difficulty during the recovery work. The sections of the Law are shown below:

352.060 *Rock-dusting.* The following rules shall govern in the rock-dusting of mines: (1) All dry mines, or parts of mines, or sections thereof, shall be rock-dusted if conditions are found to be dusty or hazardous, after proper inspection. In event such conditions are found to exist then the Chief or his accredited representative shall require the necessary rock-dusting to make the mine, part of mine or section safe.

(2) In all mines, accumulations of fine, dry coal dust shall, as fast as practicable, be removed from the mine, and all dry and dusty operating sections kept thoroughly watered or rock-dusted, or the dust allayed by other methods approved by the Chief, but in every dusty mine, or in any part or section thereof, rock-dusting shall be applied to maintain at all times a minimum percentage of sixty-five per cent of noncombustible matter to within forty feet of the faces, and under certain special conditions the department may require that places be rock-dusted to the faces. The term "dusty-mine" shall not include a wet or damp mine; but the provisions hereof relating to rock-dusting shall apply to any dusty part or section of a wet or damp mine.

352.070 *Checking employees in and out.* The operator or superintendent of every mine shall install a uniform system of checking the employees in and out of the mine, so that each employee, entering the mine, shall be given a check by which he may be identified, and the check shall be placed in its proper place on the check board by the employee when leaving the mine.

352.240 *Explosives and other blasting devices in mines.* (1) The use of black powder, either granular or in pellet form, and the use of dynamite for firing shots is prohibited in all underground coal mines in the State of Kentucky.

(2) Explosives shall be fired only by electric detonators of the proper strength except as provided for in KRS 352.260.

(3) When blasting is done electrically, only permissible single shot blasting units or permissible multiple shot blasting units shall be used unless blasting is done from the surface.

(11) Boreholes shall be stemmed with at least twenty-four inches of incombustible material, or at least two-thirds of the length of the hole shall be stemmed.

(18) Shots shall not be fired from the power or signal circuit while any men are in the mine.

(21) Mixed charges shall not be charged or fired in any borehole.

(22) Adobe (Mudcap) or other open, unconfined shots shall not be fired in any mine.

ACKNOWLEDGMENT

The Kentucky Department of Mines and Minerals gratefully acknowledges the cooperation, assistance and coutesies extended by employees of the Finley Coal Company and other local companies, Leslie County Officials, Kentucky State Police, U.S. Bureau of Mines, Frontier Nursing Service, Red Cross, and several area ambulance services, mine rescue teams of International Harvester Company, U.S. Steel Corporation, Beth-Elkhorn Corporation, Island Creek Coal Company and Clinchfield Coal Company who stood ready to help if needed. Also, others the Department may have overlooked in its effort to keep a record of those who contributed their assistance.

Respectfully submitted,

H. N. KIRKPATRICK,
Commissioner.

J. H. MOSGROVE,
Assistant to the Commissioner.
EVERETT BARTLETT,
District Supervisor, Hazard District.
ALBERT ALEXANDER, Jr.,
Mine Inspector, Hazard District.

APPENDIX A

VICTIMS OF MINE DISASTER—FINLEY COAL CO., MINES 15 AND 16—DEC. 30, 1970

Name	Age	Dependents	Occupation	Mining experience
Walter Bentley, 7	60	Wife—6 children	Shot firer-utility man	8 years.
Billy J. Bowling, R–15	25	Wife—3 children	Tractor operator	Do.
Grover Bowling, Jr., R–3	33	Wife—1 child	do	17 years.
Teddy Bush, R–7	21	Single	Timberman	6 months.
Fred Collins, R–2	18	do	Tractor operator	3½ years.
Kenople Collins, R–11	26	Wife—2 children	do	10 years.
Lonnie Collins, 14	28	Wife—1 child	Roof drill operator	5 years.
Alonzo Couch, R–18	34	Wife—2 children	Tractor operator	17 years.
Holt Couch, 16	34	Wife—3 children	do	15 years.
Howard Couch, 4	34	do	Loading machine operator	Do.
Carl Ghent, R–6	31	do	do	17 years.
Alfred Gibson, 11	44	Wife—2 children	Bratticeman	23 years.
Lawrence Gray, R–13	30	do	Coal drill operator	10 years.
Theo Griffin, 1	28	Wife—1 child	Tractor operator	4 months.
Lester Harris, 9	35	Wife—3 children	Mining machine operator	18 years.
Delbert Henson, R–1	19	Single	Loading point operator	6 months.
Price Henson, R–12	38	Wife—7 children	Roof drill operator	15 years.
Walter Hibbard, R–17	41	Wife—5 children	Superintendent and mine foreman	25 years.
George Holland, R–16	41	Wife—3 children	Mining machine operator	23 years.
Ben Hoskins, 12	24	Wife—1 child	Tractor operator	6 years.
Frank Hoskins, R–14	19	do	do	6 months.
Kermit Hubbard, R–5	39	Wife—3 children	Repairman	23 years.
Jim Jones, 13	36	do	Coal drill operator	15 years.
Rufus Jones, 5	53	Wife	Timberman	20 years.
James C. Minton, R–10	27	Wife—1 child	Tractor operator	4 years.
Lee Mitchell, R–21	18	Single	Beltman	6 months.
Russell Morgan, 2	33	Wife—2 children	Repairman	11 years.
Earl Phillips, R–8	45	Wife—9 children	Shot firer	25 years.
Stanley Roberts, 10	44	Wife—4 children	do	26 years.
Arnold Sizemore, 8	34	Wife—3 children	Utility man	18 years.
Wilbert Smith, 15	33	Wife	Mining machine operator	Do.
Jeffie Spurlock, 3	41	Wife—4 children	Loading machine operator	24 years.
Albert Wagers, R–4	28	Wife—3 children	do	10 years.
Armond Wagers, R–19	40	Wife—11 children	Tractor operator	24 years.
Arnold Wagers, 17	35	Wife—4 children	do	16 years.
Elmer White, R–20	23	Wife—1 child	Loading point operator	1 month.
Andrew D. Whitehead, 6	46	Wife—5 children	Section foreman	31 years.
Denver Young, R–9	29	Wife—1 child	Mining machine operator	7 years.

Note: Number or letter and number following name indicates map identification number.

NOT THE TIME TO QUIT

Mr. HART. Mr. President, this Nation has a trillion dollar economy.

Among other things, the economy supports the production of minibikes for kids, snowmobiles for adults, electric toothbrushes for the bathroom, yearly fashion changes for ladies, and, closer to home, yearly model changes for cars.

And I am among the hundreds of thousands willing to pay $7 a seat or more to see professional football games.

But—and this "but" should be underlined more than once—this trillion-dollar economy has not yet found a way to feed all its hungry, has not yet found the will to make certain no child suffers brain damage because of malnutrition.

We have made the commitment in rhetoric, but not in reality.

Construction of the bridge across that gap has been hampered by politics, word games, and undue pride in what has been done at the expense of concern for what still remains to be done.

Yes, more of the Nation's hungry are receiving help than ever before, but—that ever-reappearing "but"—an estimated 12 million poor remain without assistance and 4 million needy schoolchildren do not have access to free or reduced price school lunches.

Can a nation of wealth which prides itself on a belief in the value of each individual take pride in the fact that it is now feeding half its hungry?

Rather, should we not really be deeply disappointed, even outraged that for no compelling reason so many are still hungry?

My intent in speaking is not to place blame for still another appalling gap between the Nation's rhetoric and reality, but rather to urge that we do not eliminate an effective means of focusing and refocusing public attention on this problem.

The Senate Select Committee on Nutrition and Human Needs has been effective both in publicizing the extent of the problem and in pressing for reforms, and I say mindful that as a member of the committee my remarks may be considered less than unbiased.

But to vote to end the Nutrition Committee today would be interpreted by the poor as another example of quitting before the job is done—and I fear the poor would be correct.

I urge the Senate Select Committee on Nutrition and Human Needs be extended for another year, or more precisely, should be extended until all our hungry have access to an adequate diet.

COASTAL ZONE MANAGEMENT—S. 582

Mr. GRAVEL. Mr. President, I am pleased to cosponsor S. 582 which was introduced February 4, 1971. This is a much improved version of the bill introduced last year. It incorporates most of the recommendations made by the Coastal State Organization. My State of Alaska has an able member on the executive committee of the Coastal State Organization, Dr. Y. R. Nayudu.

This bill has special provisions for the Secretary of Commerce to develop broad national guidelines and sound policies. The bill provides an opportunity to the Governor and the executive branch of the State to develop a balanced coastal zone management plan and implement the program. These grants for planning and implementing programs give a greater incentive to the coastal State to develop programs without user conflicts.

The bill also provides a vehicle for the State government to develop programs for the coastal zone in close cooperation with local governments and regional organizations. It requires Federal Government programs to conform to plans established by the State and thereby strengthens the hand of the individual States in this field.

It is common knowledge that every Alaskan is proud of his State's natural endowments, such as the Continental Shelf and unique estuaries which are in a pristine condition there. Alaska has a continental shelf area of about 550,000 square miles, which is nearly 65 percent of the total U.S. Continental Shelf. The State has a coastline of 34,000 miles which is longer than that of the rest of the United States.

There is a definite threat to these two unique environments by the burgeoning oil industries, population growth, and the impact of recreation, which can lead to an indiscriminate exploitation of these environments. In order for the State's economy to expand in wise and orderly fashion without damaging the environment, this bill enhances the competence and capabilities to develop plans and implement programs for coastal zones.

A key feature of the bill is that it provides authority to the coastal States to set aside estaurine sanctuaries to function as field laboratories and to act as a data arm for the "Coastal Zone Management Agency."

Finally, the bill requires designation of a single agency by the Governor, to receive and administer grants. This agency has the responsibility to develop programs in ecological research (basic research), social, economic, legal, and political aspects of coastal zones for effective management with minimum conflicts among users.

In my opinion the bill is a necessary first step for progress.

ATTACK ON THE CAPITOL

Mr. FANNIN. Mr. President, this morning this building was the target of some senseless violence. There is no explaining the warped thinking which leads a person to the wanton destruction of people or property.

I believe the Evening Star editorial writers have summed up the feelings of many of us at this sad moment. An attack on the Capitol is not so much an attack on the Government as it is an attack on the people of our Nation. It is an attack, as the Star says, on:

This symbol of our finest aspirations.

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 Evening Star, Washington, D.C., Mar. 1, 1971]

BOMBING THE CAPITOL

No one has bothered for a long time to articulate on what the United States Capitol means to the American people. It has seemed too dependable a national fixture, perhaps, akin to Pike's Peak and the Mississippi River, so we give it little thought from day to day. But today we are thinking about it, because it has been desecrated in a mindless and cowardly act.

No doubt the person or persons who set off a bomb in the Capitol early this morning intended to provoke an avalanche of outrage. There has been some of that, but mostly the feeling is sorrow, that anyone would think of blasting this repository of national memories and, even in its antiquity, this symbol of our finest aspirations.

The power of that symbolism occurs to us today. The Capitol has weathered all the hurricanes since Mr. Lincoln's time; indeed his black-draped catafalque once rested in the rotunda, where the nearby explosion shattered the stillness this morning. Whoever did it was protesting something he referred to as "the Laos decision." But in bombing the Capitol he struck at the Emancipator, and at the whole line of public people of all persuasions who have given themselves for the nation. Some have lain under that dome in this generation, too, and the memory of them is treasured.

This is in fact a hallowed place. The building is not accountable for the wisdom or foolishness of these times. It stands for the best that we have been, and the best that we hope to become. So the citizen in Peoria has a feeling, largely unspoken except at a moment like this one, that when the sun gilds that dome in the morning there is still hope for the Republic.

The dome, of course, is still there and the building is not critically shaken. But this is a bad day for the person from the inlands who is here today for his first look at his Capitol. Perhaps there will be stiff restrictions on touring of the building now—no more leisurely meandering. Extremists exact their penalties in divers ways.

This one, or these, must be caught and punished. The full resources of the federal investigative agencies must be brought to bear. This madness cannot be allowed to flourish where the processes of freedom are still in full vigor.

IRA KAPENSTEIN

Mr. HUMPHREY. Mr. President, Mr. Ira Kapenstein, deputy chairman of the Democratic National Committee, and former Government official and Washington newsman, died of cancer early today in the George Washington University Hospital. He was 35 years old.

He was associated with the Democratic Chairman, Lawrence O'Brien, since 1965 and became the second ranking officer of the committee when Mr. O'Brien resumed the chairmanship in 1970.

During the Humphrey-Muskie campaign in 1968, Ira was executive assistant to Mr. O'Brien, who was chairman of the DNC and campaign manager. Mr. Kapenstein remained with the DNC until January 1969, when he became executive assistant to the president and then vice-president for administration of McDonnell & Co., Inc., a New York City investment, banking, and stockbrokerage firm.

Before joining the Humphrey campaign in July 1968, he was special assistant to the director of organization of the late Senator Robert Kennedy's presidential campaign from April to June 1968. He worked in Robert Kennedy's presidential primary campaigns in Indiana, Nebraska, Oregon, and California.

Mr. Kapenstein was with the Post Office Department from 1963 to 1968, serv-

ing on the senior management staff and on the special task force which developed the proposal for the Government Postal Corporation. He was first appointed to these positions by Postmaster General John Granowski.

From 1956 to 1963 Ira was a reporter, political writer, and Washington correspondent for the Milwaukee Journal. In 1965 he received the Postmaster General's Benjamin Franklin Award for outstanding achievement, and in 1968 he received the William A. Jump memorial foundation meritorious award for exemplary achievement in public administration.

Mr. President, Ira Kapenstein was genuinely admired by all his associates and warmly liked by all who knew him. His death is a personal loss to me and to many others in public life. Despite severe handicaps to his health, he courageously devoted each day of his life to public service. I am proud to have had Ira as a friend and associate, and I know how very proud of him are his family.

Democratic National Committee Chairman Lawrence O'Brien today said of his friend:

> To know Ira Kapenstein was a rare privilege in life. I have loved my intimate friend and wise counselor, a warm and understanding man of great courage. The country and the Democratic National Committee have lost a dedicated leader.

Mrs. Humphrey and I extend our heartfelt sympathy to Mrs. Betty Kapenstein, his wife, and to his fine sons, Joel, David, and James; to his mother Mrs. Alice Kapenstein, of Brooklyn, N.Y.; and his brother, Mr. Harry Kapenstein, of Philadelphia.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, if there is no further morning business. I ask that morning business be closed.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

PRIVILEGE OF THE FLOOR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that during the consideration of the various money resolutions on the Calendar today, the following personnel from the staff of the Committee on Rules and Administration be allowed the privilege of the floor throughout that consideration: Messrs. Gordon F. Harrison, John Coder, and Burkett Van Kirk.

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

Mr. BYRD of West Virginia subsequently said: Mr. President, there will be perhaps a few more members of committee staffs and clerks to Senators on the floor of the Senate today than would normally be the case, and this will be necessary because of the number of money resolutions which are going to be under consideration affecting the operations of committees. There are seats in the rear of the Chamber. I therefore ask that the Sergeant at Arms be instructed to see that staff personnel and committee personnel who have to be on the floor today, in the service of their Senators and committees, remain in their seats at the rear of the Chamber and avoid conversations as much as possible so as to relieve the Senate of as much confusion as possible.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered and the Sergeant at Arms is so instructed.

QUORUM

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

THE CALENDAR

The PRESIDING OFFICER. In accordance with the previous order, the Senate will proceed to the call of the calendar, commencing with Calendar No. 8.

ADDITIONAL EXPENDITURES BY THE COMMITTEE ON ARMED SERVICES

The Senate proceeded to consider the resolution (S. Res. 30) authorizing additional expenditures by the Committee on Armed Services for inquiries and investigations.

Mr. CANNON. Mr. President, this resolution would authorize the Committee on Armed Services to expend not to exceed $420,000 during the present session of Congress for an increase in investigations. During the past session, the committee was authorized to expend not to exceed $300,000 for the same purpose. The pending request covers a 13-month period as opposed to a 12-month period last year.

The Committee on Rules and Administration has reported Senate Resolution 30 with no reduction in the amount requested. The Chairman of the Committee on Armed Services is the Senator from Mississippi (Mr. STENNIS) and the ranking minority member is the Senator from Maine (Mrs. SMITH). The Senator from Mississippi (Mr. STENNIS) is also Chairman of the Preparedness Investigations Subcommittee which would utilize the funds. The Senator from South Carolina (Mr. THURMOND) is the ranking minority member of that subcommittee.

Mr. ELLENDER. Mr. President, I should like to make a general statement pertaining to all the resolutions that will be considered today.

As many Senators know, for many years now, I have been trying diligently to prevent the proliferation of these subcommittees or special committees. It was my belief when the 1946 Reorganization Act was passed by the Senate, there would be a change for the better. Under that act, we recall, the number of standing committees in the Senate was reduced from 38 to 15. It was further provided that each standing committee would have a staff of four professionals and six clericals, making a total for the then existing 15 standing committees of 150 employees.

As time went on, the Small Business Committee, which was a special committee, was added and placed in the same category as the 15 standing committees for staffing purposes. Recently, we took on another standing committee, which relates to veterans affairs. That proposal had been before the Congress for quite some time and Congress finally consented to the creation of that special committee.

Mr. President, I have never objected to legitimate hearings or investigations, but as I understood the Reorganization Act of 1946, we provided for an adequate number of men and women as clericals and professionals. We thought at that time that the number would be sufficient for the reason that we created in the Library of Congress a special Legislative Reference Service headed by specialists in finance, in agriculture, and every facet of life the Congress deals with.

Now the purpose of creating that special bureau in the Library of Congress was to provide for the staffs of each committee a place where they could work and obtain any desired information on any subject.

It seems that few of the committees took advantage of that Reference Service. Instead, the Senate got into the habit of creating special committees and subcommittees in order to hold hearings on problems that were facing us. Many of these subcommittees supposedly were created for a year or two, but we now have some that have been in existence almost 20 years. I have concluded that there is nothing more permanent than a temporary subcommittee in the Senate, especially the one dealing with juvenile delinquency.

I can well remember that former Senator Hendrickson of New Jersey, who was the author of the resolution that

created this special subcommittee, assured the Senate in 1953 that by the expenditure of $44,000 for 1 year, he could obtain all the information necessary to help the Senate deal with the problems of juvenile delinquency.

Next year he came back and requested, not $44,000, but $175,000. The record shows that he assured the Senate that the amount would be sufficient to allow the subcommittee to wind up its business and provide the Senate with a final report.

For the benefit of Senators, this subcommittee has been in operation since 1953. It is still going strong. It looks as though the more money we spend on child delinquency, the more delinquency we have.

This subcommittee first started on the basis of the proposition that they could get through and get all of the information necessary by the expenditure of $44,000. The subcommittee has spent $3,156,659.82 in its investigation, and it is proposed here to give it an additional $308,300. It is still going strong.

I wonder if we should continue the existence of such a subcommittee. I do not see what good it does.

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

Mr. ELLENDER. I yield.

Mr. CANNON. Mr. President, $308,000 is the amount the Committee on Rules and Administration approved. Actually more was requested. We reduced the request by $15,000. They originally requested $323,000 for this year.

Mr. ELLENDER. Mr. President, I wonder why the committee did not do away with the subcommittee entirely. It strikes me that they ought to justify their existence.

I realize what I am up against with so many subcommittees. There is a lot of back scratching, logrolling, and "you help me and I will help you."

I do not expect that much can be done on the Senate floor. However, I hope to point up for the Senate what is happening.

Mr. CANNON. Mr. President, we have been trying, or I have been trying at least, in the Committee on Rules and Administration to take a close look at some of these subcommittees when they come before us. I am sure that the Senator will recall, since he has said how difficult it is to get rid of a committee, that we carried one committee for 8 years with assurances each year by the chairman of the committee that that year would be the last request for money for further activity. They said that they would be able to close out their business in the one more year. If my recollection is correct, I think that committee went on for 8 years, after assurance each year that it would be for one more year. We finally did get rid of it. But that is the only one that I recall specifically in the 12 years I have been a member of the Committee on Rules and Administration that we have been able to get rid of one. Fortunately, we did get rid of that one.

Mr. ELLENDER. It strikes me that the Senate ought to be willing to get rid of a subcommittee that was created in 1953, which has spent up to now over $3 million for no real good.

Mr. President, as I indicated at the beginning, when the Senate enacted the Reorganization Act of 1946, we provided for 150 regular employees, which I thought at the time was ample. However since that time we have created subcommittees of these committees and special committees, so that today we have in the Senate an employment load of investigators of 807 people—professionals and clericals.

No wonder there is a cry now to build a new Senate Office Building. If we keep on adding to the number of employees we now have, I do not know where we will place them unless we enlarge the Senate Office Building or rent a place or buy a new place adjoining the Senate Office Building.

I understand that in anticipation of these subcommittees being renewed for another year, a movement has been started to occupy the old Plaza Hotel which has been taken over by the Government. That building will cost a lot of money to repair and to make livable so that these committees can meet.

Something ought to be done about this. Just think about the amount of money we have been spending from year to year on these special subcommittees.

I have the figures before me for the amount authorized for special investigations during past Congresses. In the second session of the 88th Congress, the amount was $4,323,333, an increase of $396,000 from the previous year. During the first session of the 89th Congress we increased the amount from $4,719,600 to $5,391,000, or an increase of $671,400. During the 90th Congress, there was an increase of $472,100. During the 91st Congress there was an increase of $896,000. The amount for this Congress, the 92d Congress, tops all previous amounts. For the first session there is an increase of $2,282,000 in order to continue these special committees.

Mr. President, I ask unanimous consent that a table I have prepared, showing these increases be included in the RECORD at this point.

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

INCREASE IN INVESTIGATIVE AUTHORIZATIONS BY SESSION OF CONGRESS

	Amount	Increase
88th, 1st session	$4,323,333	
88th, 2d session	4,719,600	$396,267
89th, 1st session	5,391,000	671,400
89th, 2d session	5,798,800	407,800
90th, 1st session	6,270,900	472,100
90th, 2d session	6,543,900	273,000
91st, 1st session	7,440,000	896,100
91st, 2d session	9,595,800	2,155,800
92d, 1st session	11,878,150	2,282,350

Mr. ELLENDER. I grant that many of them do a good job. Those should be continued. It strikes me, though, that we should do away with some of them or reduce the amount that is being requested. I am very hopeful that the Senate will take heed of what I am saying. There seems to be no end to what is being done now by way of employing more people, and the number grows from year to year.

One thing that the amendment of the Reorganization Act of 1946 did was to increase the number of professionals for each standing committee by two. Every standing committee of the Senate is now empowered to employ, not four professionals, but six professionals. It strikes me that the Committee on Rules and Administration should have taken that into consideration when they extended and increased the number of employees for these committees, but it did not.

I am very hopeful that as we go along something can be done about it. If I had my hat on my head I would take it off to the Senator from New Mexico (Mr. ANDERSON), because he is the only one who did not ask for an extension of the special investigations authorizations for the Committee on Aeronautical and Space Sciences. Apparently, he is satisfied with the two additional specialists that were made available by the Senate when the 1946 act was amended last year.

I have been a member of the Committee on Agriculture and Forestry for over 34 years. Since I have been on that committee it has never had special subcommittees to make special investigations. As chairman of that committee, I used the Library of Congress whenever we needed any information. Instead of hiring four professionals I hired two people, one good lawyer and one good economist. If I had employed two lawyers and two economists, they would be passing the buck to each other and they rarely would be in agreement, one with the other. I believe that is part of the trouble in Government today. We have too many people dependent one upon the other, and when the day is over we see that the work is not done. We have too many people on the payroll.

Mr. President, I have followed the practice which I have mentioned ever

since I have been the chairman of the Committee on Agriculture and Forestry. I am proud to say that my successor, the Senator from Georgia (Mr. TALMADGE) has increased the number of the professional staff on the Agriculture Committee by only one. I was going to do that for special programs such as watersheds, and things of that nature, for the committee had previously empowered me to select someone to do that work. I tried, but I did not succeed in finding someone to proceed with the job. The Senator from Georgia found a good man and he placed him in that position, with the consent of the committee.

Mr. President, it strikes me that if we made some investigations as to the employees on these special subcommittees we would find a good many of them do not lift a hand in their work. Some of them are sent into the States to do political work for their Senators. That practice should be stopped. The only way I see to stop it is to try to do it now. Instead of giving all the funds asked we should cut back on them, and that is what I propose to ask this morning.

Mr. President, there is much more I could say on this subject but I do not care to do so now. I have done so in the past. However, I wish to make one additional observation. This is another thing that I am sure the Committee on Rules and Administration did not look into and they should have. In addition to the two specialists that have been added to each standing committee by past laws enacted by this Congress, 12 additional employees have been added to the Committee on Finance. They have added five additional employees to the Committee on Foreign Relations.

Mr. CANNON. Six.

Mr. ELLENDER. They have added six additional employees. In the Committee on Government Operations one additional employee has been added. In addition to all the employees they already have in the Committee on the Judiciary there have been added two professionals and three clericals.

Notwithstanding the fact that much of the work that was done by the Committee on Labor and Public Welfare has now been transferred from that committee to the newly formed Committee on Veterans' Affairs, instead of reducing the number of people on that committee, the number has been increased. Not only were two given by the amendment to the Reorganization Act of 1946, but 18 others have been added by past amendment of the statutes. That does not include the 58 special employees on the payroll. On the Committee on Labor and Public Welfare there is a total of 88 people. I think that is shameful. I do not see how they can get work out of all those people except perhaps by passing the buck from one to another. The Senate ought to do something about these things.

Let us take the Judiciary Committee. All Democrat Senators are assigned to at least one committee; two or three of them have subcommittees. They may be important; I do not deny that. But I am confident that they could do with fewer employees and get more work done. That is what I am suggesting. We ought to cut back. That is what I believe the Rules Committee should have done, but somehow they did not do it. The number of employees in the Judiciary Committee has increased from 175 to 186, and the total is 198. In other words, there has been a large addition to that committee. I simply think, and I repeat, that something ought to be done to correct this condition. The way to do it is by amendment, and I hope to offer amendments as we go along.

Consider the Committee on Post Office and Civil Service. That committee has seven fewer employees, but 10 special employees who were added in the past are still there. Last year, during the closing days of the session of Congress, we took away from that committee the fixing of salaries for all civil employees. That is out. They have nothing more to do with the Post Office. The special employees were added for that purpose. Yet there are still on that subcommittee 10 employees aside from the regular employees. It is my belief that the committee should be able to handle all of its work with the six specialists that are provided under the Reorganization Act, as amended.

I am wondering why the Committee on Rules and Administration did not take that into consideration. Evidently it did not.

Over my protest, during the closing days of the session last December, a special Commission was created to fix the salaries of classified employees in the Government. That Commission was under the control of the President, and it is the President who now fixes those salaries.

The workload of that committee has been decreased to a point where I am satisfied that the six specialists and the six clericals, we now have under the new Reorganization Act should be an ample staff to handle all the matters dealing with Post Office and Civil Service. Yet, we now see a request to reinstate or extend the life of the special employees and also retain on the payroll the professionals employed by that committee. Most of that work has been taken away by reason of the creation by Congress of the huge corporation to take over the Post Office. There is no earthly reason why those persons should be retained except to keep them on the payroll for reasons of patronage. I am very hopeful that in that area we can at least do something to correct the situation.

As I stated previously, the investigating funds for the Committee on Aeronautical and Space Sciences have been cut out, and that committee will now operate with the 12 employees provided for under the recent Reorganization Act—six professionals and six clericals. I am happy that the chairman of that committee, the distinguished Senator from New Mexico (Mr. ANDERSON), has looked into that situation and is not asking for more personnel. It means that a subcommittee consisting of seven employees has been done away with. I was hopeful that other committee chairmen would follow the same practice.

The pending resolution provides for four new employees. Those four would be in addition to the two who were added by the Reorganization Act of last year, under which, as I have said each standing committee is empowered to employ two additional specialists. The amount asked for this year is $420,000, $75,500 more than provided last year.

I would have no quarrel if the committee could proceed with the same number of employees it had last year and would use the additional two who are employed on the standing committee. I think that number would be ample.

If we were to add the amount for the 13th month, the increase for that 1 month is about $80,000. We could cut from this resolution at least $65,000 to $75,000. That, in my mind, would be a good beginning.

I know that my good friend the Senator from Mississippi (Mr. STENNIS) is a hard worker. He has some good help on the regular committee; there is no doubt about that. With the two additions that he has on the regular committee, it strikes me that he could easily make do with the same number of employees he had last year and thereby try to save the taxpayers in the neighborhood of $70,000. I should like to move to amend the resolution so as to provide for the same number of employees who were on the payroll last year and in addition provide the 6-percent increase in salaries, and also the amount necessary for the 13th month.

It strikes me, with the suggestion I have made because of the two additional employees, that the money provided last year ought to be ample, and that would mean a saving of the amount I have just indicated.

The PRESIDING OFFICER. Does the Senator have in writing an amendment that he wishes to offer?

Mr. ELLENDER. I do not, but I can provide it.

The PRESIDING OFFICER. The Senator made reference to the fact that he was offering some documents for inclusion in the RECORD. Is that the table from which he was reading?

Mr. ELLENDER. Yes.

The PRESIDING OFFICER. Is there objection?

Mr. ELLENDER. I intended to place that in the RECORD at the end of my remarks, because I expect to use it as I go along, but it might be best to put it in the RECORD at the most convenient place.

The PRESIDING OFFICER. The Chair thanks the Senator.

Mr. ELLENDER. I ask unanimous consent that that be done.

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

U.S. SENATE, COMMITTEE ON RULES AND ADMINISTRATION, SENATE INQUIRIES AND INVESTIGATIONS, 92D CONG., 1ST SESS.

Committee Print No. 2, Feb. 19, 1971]

Calendar No.	92d Cong., Res. and Sec. No.	Committee and purpose	91st Cong., 2d sess.[1] Amount authorized by Senate (12 months)	Amount expended (12 months)	Unexpended balance (Jan. 31, 1971)	92d Cong., 1st sess.[2] Amount requested (13 months)	Difference between 1970 authorization and 1971 request	Excess over 6 percent pay increase on 13-month basis	Amount of Rules Committee amendment	Amount reported by Rules Committee	Amount authorized by Senate[3]	Committee employees: Permanent[4]	Investigative[5] 1970	Investigative[5] 1971	Investigative[5] Difference	Total, 1971 (projected)
		All committees	$10,051,270	$8,607,379.61	$1,443,890.39							278	498	529	+31	807
		Appropriations Committee[6]	455,470	212,025.30	243,444.70							30	8	10	+2	40
		All other committees	9,595,800	8,395,354.31	1,200,445.69	$11,973,650	+$2,367,850	+$1,001,096	−$95,500	$11,878,150		248	490	519	+29	767
		Aeronautical and Space Sciences	40,600	27,491.38	13,108.62	0	−40,600					12	4	0	−4	12
		Agriculture and Forestry										12				12
		Appropriations. (See above.)														
8	S. Res. 30	Armed Services	300,000	262,470.72	37,529.28	420,000	+120,000	+75,500	0	420,000		12	11	15	+4	27
9	S. Res. 29	Banking, Housing and Urban Affairs	310,000	302,241.18	7,758.82	330,000	+20,000	−25,984	0	330,000		12	15	14	−1	26
	Section 3	Genera	150,000	145,308.45	4,691.55	150,000	0	−22,250	0	150,000			7	7	0	
	Section 4	Housing and urban affairs	160,000	156,932.73	3,067.27	180,000	+20,000	−3,734	0	180,000			8	7	−1	
10	S. Res. 25	Commerce	859,000	805,686.34	53,313.66	1,233,800	+374,800	+247,381	0	1,233,800		12	41	54	+13	66
11	S. Res 24	District of Columbia	133,100	127,255.06	5,844.94	155,850	+22,750	+3,007	0	155,850		12	10	10	0	22
		Finance										24				24
12	S. Res. 26	Foreign Relations	300,000	266,393.70	33,606.30	325,000	+25,000	−19,500	0	325,000		18	18	15	−3	33
13	S. Res. 31	Government Operations	1,098,000	954,770.01	143,229.99	1,582,200	+484,200	+321,330	0	1,582,200		13	49	63	+14	76
	Section 2	Consultants				10,000	+10,000	+10,000		10,000						
	Section 4	Permanent investigations	688,000	566,619.21	121,380.79	821,000	+133,000	+30,945	0	821,000			27	31	+4	
	Section 5	National security operations	105,000	94,982.71	10,017.29	205,000	+100,000	+84,425	0	205,000			5	7	+2	
	Section 6	Intergovernmental realtions	155,000	144,867.15	10,132.85	257,200	+102,200	+79,210	0	257,200			9	12	+1	
	Section 7	Executive reorganization and Government research	150,000	148,300.94	1,699.06	289,000	+139,000	+116,750	0	289,000				13	+5	
14	S. Res. 34	Interior and Insular Affairs	180,000	171,431.00	8,569.00	200,000	+20,000	−6,700	0	200,000		12	10	10	0	22
15	S. Res. 32	Judiciary	3,245,100	2,955,662.90	289,437.10	3,941,800	+686,700	+215,342	−80,500	3,861,300		17	175	181	+6	198
	Section 3	Administrative practice and procedure	246,000	209,146.85	36,853.15	335,500	+89,500	+53,010	−10,000	325,500			14	15	+1	
	Section 4	Antitrust and monopoly	673,000	616,008.03	56,991.97	788,100	+115,100	+15,271	−10,000	778,100			31	31	0	
	Section 5	Constitutional amendments	180,700	179,341.71	1,358.29	248,500	+67,800	+40,996	−20,000	228,500			10	11	+1	
	Section 6	Constitutional rights	240,000	218,641.66	21,358.34	280,000	+40,000	+4,400	0	280,000			14	14	0	
	Section 7	Criminal laws and procedures	152,000	133,579.32	18,420.68	210,000	+58,000	+35,454	0	210,000			8	9	+1	
	Section 8	Federal charters, etc	9,500	4,692.56	4,807.44	9,500	0	−1,409	0	9,500			1	1	0	
	Section 9	Immigration, naturalization	213,500	193,991.83	19,508.17	243,500	+30,000	−1,670	0	243,500			10	10	0	
	Section 10	Improvements in judicial machinery	230,200	208,338.22	21,861.78	259,400	+29,200	−4,947	0	259,400			16	16	0	
	Section 11	Internal security	555,000	525,374.26	29,625.74	620,000	+65,000	−17,325	0	620,000			27	27	0	
	Section 12	Juvenile delinquency	257,500	245,129.22	12,370.78	323,300	+65,800	+27,604	−15,000	308,300			17	17	0	
	Section 13	Patents, trademarks, etc	132,000	116,635.65	15,364.35	140,000	+8,000	−11,580	0	140,000			6	6	0	
	Section 14	Penitentiaries	35,000	12,889.64	22,110.36	74,900	+39,900	+34,709	−15,000	59,900			3	3	0	
	Section 15	Refugees and escapees	134,900	133,017.48	1,882.52	165,500	+30,600	+10,590	−10,500	155,000			8	10	+2	
	Section 16	Revision and codification	55,800	53,703.47	2,096.53	63,600	+7,800	−477	0	63,600			3	3	0	
	Section 17	Separation of powers	130,000	105,173.00	24,827.00	180,000	+50,000	+30,716	0	180,000			7	8	+1	
16	S. Res. 35	Labor and Public Welfare	1,235,000	934,829.18	300,170.82	1,540,000	+305,000	+121,809	0	1,540,000		30	55	58	+3	88
	Section 3	General	720,000	627,292.41	92,707.59	1,065,000	+345,000	+238,200	0	1,065,000			36	43	+7	
		Cancer research	250,000	120,080.41	129,919.59	0	−250,000	−287,083					8	0	−8	
	Section 4	U.M.W. election; pensions, etc	265,000	187,456.36	77,543.64	475,000	+210,000	+170,692	0	475,000			11	15	+4	
17	S. Res. 21	Post Office and Civil Service	275,000	243,286.12	31,713.88	225,000	−50,000	−90,790	0	225,000		13	17	10	−7	23
18	S. Res. 22	Public Works	435,000	384,670.48	50,329.52	600,000	+165,000	+100,475	0	600,000		12	21	28	+7	40
19	S. Res. 28	Rules and Administration	150,000	78,620.76	71,379.24	113,000	−37,000	−59,250	0	113,000		13	7	5	−2	18
		Veterans' Affairs										12				12
20	S. Res. 19	Small Business (Select)	175,000	149,316.92	25,683.08	153,000	−22,000	−47,959	0	153,000		12	9	7	−2	19
21	S. Res. 49	Equal Educational Opportunity (Select)	375,000	293,101.06	81,898.94	494,000	+119,000	+63,375	−15,000	479,000			17	18	+1	18
22	S. Res. 23	Nutrition, Human Needs (Select)	246,000	204,258.88	41,741.12	280,000	+34,000	−2,490	0	280,000			13	13	0	13
23	S. Res. 27	Aging (Special)	239,000	233,868.62	5,131.38	380,000	+141,000	+105,550	0	380,000			15	15	0	15
		Standards, Conduct (Select)[7]											3	3	0	3

[1] Senate investigative year 1970—Feb. 1, 1970–Jan. 31, 1971.
[2] Senate investigative year 1971—Feb. 1, 1971–Feb. 29, 1972.
[3] Date authorized.
[4] Information on permanent staffs of Senate committees is as follows.

Regular permanent staff: Standing Committees.—Except for the Committee on Appropriations, all standing committees of the Senate are authorized by sec. 202 (a) and (c) of the Legislative Reorganization Act of 1946, as amended, to employ a regular staff of 6 professional staff members and 6 clerical assistants. The total maximum annual compensation authorized thereby, at current salary rates, is $331,608 per committee. Appropriations Committee.—The Appropriations Committee is authorized by sec. 202(b) of the Legislative Reorganization Act of 1946, as amended, "to appoint such staff, in addition to the clerk thereof and assistants for the minority as * * * by a majority vote [it] shall determine to be necessary." Select committee on Small Business.—The staff privileges of standing committees (6 professional and 6 clerical) were extended to the Select Committee on Small Business by Public Law 759 of the 81st Cong.

Additional permanent staff: Additional permanent staff members authorized by the Senate for its standing committees are shown in the following table:

Committee	Additional permanent staff members authorized	Authority: Resolution No.	Authority: Congress	Authority: Date	Total maximum gross compensation †
Finance	6 professional	S. Res. 224	89th	Apr. 20, 1966	$283,392
	6 clerical	S. Res. 66	91st	Feb. 17, 1969	
Foreign Relations	2 professional, 3 clerical	S. Res. 30	86th	Feb. 2, 1959	141,696
	1 professional	S. Res. 247	87th	Feb. 7, 1962	
Government Operations	1 professional	S. Res. 355	85th	Aug. 18, 1958	32,718
Judiciary	2 professional, 3 clerical	S. Res. 66	81st	Feb. 17, 1949	108,978
Labor	1 professional	S. Res. 253	88th	Feb. 10, 1964	425,088
	1 assistant chief clerk, 7 professional, 9 clerical	S. Res. 74	90th	Feb. 20, 1967	
Post Office	1 clerical	S. Res. 14	89th	Feb. 8, 1965	14,514
Rules	1 professional	S. Res. 342	85th	July 28, 1958	32,718
Total	44 staff members				1,039,104

† At current salary rates.

‡ The figures on investigative staff are from budget estimates supplied by the committees themselves.

§ The Appropriations Committee has a permanent authorization for funds for inquiries and investigations (S. Res. 193, 78th Cong., Oct. 14, 1943), which funds are provided by the annual legislative appropriation acts.

¶ The Select Committee on Standards and Conduct, established by S. Res. 338, agreed to July 24, 1964, has permanent authority to expend funds to employ such staff personnel it deems necessary.

Mr. ELLENDER. This document shows the entire membership, in number, of the staffs of all of the standing committees, and also those of the special committees and the subcommittees of the standing committees. It is very revealing.

As I indicated awhile ago, the amount has been increased by a greater sum this year than ever before—more than $2 million. These totals are astounding to me. I am very hopeful that we can obtain assistance from the Rules Committee as well as from the Senator from Mississippi (Mr. STENNIS), who is chairman of the Armed Services Committee.

Mr. STENNIS. Mr. President, I highly commend the Senator from Louisiana for his great vigilance and his very reasonable approach and reasonable request regarding these allowances.

Mr. President, I ask the attention of those who are interested, to give me a chance just to point out the differences in this request, as compared with that of the 90th Congress, for example.

First, though, the money provided here for this Preparedness Investigating Subcommittee goes for the most part to pay the salaries of men who do a great deal of work on the legislative problems of the full committee, which is now divided into subcommittees that conduct very searching and penetrating hearings on this mass program of weapons procurement.

For instance, during the last 2 years we have gone in depth into this $7.5 billion request for research and development. That had not been gone into in depth before. We have had to employ one man whose sole duties are devoted for this purpose and another man who will assist in the effort, among other duties, to get an intelligent approach and consideration of it. They are highly competent and well trained; they are not pickups, they are not from anyone's State as such, and they are doing an excellent job under the direction of the Senator from New Hampshire.

When those men are not tied up with those hearings, they help out somewhat on this preparedness investigating work. Furthermore, since the 90th Congress, we have gone into a detailed study and examination, not only of research and development, but of all the major parts of this military procurement bill.

Mr. President, I believe these facts are worthy of the interest of Senators. We found before us last year an authorization bill on these items I have just been mentioning that was in the neighborhood of $20 billion, representing about a 6-percent reduction, and all of the items in there were examined in detail by our staff and by Senators, and we filed a report consisting of 121 closely printed pages. With all deference, I think that is the most complete analysis of a procurement bill that has been filed in the Senate, certainly for many years, and many Senators, including those who opposed some of these items, told me and the other members of the committee that they greatly appreciated the work that had been done behind this report, and the trouble and effort involved in putting it together, for which many long days and many long nights were required.

That procurement bill itself, Mr. President, in round figures, involves approximately twice as much as the authorizations for all the other departments of the Government; that is, authorizations which are required as a condition precedent to an appropriation. In other words, this fairly small staff, on that one procurement bill alone, covered a greater amount of authorization than all the rest of the Government departments put together last year—in fact, as I say, twice as much. I have the actual figures here.

The total amount for research and development, tests and evaluation, procurement, and military construction and the items that come under it, for the Defense Department, amounted to $25.2 billion. All other authorizations for that year: $12.7 billion. That is almost exactly twice as much. That was for fiscal 1970.

For fiscal 1971, $22.4 billion for those bills; for all others, $11.9 billion. Again, that is almost identically 2 to 1.

For fiscal year 1972, there will be items totaling $24 billion to be examined; for all other departments, $14.1 billion.

That shows the magnitude and the immensity of these problems. We tried to identify those items and give an explanation of them in this bill.

Another thing that has changed since the 90th Congress: These procurement bills for the last 2 years were debated here on the floor of the Senate for 6 weeks. No filibuster, no delay, no interruptions, but 6 weeks of actual, honest debate, exchange of views, and testing of strength.

We had last year, I believe, more than 25 rollcall votes. We had more than 20 rollcall votes on major items of contest. Still, we are asking for only three more men than we had in the 90th Congress.

Mr. ELLENDER. Mr. President, will the Senator yield at that point?

Mr. STENNIS. I yield.

Mr. ELLENDER. According to the Rules Committee's records, he has four new positions, and he has two more under the Reorganization Act amendments adopted last year.

Mr. STENNIS. Well, here are the figures. I can assure the Senate that we have a net increase of only three more men than we had in the 90th Congress. Now, there is a spot here; the money is in here for a fourth man that we may need. I shall explain that later.

The difference in these figures is due to the fact that we had two men last year on a reimbursable basis, who did not show up in the column on number of employees. We had the money in the bill for them, but under the law they were still carried on the rolls of the General Accounting Office. The General Accounting Office paid them, but we reimbursed for them.

This year, we have no one on a reimbursable basis. One of those gentleman went back to the General Accounting Office, and the other is one whom we have employed permanently, in the nature of an auditor and checker on procurement on these immense accounts, keeping a monthly check on them. That is a second item that is different than during the 90th Congress.

We now have working all the time on these immense contracts a man directly from our own staff, over whom the committee has control, of course. He is working for us, and that is proving to be a very effective and very fine look-see and overview arm for the committee. He is a very prominent man, one of the best and most experienced men in this field that the General Accounting Office had.

I want to be frank with the Senate. I think we will probably need additional men during the current fiscal year—I mean this 13-month period. We may need them in the field of auditing. I have an arrangement with the General Accounting Office that if we ask for them, we can get some of their men who are versed in this field to help our staff member along this line, and we will get them on a reimbursable basis.

Let me emphasize that these are all professional men. Not one has been put on who is from Mississippi. In fact, on the preparedness staff and the regular staff is not one person from my State. Except for one man there is no one from my State on the subcommittee staff and he was here long before I became chairman of the committee.

We are trying to do a professional job for every Member of the Senate.

Incidentally, I am authorized by the Senator from Maine, the ranking majority member of the Committee on Armed Services, who cannot be in the Chamber at this time, to say that she supports this request throughout, and she supports that part which says we may have to ask the Senate for more money, depending on the circumstances we may get into.

In a broad sense, I think that covers this matter.

I commend the Senator again for his diligence and his interest in this matter. We need the influence of his being on the floor of the Senate.

I can go a little more into the details. The budget we have now is the same as that of last year moneywise, except for the things that I will develop in particular.

Included in the sum we request is the recent 6-percent increase for the full 13-month period. The personnel costs are, therefore, approximately $351,000 and will all be used, except for $30,000 which will be available as a personnel contingency in the event we need additional people in the course of the year. In other words, except for the $30,000, this $351,000 is needed to pay the people we now have on board.

The other portion of this small budget is for administrative expenses covering such matters as contributions to the civil service fund, $26,000; health program, $3,400; reporters' fees, $7,750; contingency and administrative expenses, $15,000. We have consultants down now for $5,700. I am planning to use consultants, if we can find any who meet the requirements. Some we have used only slightly. Group life insurance is $2,400. That brings it down to almost a minute bill of particulars, as to where this money is expected to go.

Another thing that I think should be mentioned in a little more detail, as compared with the situation in the 90th Congress, is this: With respect to the report of 121 pages that is filed with our procurement bill, we expect to do that in greater detail this year—certainly as complete. That is an extraordinary document, if I may say so, for reference not only by Senators, but also by many interested people throughout the Nation, including the press.

In my considered judgment, we will have approximately 40 percent more work to do in this committee this year than we had last year. It is based primarily on these two considerations: The first is the reenactment of the draft. That law will expire on June 30, and I do not know what contests we are going to have on it. I know it is a difficult proposition. The staff has been working on it since last September, and I have, too. I went around the country to some of the military installations. We have three bills before us. One not only would provide that there would be no power to draft anyone but also would repeal all the selective service laws.

The President and the entire administration are working for a so-called volunteer Army, which I am afraid will get the people confused, even get Congress confused, and make it more difficult to pass a meaningful Selective Service Act. I am being frank about it.

We have another requirement that we have to bring in recommendations for the personnel—there is no more complicated subject in all of Government than personnel—for the Marine Corps, for the Reserves, for the Army, for the Navy, and for the Air Force, during these troublesome times. We do not know the extent, but we have been working on them since November, and there are a great many complications. That in itself, this personnel matter, will involve approximately $20 billion, and the Senate is expecting something definite, a positive recommendation, in figures, with reasons assigned. That is no small undertaking.

I appreciate the sentiments of the Senator from Louisiana. That is my explanation.

Mr. ELLENDER. Mr. President, I wish to point out to my good friend, the Senator from Mississippi, that he did all the work he said he did last year, and we appropriated $300,000 for that purpose. He used only $262,470.72. $37,329.29 was returned to the Treasury. That is what prompted me to offer this amendment.

The amount we are now providing will give this subcommittee—I am saying "subcommittee" now, not the full committee—$352,020. In other words, we are giving this committee more than $80,000 more than they got last year.

The Senator is going to have a good many more people on the staff than he had last year, and more money to spend. I am not trying to subtract from what he had last year.

The amendment I have presented to the Senate will give the Senator more money than he spent last year. In addition, on the regular committee, he is going to have these two extra professionals, who cost the Senate approximately $65,000. I think those two professionals could easily be put to work instead of adding more to the subcommittee.

Those are the things I believe should have been looked into by the Rules Committee, rather than precipitating this debate on the Senate floor.

As I have said, the number of people the Senator had last year will be about the same, if we take into consideration the two who are added to the regular committee.

It seems to me that the Senator from Mississippi ought to be willing to accept this amendment, because it gives him more money than he spent last year. We gave him all he asked for last year. I am sure he made the same arguments last year that he has made this year; yet, he did not spend all we gave him last year. He had $37,000 to spare.

As I said, the amendment I set forth and sent to the desk will give this committee $352,000 altogether, which is much more than last year. I am sure that the committee should be able to get along with that and do the work he said should be done.

Mr. CANNON. Mr. President, in response to the Senator from Louisiana, I want to make it clear that the Committee on Rules and Administration did go into these matters that he discussed and suggested we should have gone into. We went into them. We heard the testimony from the witnesses. We considered the jobs that have to be done.

I may say that I am sympathetic to the position of the Senator from Louisiana. I voted with him last year in the last session to make some reductions, and I expect that I shall probably do so again this year, even though I am in the embarassing position of having to defend the position of the full Committee on Rules and Administration here in proposing these resolutions.

We were impressed by the fact that the Armed Services Committee, as the Senator from Mississippi (Mr. STENNIS) has pointed out so well, exercises jurisdiction over expenditures and authorizations over such a tremendous amount in the Federal budget, more than any other committee in Congress, an amount requested to carry out their responsibilities of $420,000. There are five subcommittees on the standing committees that have requested over $1 million, or up, to carry out their duties. From the standpoint of protecting the taxpayers' money and the authorization of these expenditures, and seeing that the money is well authorized prior to expenditure, I felt, and the remaining members of the Committee on Rules and Administration certainly felt that the request of the Armed Services Committee was a reasonable request.

It is not $80,000 or more in excess of last year's request as the Senator from Louisiana suggested. The actual amount is $75,500 more than the amount requested last year.

The Senator from Mississippi stated that he is carrying out additional duties this year with the Preparedness Subcommittee, that he will be carrying out duties with the Research and Development Ad Hoc Subcommittee, the Tactical Air Power Ad Hoc Subcommittee, the Stockpile Subcommittee, and many other subcommittees of the Armed Services Committee, trying to conserve the Federal budget and Federal dollars.

We believe that this money would be well spent, particularly when we look at the frugality of the request as compared to many others from committees in Congress that do not have comparable jurisdiction.

The PRESIDING OFFICER (Mr. ALLEN). The Senator from Louisiana offered his amendment orally. He has now sent his amendment in writing to the desk, which the clerk will state.

The assistant legislative clerk read as follows:

Page 3, line 4, strike out the numeral and insert "$352,020."

Mr. ELLENDER. Did the committee consider the fact that last year the Armed Services Committee was allotted $300,000 and used only $263,000 so that there was a balance of $37,000 remaining? The fact is, and I repeat, we are providing $80,000 more than was spent last year and that, it seems to me, is ample money to provide for those necessary to do the work.

In addition to that, as I said, there are two professionals for which $65,000 was set aside to employ them for that purpose. That, in itself, is sufficient to conduct all the work of the committee as outlined by my good friend from Mississippi.

Mr. CANNON. I would simply say that we did consider that and we felt that the Senator from Mississippi made a good case. He pointed out that the two people employed were on loan from the Comptroller General's office, that they would not be used this year, and that a permanent staff of people will be placed on the committee. This, in itself, is a more expensive item. In addition, he has the possibility of one more person, as he testified—of three rather than four—over and above the permanent people put on to carry out the duties of the subcommittee. In addition, he may have to go out for additional accounting type of assistance from the Comptroller General's office.

Mr. ELLENDER. That is done, is it not, by the GAO which is an arm of Congress?

Mr. CANNON. Yes, but the committee reimburses for such assistance when it is used. We did reimburse from the Armed Services Committee last year. We are going to employ two permanent personnel this year to replace the two temporarily used. If he uses them, it will be over and above those two permanent personnel.

Mr. STENNIS. Mr. President, we are going to have a vote on this resolution in a few minutes' time probably, but let me say this in addition, and for emphasis, talking about the money being left over, that we have always turned back money every year. We have turned back some of this money. We are going to do that again, if we can.

Do not worry about the money being thrown away or something like that. It will not be spent unless it is necessary, which I think is an answer to some of the figures.

On the reimbursables mentioned by the Senator from Louisiana, he will understand that in getting this procurement contract surveillance setup, we had these men from the GAO full time under our direction. They were responsible only to us, and not to anyone else. They did institute this system for us in a very fine way. We did not have one of them all of last year. That is one reason why we could turn back in this much money. We had to have some special work done at the Library of Congress on the Selective Service Act and they gave us on a reimbursable basis for about 3 months, as I remember, a very fine analyst and a research director. We want a little money in here to do things of that kind, if necessary. As I have explained, this whole $351,000, except for this $30,000 for possibly an extra man—and I am not thinking of anyone at that rate now—is explained by the absolute demand for the money, because it will cost that much to pay those whom we have on the board now.

With the greatest of deference to the Senator from Louisiana, this work cannot be done at $351,000—not any longer. But, anyway, if the committee is going to pass and make recommendations to Congress concerning $20 billion for hardware and another $20 billion for personnel, if they are not entitled to some margin, some discretion, some allowance here of a few thousand dollars, someone has the cart before the horse.

If we are expected to do the job that is wanted to be done, we need this money.

Mr. ELLENDER. The Senator talks about having to reimburse the Library of Congress and the people working there. He knows that we have the Congressional Reference Service with a contingent of 370 people who are paid out of Congress' funds, so that we can get all the information we want on all subjects.

Mr. STENNIS. I do not know who did this work, but we have got someone here to do the work that will go into reports of the Senate, and I want our committee to have exclusive control of that person. It makes no difference who it is, but we will therefore have to reimburse that person.

Mr. ELLENDER. The GAO is an arm of Congress. I hope the Senator trusts them and the bureau that has been created by the special law are also employees of the Senate. They work for the Senate, and they are paid to work for the Senate. I do not see why such information as may be necessary is not obtained from this arm of the Senate.

Mr. STENNIS. Mr. President, in summary, the point should be made for the entire Senate to know that the legislation which the Senate Committee on Armed Services must consider exceeds in dollar amounts all of the remaining legislation which authorizes funds by a considerable margin. In fiscal year 1971 the procurement bill was $20.3 billion and the construction bill $2.1 billion. All other authorizing legislation which was required as a condition precedent to an appropriation totaled only $11.9 billion. This was the amount in the form of the budget request. For fiscal year 1972 the bills which will be considered by Armed Services will be $21.9 billion for procurement and $2.2 billion for construction, totaling $24 billion. These other authorizations will total $14.1 billion.

In terms of specific authorization bills other than Defense procurement for fiscal year 1971, the space bill was $3.4 billion, the AEC $3.2 billion, and the Office of Education authorization was $7.2 billion. I note these as examples. I am advised that there were over 40 bills enacted related to fiscal year 1971 authorizations.

I would also emphasize that the new legislation requiring the committee to authorize the active duty strengths will deal only in numbers of persons; however, the funds which this exercise will involve will approximate $20 billion.

The committee's workload has vastly increased since the end of the 90th Congress. During the 91st Congress the committee's workload increased even more over that of the 90th Congress. Moreover, for the 92d Congress, which we are now beginning, I estimate that our workload will increase about 40 percent over the 91st.

In terms of employees for both the full committee and Preparedness Subcommittee, there were 11 men at the close of the 90th Congress. As of today, we have 14 men employed. This does not include the ladies, of course, who are clerical assistants. I point this out to show that the total increase has been three, excluding clerical employees.

I have prepared a separate statement showing the need for the increase in the resolution from $300,000 to $420,000. This results principally from three factors:

First. The Preparedness budget before the Senate covers 15 professional and clerical employees as compared to the 1970 period wherein the number of employees ranged from nine to 13 since a number of reimbursables were employed for varying periods.

Second. The new budget is for 13 months.

Third. There is included, of course, the recent 6-percent increase for the full 13-month period.

These personnel costs are therefore approximately $351,000 and will all be used except for $30,000 which will be available as a personnel contingency in the event we need additional people in the course of the year. In other words, except for $30,000, this amount of $351,000 is needed to pay the people we now have on board.

The other portion of the budget is for administrative expenses covering such matters as contributions to the civil service retirement fund, the health program, reporters' fees, stationery, and so forth.

The number of people on the full committee payroll, both professional and clerical, is 13. The number authorized by law is 14.

We have only one additional person on the full committee payroll as compared to the end of the 90th Congress which ended December 31, 1968.

On the preparedness payroll we actually have 14 members—eight professional and six clerical, with the budget containing the number 15 as a contingency for one additional.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was rejected.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 30) was agreed to, as follows:

S. RES. 30

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Armed Services, or any subcommittee thereof, is authorized from February 1, 1971, through February 29, 1972, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency, and (4) to examine, investigate, and make a complete study of any and all matters pertaining to—

(1) common defense generally;

(2) the Department of Defense, the Department of the Army, the Department of the Navy, and the Department of the Air Force generally;

(3) soldiers' and sailors' homes;
(4) pay, promotion, retirement, and other benefits and privileges of members of the Armed Forces;
(5) selective service;
(6) size and composition of the Army, Navy, and Air Force;
(7) forts, arsenals, military reservations, and navy yards;
(8) ammunition depots;
(9) maintenance and operation of the Panama Canal, including the administration, sanitation, and government of the Canal Zone;
(10) conservation, development, and use of naval petroleum and oil shale reserves;
(11) strategic and critical materials necessary for the common defense; and
(12) aeronautical and space activities peculiar to or primarily associated with the development of weapons systems or military operations.

SEC. 2. The expenses of the committee under this resolution shall not exceed $420,000, of which amount not to exceed $5,700 shall be available for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(1) of the Legislative Reorganization Act of 1946), as amended.

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1972.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

REPORT ON GOVERNMENT SERVICES TO RURAL AMERICA—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 92–55)

The PRESIDING OFFICER (Mr. CHILES) 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 Agriculture and Forestry:

To the Congress of the United States:

I am transmitting today the first annual report on government services to rural America, as required by the Agricultural Act of 1970.

Much of the information is about fiscal year 1970, since we do not have all the information in yet on the 1971 fiscal year. However, even the changes over our first full fiscal year in office showed important gains in the Federal Government's concern for the well-being of rural areas.

As examples, in fiscal 1970, we increased Federal support for waste treatment grants in rural areas by 174% over the previous year, and increased manpower development grants in such areas more than 50%.

We have long recognized that much of the housing in rural America is substandard—in fact about half of all substandard housing is in rural America. We have made real gains in this area. While our 1970 rural housing loan efforts increased 56% over 1969, in 1971 we will have increased these loans another 88%, to an annual amount of over one and a quarter billion dollars.

The report documents other major strides toward improving services to those millions of our people who live outside metropolitan areas.

It is my hope that our next report will show far greater progress. This is because I earnestly hope it will follow passage of some of the initiatives I urged in my State of the Union Message. These new initiatives include:

—Revenue sharing which, in the upcoming budget, can provide $16.1 billion in funds to flow from Washington in such a way that much real decision-making would be moved back to the States, cities and rural communities of America.

I have proposed not only $5 billion in unrestricted, general revenue sharing, but over $11 billion in various "special revenue sharing" grants. Among these is special revenue sharing for "rural community development." Originally budgeted at a level of $1 billion, I can announce today that we have found it possible to make available $100 million more for this important purpose. Furthermore, nearly all the other special revenue sharing funds, for manpower development, for education, for transportation, for law enforcement, and even in some cases for urban community development, will have significant benefits for rural America.

—A major reorganization of the civilian agencies of the Federal Government. The purpose is to make Federal program operations work better for the individual citizen and his community. The complaints most frequently heard about Government are that it is too costly; that it fails to match performance to promise; that it is too far from people; that there is nothing the individual person can do about it. We intend to reduce the cost of Government in Washington; to organize it for performance; to return government to the people; to give the people the opportunity to do something about it, by bringing government back to where the people are.

Under our reorganization, economic and community development would be accorded high priority—the objective being to maintain and develop viable communities of all sizes.

—My proposed welfare reform. In this needed change of our welfare system, many Americans in rural areas would benefit immediately, while strong incentives would be created to move those able to work into productive employment.

Not only would this reform assist many families operating on small farms and working in the rural communities of this country, but we know it would also help revitalize the economy of rural areas.

—My proposed comprehensive health strategy. My recent special message on health sets forth proposals to provide minimum national health insurance standards for all Americans, regardless of where they live, or what their income. At the same time, my proposals recognize that even with these improvements in the power to *purchase* medical care for all, they would be frustrated without assuring that care can be *supplied* where it is needed.

There is a shortage of doctors and medical personnel in this Nation; but there is also a problem of distribution of medical services. Those in remote rural areas often feel this lack more acutely than those in inner cities. We mean to provide Federal assistance to guarantee that the sick and injured in the rural sectors of America have the opportunity for the same high quality care that is available to Americans in other places. To help bring such services to rural areas, we propose to establish new area health education centers in medically underserved areas, and expand programs to encourage doctors, nurses, and physicians' assistants to serve in scarcity areas.

It is gratifying to be able to report to you that this administration is demonstrating its commitment to the restoration and enhancement of the vitality of rural America.

RICHARD NIXON.

THE WHITE HOUSE, *March 1, 1971.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. CHILDS) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

ADDITIONAL EXPENDITURES BY THE COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

The Senate proceeded to consider the resolution (S. Res. 29) authorizing additional expenditures by the Committee on Banking, Housing and Urban Affairs for inquiries and investigations.

Mr. CANNON. Mr. President, this resolution would authorize the Committee on Banking, Housing and Urban Affairs to expend not to exceed $330,000 during the present session of Congress for inquiries and investigations. During the last session the committee was authorized to expend not to exceed $310,000 for the same purpose. The pending request covers a 13-month period as opposed to a 12-month period last year.

The Committee on Rules and Administration has reported Senate Resolution 29 with no reduction in the amount requested.

The chairman of the Committee on Banking, Housing and Urban Affairs is Senator SPARKMAN, and the ranking minority member is Senator TOWER.

Mr. President, I simply point out in anticipation of Senator ELLENDER'S presentation that this amount is $25,984 less than the amount requested last year, plus the 6-percent increase and the amount necessary to cover the 13th month.

We find it rather refreshing that some of the committees did make a net reduction to help us with the objective in mind that the Senator from Louisiana has been attempting to carry out.

I might say also that they have asked for one less position on the investigative staff than last year.

Mr. ELLENDER. Mr. President, I compliment the chairman of the Committee on Banking, Housing, and Urban Affairs.

He did consider, I am sure, the additional employees that were provided. It appears that the 6-percent pay boost was absorbed more or less by the committee so that, as the Senator from Nevada has stated, there still is a net decrease according to my figures of $18,520.

I compliment the distinguished Senator from Alabama.

Mr. PROXMIRE. Mr. President, in the absence of the distinguished Senator from Alabama (Mr. SPARKMAN), I am the ranking member of the committee.

Mr. President, Senate Resolution 29 requests funds in the amount of $330,000 to continue certain operations of the Banking, Housing and Urban Affairs Committee from February 1, 1971, through February 29, 1972.

This resolution contemplates a 13-month budget as was required by the Senate Committee on Rules and Administration this year.

In general, Mr. President, this year we are requesting in a single resolution a total of $330,000 in additional funds to carry out certain operations of our committee. This single resolution is required by an amendment to the Legislative Reorganization Act which was enacted during the last session of the Congress.

In specific, $150,000 of the total is to be used to employ additional personnel to help carry out all of the functions of our committee, except those matters falling in the area of housing and urban affairs generally. I should like to point out that the $150,000 of additional funds we are requesting to augment the full committee staff is exactly the same amount that we requested during the last session of the Congress. Through very careful administration of our funds last year we were able to operate within the amount approved last session, and the chairman believes we can continue to be able to operate within this amount during the first session of the 92d Congress.

The remaining $180,000 of the total amount requested is to continue the operation of our Housing and Urban Affairs Subcommittee. In general, the amount requested to carry on these operations this year is approximately $20,000 more than we requested last year. This increase is necessary to cover the cost of living increases which have been authorized over the last year, and in addition it contemplates a 13-month budget as is required by the Rules Committee. Except for those two matters, the funds requested for subcommittee operation this year would continue the subcommittee at the same rate and level of operation as has been carried on over the last several years.

I would like to call to the attention of the Senate that the Federal Government's contingent liability through the various housing and urban affairs programs that are presently on the statute books exceeds $135 billion. Our subcommittee has legislative jurisdiction over the majority of the programs covered by this $135 billion contingent liability. We also have oversight functions to perform in connection with all of these programs. It was the opinion of our committee that the $180,000 we are asking for here to carry on these operations is infinitesimal when compared with the Federal Government's contingent liability.

Mr. President, the Banking, Housing and Urban Affairs Committee has perhaps the largest and most varied legislative jurisdictional and oversight responsibilities of any committee in the Senate. In order to carry out our assignment, it is absolutely necessary that we have the additional funds requested in Senate Resolution 29. The chairman of our committee (Mr. SPARKMAN) when appearing before the Rules Committee to support Senate Resolution 29 was advised by members of that committee that we are one of the few committees of the Senate requesting less funds for operation this year than in previous years and they were highly complimentary of our Committee because of this.

In conclusion, I wish to report that Senate Resolution 29 was unanimously agreed to by our committee. It has now been favorably reported by the Senate Committee on Rules and Administration, and I urge favorable consideration by the Senate.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution—Senate Resolution 29—was agreed to, as follows:

S. Res. 29

Resolved, That in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Banking, Housing and Urban Affairs, or any subcommittee thereof, is authorized from February 1, 1971, through February 29, 1972, for the purposes stated and within the limitations imposed by the following sections, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The Committee on Banking, Housing and Urban Affairs, or any subcommittee thereof, is authorized from February 1, 1971, through February 29, 1972, to expend not to exceed $330,000 to examine, investigate, and make a complete study of any and all matters pertaining to each of the subjects set forth below in succeeding sections of this resolution, said funds to be allocated to the respective specific inquiries in accordance with such succeeding sections of this resolution.

SEC. 3. Not to exceed $150,000 shall be available for a study or investigation of—

1. Banking and currency generally.
2. Financial aid to commerce and industry, other than matters relating to such aid which are specifically assigned to other committees under this rule.
3. Deposit insurance.
4. Federal Reserve System.
5. Gold and silver, including the coinage thereof.
6. Issuance of notes and redemption thereof.
7. Valuation and revaluation of the dollar.
8. Control of prices of commodities, rents, or services.

SEC. 4. Not to exceed $180,000 shall be available for a study or investigation of public and private housing and urban affairs generally.

SEC. 5. The committee shall report its findings, together with such recommendations for legislation as it deems advisable with respect to each study or investigation for which expenditure is authorized by this resolution, to the Senate at the earliest practicable date, but not later than February 29, 1972.

SEC. 6. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

ADDITIONAL EXPENDITURES BY THE COMMITTEE ON COMMERCE

The Senate proceeded to consider the resolution—Senate Resolution 25—authorizing additional expenditures by the Committee on Commerce for inquiries and investigations which had been reported from the Committee on Commerce with amendments on page 2, line 7, after the word "not", strike out "exceed $———," and insert "exceed $1,233,800.00,"; in line 8, after the word "to", strike out "Exceed $———", and insert "exceed $20,000.00"; and at the beginning of line 13, strike out "exceed $———" and insert "exceed $5,000.00".

The amendment of the Committee on Rules and Administration is as follows:

On page 2, line 8, after the word "exceed", strike out "$20,000.00" and insert "$40,000.00"; so as to make the resolution read:

S. RES. 25

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Commerce, or any subcommittee thereof, is authorized from February 1, 1971, through February 29, 1972, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $1,233,800.00, of which amount (1) not to exceed $40,000.00 shall be available for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(1) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,000.00 shall be available for the training of the professional staff of such committee, or any subcommittee thereof (under procedures specified by section 202(j) of such Act).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1972.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Mr. CANNON. Mr. President, this resolution would authorize the Committee on Commerce to expend not to exceed $1,233,800 during the present session of Congress for inquiries and investigations. During the last session the committee was authorized to expend not to exceed $859,000 for the same purpose. The pending request covers a 13-month period as opposed to a 12-month period last year.

The Committee on Rules and Administration has reported Senate Resolution 25 with no reduction in the amount requested.

The chairman of the Committee on Commerce is Senator MAGNUSON and the ranking minority member is Senator COTTON.

Mr. ELLENDER. Mr. President, I simply point out to the Senate that this is a committee that has increased from $805,000 to $1,252,000. The number of special employees has increased by 13, for a total of 41 employees to be paid by resolution. In addition, the standing Committee on Commerce is empowered to employ two additional specialists. The total employees now stands at 66.

It would seem to me that in this committee the number of employees, as well as the amount of money provided, is excessive.

I just want to lay the matter before the Senate. I thought I had a good case awhile ago, but evidently I failed.

I will not offer any amendment, I will let it go through. I wanted to bring it to the attention of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendments.

The amendments were agreed to.

The PRESIDING OFFICER. The question is on agreeing to the resolution as amended.

The resolution (S. Res. 25) as amended, was agreed to.

ADDITIONAL EXPENDITURES BY THE COMMITTEE ON THE DISTRICT OF COLUMBIA

The Senate proceeded to consider the resolution (S. Res. 24) authorizing additional expenditures by the Committee on the District of Columbia for inquiries and investigations.

Mr. CANNON. Mr. President, this resolution would authorize the Committee on the District of Columbia to expend not to exceed $155,850 during the present session of Congress for inquiries and investigations. During the last session the committee was authorized to expend not to exceed $133,100 for the same purpose. The pending request covers a 13-month period as opposed to a 12-month period last year.

The Committee on Rules and Administration has reported Senate Resolution 24 with no reduction in the amount requested.

The chairman of the Committee on the District of Columbia is Senator EAGLETON, and the ranking minority member is Senator MATHIAS.

Mr. President, when we compute the 6-percent increase and the 13th month, there is a difference of $3,007 requested by the committee over and above the amount requested last year.

Mr. ELLENDER. Mr. President, I can well remember that the Steering Committee had difficulty in selecting Members of the Senate to serve on the Committee on the District of Columbia. We were told of the large number of calls handled through the committee and that the membership was very busy, although I am of the opinion that this committee could be handled easily with 12 people. All it does is to take care of the finances of the District of Columbia. As I recall, Senator Joe Tydings called for the establishment of this special committee which is being continued. I assume the Senator from Missouri (Mr. EAGLETON) wants it continued.

Mr. EAGLETON. That is correct.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 24) was agreed to, as follows:

S. RES. 24

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on the District of Columbia, or any subcommittee thereof, is authorized from February 1, 1971, through February 29, 1972, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1972.

SEC. 3. Expenses of the committee under this resolution, which shall not exceed $155,850, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

STUDY OF MATTERS PERTAINING TO FOREIGN POLICY BY THE COMMITTEE ON FOREIGN RELATIONS

The Senate proceeded to consider the resolution (S. Res. 26) to provide for a study of matters pertaining to foreign policy of the United States by the Committee on Foreign Relations which had been reported from the Committee on Foreign Relations with amendments on page 2, line 7, after the word "exceed", insert "$325,000"; in line 8, after the word "exceed" insert "$50,000"; and in line 11, after the word "amended)", strike out the semicolon and "and (2) not to exceed $——— shall be available for the training of the professional staff of such committee, or any subcommittee thereof (under procedures specified by section 202(j) of such act)."; so as to make the resolution read:

S. RES. 26

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on thereof, is authorized from February 1, 1971, through February 29, 1972, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $325,000, of which amount (1) not to exceed $50,000 shall be available for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(1) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1972.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Mr. CANNON. Mr. President, this resolution would authorize the Committee on Foreign Relations to expend not to exceed $325,000 during the present session of Congress for inquiries and investigations. During the last session, the committee was authorized to expend not to exceed $300,000 for the same purpose. The pending request covers a 13-month period as opposed to a 12-month period last year.

The Committee on Rules and Administration has reported Senate Resolution 26 with no reduction in the amount requested.

The chairman of the Committee on Foreign Relations is Senator FULBRIGHT, and the ranking minority member is Senator AIKEN.

I might say that when the 13th month is included and the 6-percent pay raise is included, this results in a reduction in the request of $19,500, and a reduction of three positions, three employees, over the request of last year.

Mr. ELLENDER. Mr. President, I wish to point out that in this committee several years ago there were three extra specialists added, and three extra clericals. Under the amendment to the Reorganization Act, there was a provision which provided that all extra employees employed under the special resolution would remain as they are, so that this committee now has on its regular committee 18 employees. That number includes the two employees that were added last year, as well as six employees that were added previously.

The record shows that the request made by the chairman of the special committee is for a reduction of three employees. I believe that the fact that these regular employees were increased prompted the present chairman of the Committee on Foreign Relations not to ask for more, but to reduce the amount. I wish other chairmen had done the same thing.

Mr. SYMINGTON. Mr. President, will the distinguished chairman of the Committee on Appropriations yield?

Mr. ELLENDER. I yield.

Mr. SYMINGTON. Mr. President, I would like to support the position taken by the distinguished senior Senator from Louisiana. In all the committees on which I have served I have never seen any committee more careful of public funds than the Committee on Foreign Relations.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The PRESIDING OFFICER. The question is on agreeing to the resolution as amended.

The resolution, as amended, was agreed to.

ADDITIONAL EXPENDITURES BY THE COMMITTEE ON GOVERNMENT OPERATIONS

The Senate proceeded to consider the resolution (S. Res. 31) authorizing additional expenditures by the Committee on Government Operations for inquiries and investigations which had been reported from the Committee on Rules and Administration with amendments on page 2, at the beginning of line 17, strike out "$1,399,200" and insert "$1,572,200"; on page 3, line 1, after the word "exceed", strike out "$746,000" and insert "$821,000"; on page 5, line 19, after the word "such", strike out "$746,000" and insert "$821,000"; on page 6, line 20, after the word "exceed", strike out "$175,000" and insert "$205,000"; on page 7, line 15, after the word "exceed", strike out "$245,200" and insert "$257,200"; in line 25, after the word "exceed" strike out "$233,000" and insert "$289,000"; and on page 9, line 2, after the word "aggregate", strike out "$1,409,200"; so as to make the resolution read:

S. RES. 31

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Government Operations, or any subcommittee thereof, is authorized from February 1, 1971, through February 29, 1972, for the purposes stated and within the limitations imposed by the following sections, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The Committee on Government Operations is authorized from February 1, 1971, through February 29, 1972, to expend not to exceed $10,000 for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The Committee on Government Operations, or any subcommittee thereof, is authorized from February 1, 1971, through February 29, 1972, to expand not to exceed $1,572,200 to examine, investigate, and make a complete study of any and all matters pertaining to each of the subjects set forth below in succeeding sections of this resolution, said funds to be allocated to the respective specific inquiries and to the procurement of the services of individual consultants or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended) in accordance with such succeeding sections of this resolution.

SEC. 4. (a) Not to exceed $821,000 shall be available for a study or investigation of—

(1) the efficiency and economy of operations of all branches of the Government, including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corrupt or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public: *Provided*, That, in carrying out the duties herein set forth, the inquiries of this committee or any subcommittee thereof shall not be deemed limited to the records, functions, and operations of the particular branch of the Government under inquiry, and may extend to the records and activities of persons, corporations, or other entities dealing with or affecting that particular branch of the Government;

(2) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(3) syndicated or organized crime which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions which are in violation of the law of the United States or of the State in which the transactions occur, and, if so, the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, what facilities, devices, methods, techniques, and technicalities are being used or employed, and whether or not organized crime utilizes such interstate facilities or otherwise operates in interstate commerce for the development of corrupting influences in violation of the law of the United States or the laws of any State, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activities have infiltrated into lawful business enterprise; and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce, and to determine whether any changes are required in the laws of the United States in order to protect the public against the occurrences of such practices or activities;

(4) of all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; and

(5) of riots, violent disturbances of the peace, vandalism, civil and criminal disorder, insurrection, the commission of crimes in connection therewith, the immediate and longstanding causes, the extent and effects of such occurrences and crimes, and measures necessary for their immediate and long-range prevention and for the preservation of law and order and to insure domestic tranquality within the United States.

Of such $821,000 specified in this subsection, not to exceed $5,000 may be expended for the procurement of the services of individual consultants or organizations thereof. Obligations incurred on and after February 1, 1971, shall be charged to this section only, notwithstanding the provisions of Senate Resolution 504, agreed to December 31, 1970, as modified by Senate Resolution 13, agreed to January 27, 1971.

(b) Nothing contained in this resolution shall affect or impair the exercise by any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946, as amended.

(c) For the purpose of this resolution the committee, or any duly authorized subcommittee thereof, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from February 1, 1971, through February 29, 1972, is authorized, in its, his, or their discretion, (1) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents; (2) to hold hearings; (3) to sit act at any time or place during the sessions, recesses, and adjournment periods of the Senate; (4) to administer oath; and (5) take testimony, either orally or by sworn statement.

SEC. 5. Not to exceed $205,000 shall be available for a study or investigation of the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(1) the effectivenes of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(2) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge, talents, and skills;

(3) the adequacy of present intergovernmental relationships between the United States and international organizations of which the United States is a member; and

(4) legislative and other proposals to improve these methods, processes, and relationships;

of which amount not to exceed $25,000 may be expended for the procurement of the services of individual consultants or organizations thereof.

SEC. 6. Not to exceed $257,200 shall be available for a study or investigation of intergovernmental relationships between the United States and the States and municipalities, including an evaluation of studies, reports, and recommendations made thereon and submitted to the Congress by the Advisory Commission on Intergovernmental Relations pursuant to the provisions of Public Law 86–280, approved by the President on September 24, 1959, as amended by Public Law 89–733, approved by the President on November 2, 1966.

SEC. 7. Not to exceed $289,000 shall be available for a study or investigation of the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(1) the effects of laws enacted to reorganize the executive branch of the Government, and to consider reorganizations proposed therein; and

(2) the operations of research and development programs financed by the departments and agencies of the Federal Government, and the review of those programs now being carried out through contracts with higher educational institutions and private organizations, corporations, and individuals in order to bring about Government-wide coordination and elimination of overlapping and duplication of scientific and research activities;

of which amount not to exceed $7,500 may be expended for the procurement of the services of individual consultants or organizations thereof.

SEC. 8. The committee shall report its findings, together with such recommendations for legislation as it deems advisable with respect to each study or investigation for which expenditure is authorized by this resolution, to the Senate at the earliest practicable date, but not later than February 29, 1972.

SEC. 9. Expenses of the committee under this resolution, which shall not exceed in the aggregate $1,582,200, shall be paid from

the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Mr. CANNON. Mr. President, this resolution would authorize the Committee on Government Operations to expend not to exceed $1,582,200 during the present session of Congress for inquiries and investigations. During the last session the committee was authorized to expend not to exceed $1,098,000 for the same purpose. The pending request covers a 13-month period as opposed to a 12-month period last year.

The Committee on Rules and Administration has reported Senate Resolution 31 with no reduction in the amount requested.

The chairman of the Committee on Government Operations is Senator McCLELLAN, and the acting ranking minority member is Senator PERCY.

Subcommittee chairmen and ranking minority members are as follows:

Subcommittee	Chairman	Ranking Minority Member
Permanent investigations	Senator McClellan	Senator Percy.
National security operations	Senator Jackson	Senator Mathias.
Intergovernmental relations	Senator Muskie	Senator Gurney.
Executive reorganization and government research	Senator Ribicoff	Senator Javits.

When the 13th month is included and the 6-percent-pay raise, this request amounts to $321,330 more than the amount necessary to cover those two items and more than the amount requested last year.

Mr. ELLENDER. Mr. President, I wonder if we could get an explanation from the chairman of this committee as to why it was necessary to increase the number of employees by 14. As I recall, sometime ago; I think the record shows that there was one committee divided in two. I wonder what became of that. Why was it necessary to provide 14 additional employees?

Mr. McCLELLAN. Mr. President, of the increase in staff, eight of the additionally requested staff on the Committee on Government Operations and its subcommittees are for the minority. The minority members of the several subcommittees, as well as the minority members of the full committee who serve on these subcommittees, requested additional staff.

As an illustration, Mr. President, the Permanent Subcommittee on Investigations, of which I am privileged to chair, put in a resolution for about the same level of expenditures as last year, adding, of course, the funds that were necessary for the 13-month period and also for the increase in salaries. That is the resolution we submitted. When it was considered by the full committee, the minority members offered an amendment for additional staff members for their purposes.

Mr. President, other minority members of the subcommittees made their cases before the full committee and befor the Committee on Rules and Administration.

Many of the investigations carried on by the investigating committee have saved the Government considerable sums of money.

On the contract for the TFX, we saved literally millions of dollars, because we disclosed facts about that plane which showed it did not measure up to its specifications. As a result, the Navy plane was canceled completely, and the procurement of the number of Air Force planes was reduced by two-thirds.

We now have pending or in process an investigation presided over by the distinguished Senator from Connecticut (Mr. RIBICOFF) as acting chairman, in which the committee has disclosed scandalous corruption among certain elements of the armed services abroad and in the services which we provide for our fighting men overseas.

Many other instances could be noted, Mr. President. I simply believe it unnecessary to argue our accomplishments based on our record of last year. I point out that we have returned $104,500 of what we had available to us last year.

I am speaking particularly with reference to the Subcommitte on Investigations. I could not argue against their having some additional staff. Heretofore, we have had minority staff representation, which has worked right along with the others. There has been no question as to whether he was a minority or a majority member of the staff. But it was felt at this time that there should be one or two members of the staff who should be directly responsible to the majority member of the staff. But it was professional staff members and one clerical assistant, for a $55,000 increase.

This matter was taken up before the committee and in fact, the measure was amended. Upon still further consideration, I have asked for another $20,000 for professional staff members.

To illustrate the budgetary control under which we have in the past operated, I would like to point out that over a period of 4 years, Mr. President—and I shall place this information in the RECORD—the Select Committee on Labor-Management Relations received an appropriation of $2,088,000. The Permanent Subcommittee on Investigation, over a period of 16 years, had appropriated to it $6,809,000. This latter amount, plus the $2 million I have already mentioned, makes a total appropriation of $8,897,841 under which these two committees operated. During this 16-year period, Mr. President, $865,989 was turned back to the Senate. In other words, we have turned back an average of 10 percent of all that has been appropriated to us. I do not know of any organization in the Federal Government which has been more productive for so modest an investment.

In one instance last year, we saved the Government $60 million on one Air Force contract. After the contract had been announced, we took it up with the Department of the Air Force, the Department reversed its position, received new bids, and saved $60 million on the contract.

If Senators will examine the record of amounts that we have returned over the years, I think they show conclusively that the committee has been economical. We have traditionally operated on the basis of what is required to produce.

In this regard, we have not always had success. For example, sometimes we are misled, and are required to spend time in some months investigating matters that finally do not warrant or justify hearings.

All I can say to the Senator from Louisiana is that so far as the Subcommittee on Investigations is concerned, I concur with the minority in asking for additional staff members to help with the work, because the workload of Congress is increasing every day. The burden of work that each Senator carries increases with each session of Congress. Without sufficient staff, we cannot fulfill that responsibility.

I notice in the Chamber another subcommittee chairman, the distinguished Senator from Maine (Mr. MUSKIE), chairman of the Subcommittee on Intergovernmental Relations. The subcommittee is occupied with a very heavy schedule of work. The same is true of all subcommittees.

I agree with the general objective of the Senator from Louisiana that we in this legislative body should set the tone and pace of the economy. But I also point out that the Government is growing. The budget request for fiscal year 1972 is $229 billion. If Congress is to exercise its responsibility and oversee the expenditure of these funds, it is imperative that we are equipped to do that job.

I do not believe we have asked for anything—I know that the Subcommittee on Investigations has not asked for anything—that is not absolutely needed. I will assure you, Mr. President, that if any funds are not needed, they will not be spent.

Mr. President, I shall be glad to yield to the distinguished Senator from Maine, chairman of the Subcommittee on Intergovernmental Relations, if he wishes to make any comments.

Mr. MUSKIE. Mr. President, I thank the Senator from Arkansas for yielding to me. I shall be glad to make some general observations and answer any questions that the distinguished Senator from Louisiana may wish to ask.

I should like to emphasize, as I am sure the distinguished Senator from Arkansas (Mr. McCLELLAN) has already pointed out, that in the year when reorganization of the Federal Government is a prime issue, the work of the Committee on Government Operations is inevitably involved to a greater extent than in a normal year. That is especially true of the Subcommittee on Reorganization and also the Subcommittee on Intergovernmental Relations, which covers the whole broad area of grant-in-aid programs. Those programs are also subject to review and criticism on an ongoing basis. I think that is especially true when the President has proposed something as controversial and far-

reaching as revenue sharing. So the jurisdiction of the Subcommittee on Intergovernmental Relations is very much involved.

I think it might be helpful if I were to describe the workload of our committee. During the 91st Congress, the subcommittee held 61 hearings and handled 12 major bills. Two far-reaching measures, the Uniform Relocation Assistance Act and the Intergovernmental Personnel Act, were enacted. The subcommittee also acted upon an extraordinary number of reports—16 in all—from the Advisory Commission on Intergovernmental Relations, over which we have supervisory jurisdiction, and issued two studies of its own.

The subcommittee's responsibilities for the coming year may be the greatest in its history. A major portion of the President's program deals with intergovernmental revenue problems. We anticipate extensive hearings and legislative action on revenue sharing and Federal tax credit proposals. In addition, we expect to explore the inadequacy of Federal categorical grant programs, including legislation concerning grant consolidation, joint funding, uniform accounting, and regular program oversight; and, as a part of the broad review of Federal-State revenue taxes and the impact of the proposed Federal revenue sharing on them are planned.

May I emphasize, Mr. President, that the Government Operations Committee is not a legislative committee. Our work is primarily that of investigation, monitoring, and oversight. That is the work which consumes most of our time.

Nevertheless, because of the growing emergence of legislative proposals in this field, we do have legislative work as well, two aspects of which we were concerned with last year, which I have referred to already in my remarks.

I think that the sums requested and the staffing requested are minimal in the light of the responsibilities which we face; so I support fully the presentation of the chairman (Mr. McCLELLAN), and am willing to answer any question the Senator from Louisiana (Mr. ELLENDER) may choose to put to us on the work of my subcommittee.

Mr. ELLENDER. Mr. President, will the Senator from Arkansas yield?

Mr. McCLELLAN. I yield.

Mr. ELLENDER. I wish to say that I do not know of an investigating committee ever created by Congress that has done more or better work than the one headed by my good friend from Arkansas. But I thought that last year we were more or less going to hold the line.

Mr. McCLELLAN. We did. We saved $104,500 last year.

Mr. ELLENDER. No; I am talking about the number of people employed. As I understand, the Senator had made his recommendation to the full committee, and it contained fewer than he is now asking for.

Mr. McCLELLAN. Originally it did. And the full committee, on amendments offered by the minority, increased the number.

Mr. ELLENDER. Did the Senator consider reducing the number of employees on the majority side?

Mr. McCLELLAN. No, sir; I do not. We are not going to employ——

Mr. ELLENDER. He is simply adding them, then, to increase the total number. Does he need them?

Mr. McCLELLAN. We are not going to employ anyone we do not need. We never have. This committee is not stacked. The staff is not packed. I believe we have adequately demonstrated this fact by showing the Senate our tremendous workload.

Mr. ELLENDER. The Senator came to the full committee with certain recommendations.

Mr. McCLELLAN. I did, and the minority——

Mr. ELLENDER. And the committee itself increased the number by how many?

Mr. McCLELLAN. Three, and made an allowance for one additional, which would make four if needed.

Mr. ELLENDER. Then aside from that, the standing committee gave the subcommittee two more.

Mr. McCLELLAN. Well, they are for the minority.

Mr. ELLENDER. I mean two professionals.

Mr. McCLELLAN. They are for the minority, provided by the rules. I have no control over them.

I do wish to say this: In fairness to the minority, I did not ask for it. I tried to encourage them and did encourage them, I might say, to hold the number down. I was reluctant to ask for it, because I tried to operate the committee so there would be no question of minority staff or majority staff. I have told the staff members of that committee—the professional staff—to make information available to the one man determined to be the minority member actually working under my direction. The minority turned him over to me to work under my direction as heretofore and so that he may provide information to minority members. But now they feel they want a staff to work with them directly. They have asked for it, and it has been granted. It had been granted in the first place in the Reorganization Act. That is when the pattern was set. The Reorganization Act provides that they shall have two additional staff members on the full committee. The pattern was set there. Now they come along and want men on each subcommittee.

Mr. ELLENDER. This is not included in the 14, though; it is in addition?

Mr. McCLELLAN. No; but these others, I point out where they come from here. There are three professional staff members requested for the Investigating Subcommittee, and two of them are minority members. Then the minority members on each of the other subcommittees asked for additional staff.

Mr. ELLENDER. How many positions were added, in addition to what the Senator first suggested to the committee?

Mr. McCLELLAN. There have been 14 added this year, to what——

Mr. ELLENDER. I understand that, but how many did the Senator recommend before the committee voted?

Mr. McCLELLAN. I would have to count them. There have been three added on the Investigating Subcommittee.

Mr. RIBICOFF. After the chairman had recommended the number, the minority added two additional.

Mr. McCLELLAN. Two on each one of them, I believe. Just one moment.

We requested six additional on our original resolution, and eight were added by the minority.

Mr. ELLENDER. So, in order to please the minority, the Senator added eight people. Are they necessary?

Mr. McCLELLAN. One might put it that way. The Senator says it is unnecessary. I really do not think it is. But then I might say the other two on the full committee are unnecessary. But the Senate, by its rules, set the pattern of this thing, and the minority members on these committees are demanding and insisting that they have additional staff members to help them keep up with their work.

I did talk with them. I see the distinguished acting ranking minority member of the Investigating Subcommittee is present. We have previously discussed this. I had already filed the resolution when they came to me and wanted this increase. I told them to take it up at the full committee meeting. I talked to them about holding their number down as much as we could. I expressed my desire to operate economically. When they presented it they discussed it, I turned it over to them, and they convinced the committee that they actually needed the additions. The committee, as I remember, agreed unanimously; I do not think there was a dissenting vote.

I am not here trying to get a lot of money. I think that my record shows that this committee has been productive in the matter of bringing into the Treasury of the United States $50, probably, wherever it spent one.

Mr. ELLENDER. I am not questioning that at all. The Senator knows that. But last year, when we considered this appropriation, I thought that the amount presented was fair. I remember we canceled out one of the subcommittees.

Mr. McCLELLAN. We did. Two; I canceled two subcommittees.

Mr. ELLENDER. But here we are going back higher than we were before. So instead of holding the line, the Senator is now saying to the Senate, "We have added eight men to satisfy the minority, and we do not think they are necessary."

Mr. McCLELLAN. We did hold the line last year with our budget.

Mr. ELLENDER. That is right.

Mr. McCLELLAN. We returned $100,000 out of $800,000. We returned about 12 or 13 percent last year, and I have done that each year.

Mr. ELLENDER. Yes.

Mr. McCLELLAN. If I do not have to spend it. But in operating this investigative subcommittee, we cannot predict exactly our expenditures. We cannot put it on a schedule that we will need so many men for clerical and so many professional staff, because issues come up, investigations arise, conditions are brought to our attention which require investigation. That is what the committee is set up for, and we try to do a good job. Sometimes we have to put on extra help.

As has been stated this morning by

chairmen of other committees, we sometimes find it necessary to go out and get professional staff people. In fact, we keep some all the time on a reimbursable basis. We do that so that when we no longer need them, we do not have them as permanent employees. I operate as economically as I know how. I am a little bit Scotch, at that.

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

Mr. ELLENDER. I yield.

Mr. PERCY. This particular request has been made after most careful consideration by the minority. In the Government Operations Committee, of course, our ranking minority member is Senator MUNDT, and Senator MUNDT has worked with this committee for many, many years. His staff, headed by a very able staff assistant, has worked closely with us in making certain that, with one less member on the minority side, we try to do as effective and competent job as we possibly can.

I am now the acting ranking minority member of the Permanent Investigating Committee because of the rules of the Republicans that the second member down, Senator JAVITS, who holds a ranking position on another standing committee, would be succeeded by the next person, who is myself. As I have seen this committee operate, with the very limited staff we have, we undertook an investigation of the F–111, in which we demonstrated and proved that $8 billion had been spent to acquire several hundred aircraft, most of which are grounded today. In an investigation of that type, when we are up against generals, up against technical experts from the contractors, when we are putting ourselves on public record against the degree of competence and power that can be put against us, we are literally naked if we do not have adequate staff and investigation. If we make charges that are not substantiated, if we make accusations which cause disrepute to a contractor or a particular level of commanding officers in the Army or the Air Force, this would be a very serious thing.

As I have seen the staff, it has operated prudently, cautiously, and carefully. Our distinguished chairman has turned back, year after year, additional funds that were not needed. It is very difficult for us to see what the peaks and valleys may be.

The present investigation with respect to the post exchanges, which I have just left and which Senator RIBICOFF has just left, ended up this morning in policy changes that the Air Force has enunciated to us. They are going to take out slot machines that have been in the noncommissioned officers' messes for years. They are stopping practices that have been accepted year after year, excesses that lead to gangsterism-type tactics, kickbacks, and payoffs that literally cost the GI and the U.S. Government millions and millions of dollars.

For the cost of a few investigators, we are able to save the Government a great deal of money. We have asked for two additional men for the Executive Reorganization of Government. I will interview this afternoon some of the most competent staff men who have been retained by the Ash Commission. We are asked now to deal with an entire reorganization of government. The President has said that it is the most revolutionary change in government that a President has ever proposed. We are to consolidate eight departments down to four.

We all recall what happened when President Johnson just suggested the consolidation of Labor and Commerce—two departments to come together in a new Department of Economic Enterprise. The sweeping change that has been proposed by the President cannot be dealt with by our committee—and it will be dealt with by our committee—without adequate and competent help. We do not have that kind of personnel.

I cannot see that we have a dozen Senators working with their bare hands without adequate staff backup to probe, to dig, because we are talking about the transfer of hundreds of thousands of people. It affects their lifes. The cost alone of moving, just physically consolidating these operations, will be immense.

For us to do this without adequate staff, without adequate backup, without competent managerial and skilled personnel, I think would be the height of folly. It would be very pennywise and pound foolish for us not to ask for adequate staffing. When we come on this floor and we have had hearings on these sweeping changes in Government—that aspect of it dealing with revenue sharing alone affects every single level of government—for us to bring that proposed legislation to the floor and not have adequate backup for it would be wrong.

The requests are prudent and reasonable. They were first requested unanimously by the minority and were approved unanimously by the committee as a whole. I can assure the distinguished Senator, who has been the watchdog of the taxpayer for many, many years, that this return on investment will be higher than any other staffing I can put a finger on today. We will get a higher yield, a higher return, on investment than any place else of which I know. I would back that up at the end of the investigations just as I would today.

Mr. ELLENDER. As I have stated, I am not questioning at all the good work done by this committee. I do not know of a committee on the Hill that has done better work and has saved more for the Government than has the Government Operations Committee. I realize the additional amount of work that is to be done.

The thing that concerns me is that the committee is adding 14 people here, and the chairman of the committee came before the full committee and recommended eight less than is now being requested. It strikes me that if the chairman of that committee felt that with an additional four, instead of 14, the work could have been done, it should have remained at that number. If there are too many on the majority, they should be taken from the majority and some should be added to the minority. That is what I think should have been done. But in order to satisfy the minority, the committee is adding eight positions which the chairman said are not necessary. It is just that simple.

Mr. McCLELLAN. Mr. President, I would like to keep the record straight. I do not say they are not necessary or not needed. I said that in preparing the budget and operating as we had operated in the past, I did not include them. I did not have their request when I prepared the budget. I prepared the original budget on the basis as we had operated in the past. The budget already had been prepared and the resolution had been filed when the minority came to me and discussed this situation with me. I called upon them to present their amendment at the full committee, but I urged them to hold it down to the minimum they felt they could justify. It was justified, and we proceeded on that basis.

Something has been mentioned about this committee, with respect to the President's reorganization proposals. I have announced—I am sure with the acquiescence at least of the members of the committee—that the full committee will hold hearings on these reorganization proposals. The two subcommittees each might have jurisdiction of part of it. We will ask them to preside part of the time, and we will use their staffs since, of course, anyone working on a subcommittee staff can be required to help the full committee with its work. But when we go into the proposal to abolish seven departments of Government and create four instead—I believe the Department of Agriculture was among them—we are going to find a great deal of opposition, in my judgment, to this proposal. A searching inquiry will be made into the merits of the President's proposals as to whether they will produce economy and efficiency and whether they will improve the Government or not. I know that we will have the need of this professional help—all we can get.

Mr. ELLENDER. If the Senator will yield at that point, I notice that this subcommittee is under section 7—the Executive Reorganization and Government Research. The Senator added five—an increase of from eight to 13. Now since the committee as a whole will hold hearings on the reorganization plan——

Mr. McCLELLAN. I told the Senator exactly what we are doing——

Mr. ELLENDER. I understand that.

Mr. McCLELLAN. We will hold a meeting of the full committee so that each member may be present to participate, but we will use the staff of these subcommittees in different aspects of it, more phases of it, getting it to work and doing the work. This will be a Herculean task, and I think I know something about it. We have had reorganization plans heretofore that took a tremendous amount of hard work—just one reorganization plan. We have here one giant plan which involves seven Departments of Government as they exist today.

This review is not going to be simple, easy, or quickly done, whichever way we go. I do not know the answer. I have no preconceived judgments on this matter, I do know there is opposition to it, and that there will be more opposition to it. I realize that. It is only natural that those

persons who believe in, say, the Department of Commerce, or the Department of Agriculture, or some other Department, will be drastically opposed to reorganization. So far as I am concerned, I think that the President should have a fair hearing and that is what we propose to do.

Mr. ELLENDER. I wonder whether employees other than those three Subcommittees on Government Operations could not help out.

Mr. McCLELLAN. They will help, only I do not propose to use them for that, because they have got more to do now than they can adequately handle.

Mr. ELLENDER. I want to stress that I am sure the Senator from Arkansas worked diligently on his budget. When the question came to fill the committee staff with minority members, it might have been a good thing to take some positions away from the majority.

Mr. PERCY. Mr. President, inasmuch as the Senator from Louisiana (Mr. ELLENDER) raised the question of the executive request, it is an excellent example of how we have tried prudently and carefully to manage our affairs this year. Before, that committee had one professional person assigned to the minority. I interviewed that particular individual, because this subcommittee will have the responsibility for the entire reorganization of the Government, as well as possibly the revenue sharing. That particular individual has been helpful to the Senator from South Dakota (Mr. MUNDT) particularly on his Appropriations Committee work for Interior. In other words, there was not adequate minority staffing on Appropriations and the Senator from South Dakota (Mr. MUNDT) has made this man the specialist in such matters as Interior. I happen to be the ranking minority member on Interior now on the Appropriations Committee and this man has thoughtfully offered to assist me and help me. I have no idea where I will get technical assistance and help otherwise, but he does not possess the kind of skill required.

We have asked, therefore, for an increase of two professional people at $26,000 apiece. I have been interviewing people to try to find the kind required to do the job. We have that underway. To start with, to talk to the Booz, Allen, Hamilton people at around $35,000 to $40,000, someone is going to have to give up a major job and come in here and take a job at a substantial reduction, and work twice as hard as they ever worked, probably, before in their lives. Those staff people will be under an impossible pressure as every Government agency will be lobbying—and certainly the lobbies all over Washington who have a vested interest in seeing that we do not reorganize or change the Government.

Mr. RIBICOFF. Mr. President, will the Senator from Illinois yield?

Mr. PERCY. I yield.

Mr. RIBICOFF. May I say to the distinguished Senator from Louisiana (Mr. ELLENDER) that it is obvious that all of us, including, I am certain, the Senator from Louisiana, realize that the Federal bureaucracy has long ago passed the time for massive reorganization. I have some questions in my mind as to whether the President's plan is a proper one. I could well say that after extensive hearings and investigation we in the Senate might come up with a reorganization proposal of our own, separate from that of the President.

Also, as we read in the newspapers, there is a great deal of opposition in Congress to it. Many Members of Congress have their own thoughts and ideas, and certainly many other people have a vested interest in different departments and agencies and are deeply concerned.

After talking to the Senator from Arkansas (Mr. McCLELLAN), our distinguished chairman, I agree entirely that there will be extensive hearings. We will have the opportunity to be present at those hearings, because of the importance of the problem. Yet, the basic obligation and the work the chairman expects to participate in will be done primarily by the staff of the Subcommittee on Executive Reorganization. As a matter of fact, they are already engaged in much research on the reorganization program.

May I say to the Senator from Louisiana, because he happens to be chairman of the Appropriations Committee, that, at the present time, I am involved with the Permanent Investigations Subcommittee in undertaking a review and an investigation of the whole problem of clubs and PX's. Next to the Sears, Roebuck & Co., the biggest business in the entire world happens to be in clubs and PX's. It amounts to $6 billion. I have talked to the distinguished Senator, the chairman of the Armed Services Committee, the Senator from Mississippi (Mr. STENNIS), and I would expect, as the Senator from Louisiana (Mr. ELLENDER) realizes, that all these funds are nonappropriated funds. They are neither authorized nor appropriated. So that it becomes apparent that after these investigations, it is not my intention that the committee, so to speak, will merely call attention to the wrongdoing, but will have a series of recommendations to make that we will submit to Congress. We will recommend that the authorization go to the Armed Services Committee and the appropriation go to the Appropriations Committee, so that Congress itself will have the understanding and the responsibility to authorize and appropriate these many billions of dollars.

As the distinguished chairman has said, there is no question in my mind that for every dollar we spend, we save many, many fold for the people of this country and for our Government.

Failure to approve this additional staff would be very shortsighted and would keep the committee from doing the excellent task it is expected to do, not only as a matter of policy, but also with respect to the great amount of money involved in the entire reorganization of the Federal Government.

I personally would feel a responsibility of looking very thoroughly into the entire problem of reorganization and giving a full and adequate hearing, not only to the many Senators who want to be heard, but also to every group in our society that is so deeply concerned with this massive reorganization.

Under the circumstances, I feel that the request of the chairman of the committee is justified.

Mr. PERCY. Mr. President, I thank the distinguished Senator from Connecticut. I can only point to one aspect of the reorganization that has been proposed. The chairman of the House Government Operations Committee has charged that one aspect of it alone would throw control of the entire fuel resources of the entire country to the fuel industry. Taking into account that it would encompass such operations as the Atomic Energy Commission, that is a very serious charge to make. Certainly we would want to be adequately staffed with counsel to research the implications of many of these proposals before we make any recommendations in connection with the reorganization plan being put forward.

I as a Senator could simply not in good conscience accept the responsibility for this legislation and for conducting hearings unless we had adequate personnel to do the staff work that would support our work.

I think we are trying to make the Senate far more effective by doing this. There is no boondoggling and no hanging around. These are very hard-working personnel. I would urge that the distinguished chairman of the Appropriations Committee take into account that, while there is wastage in the Senate, I can give him assurance that it is not to be found in this committee. This is a very hard-working committee. Dollar for dollar that we spend, $10, $20, and $30 is returned to the taxpayer time and again.

Mr. ELLENDER. Mr. President, as I have stated on past occasions, as well as today, this committee has done excellent work. There is no doubt about that. However, I have found, since I have been a Member of the Senate, that the more people we have on the committees, more studies are made by them instead of by the Senators.

It would seem to me that there has grown in the Senate over the years a condition whereby we have so many employees to get information for the Senators that many of the Senators depend too much on these employees to do the real work.

Mr. McCLELLAN. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the Senator from Washington (Mr. JACKSON).

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

STATEMENT BY SENATOR JACKSON

The Senate has before it S. Resolution 31, which includes Section 5 requesting $205,000 for the work of the Subcommittee on National Security and International Operations. This request was voted by the Government Operations Committee and reported favorably by the Committee on Rules and Administration.

The request takes account of the requirement to budget for a 13-month period, the necessity of taking care of the recent 6% Congressional pay raise, and it allows us to fill a Subcommittee position with a first-rate professional expert on international negotiation in connection with our major inquiry now underway. The request in-

cludes $30,000 requested by the minority members of the Government Operations Committee and voted by the full committee, to permit the hiring of one minority professional staff and one clerical staff.

The Subcommittee is now conducting the first major Congressional inquiry on the process and problems of international negotiation. The focus of our inquiry is on the lessons to be learned from past and present experience in the conduct of negotiations. The Subcommittee is examining the difficulties and pitfalls as well as the opportunities for negotiation. It is seeking to get the central issues relating to international negotiation out in the open, to encourage, to the extent feasible, sounder attitudes and approaches.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the amendments to Senate Resolution 31 be considered en bloc.

The PRESIDING OFFICER. Is there objection? Without objection, the amendments are agreed to en bloc.

The question is on agreeing to the resolution as amended.

The resolution (S. Res. 31) as amended, was agreed to.

QUORUM

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ADDITIONAL EXPENDITURES BY THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

The Senate proceeded to consider the resolution (S. Res. 34) authorizing additional expenditures by the Committee on Interior and Insular Affairs for inquiries and investigations.

Mr. CANNON. Mr. President, this resolution would authorize the Committee on Interior and Insular Affairs to expend not to exceed $200,000 during the present session of Congress for inquiries and investigations. During the last session the committee was authorized to expend not to exceed $180,000 for the same purpose. The pending request covers a 13-month period as opposed to a 12-month period last year.

The Committee on Rules and Administration has reported Senate Resolution 34 with no reduction in the amount requested.

The chairman of the Committee on Interior and Insular Affairs is Senator JACKSON, and the ranking minority member is Senator ALLOTT.

Mr. ELLENDER. Mr. President, this is another instance where thought was given by the chairman to the number of employees that the committee is empowered to employ. There have been no increases, and the additional costs have been absorbed.

The committee will do all of the work that it did last year, with what appears to be a small saving. I have it here, $4,365.

If I had my hat on, I would take it off to that chairman.

Mr. CANNON. Mr. President, they requested an increase of $20,000, which is enough to take care of the 13th month and the 6-percent increase. It would then leave them with a reduction of $6,700. In other words, if we use the amount they requested last year, plus the amount necessary to take care of the 13th month and the 6-percent increase, we see that they have requested a net reduction of $6,700.

Mr. ELLENDER. Mr. President, I am sorry that I overlooked that. The Senator is correct. The point is that with the edditions they have made—by way of the 13th month and the 6-percent pay increase—they are still minus $4,365 under the $20,000 additional they have asked for.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 34) was agreed to, as follows:

S. RES. 34

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Interior and Insular Affairs, or any subcommittee thereof, is authorized from February 1, 1971, through February 29, 1972, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $200,000, of which amount not to exceed $6,000 shall be available for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(1) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1972.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

ADDITIONAL EXPENDITURES BY THE COMMITTEE ON THE JUDICIARY

The Senate proceeded to consider the resolution (S. Res. 32) authorizing additional expenditures by the Committee on the Judiciary for inquiries and investigations which had been reported from the Committee on Rules and Administration with amendments on page 2, line 8, after the word "exceed", strike out "$3,941,800" and insert "$3,861,300"; in line 18 after the word "exceed," strike out "$335,500" and insert "$325,500"; in line 23 after the word "exceed", strike out "$788,100" and insert "$778,100"; on page 3, line 3, after the word "exceed" strike out "$248,500" and insert "$228,500"; in line 24, after the word "exceed", strike out "$323,300" and insert $"308,300"; on page 4 line 7, after the word "exceed", strike out "$74,900" and insert "$59,900"; in line 10, after the word "exceed", strike out "$165,500" and insert "$155,000"; and in line 18, after the word "exceed", strike out "$10,800" and insert "$14,800"; so as to make the resolution read:

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on the Judiciary, for any subcommittee thereof, is authorized from February 1, 1971, through February 29, 1972, for the purposes stated and within the limitations imposed by the following sections, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The Committee on the Judiciary, or any subcommittee therof, is authorized from February 1, 1971, through February 29, 1972, to expend not to exceed $3,861,300 to examine, investigate, and make a complete study of any and all matters pertaining to each of the subjects set forth below in succeeding sections of this resolution, said funds to be allocated to the respective specific inquiries and to the procurement of the services of individual consultants or organizations thereof (as authorized by section 202(1) of the Legislative Reorganization Act of 1946, as amended) in accordance with such succeeding sections of this resolution.

SEC. 3. Not to exceed $325,500 shall be available for a study or investigation of administrative practice and procedure, of which amount not to exceed $2,000 may be expended for the procurement of individual consultants or organizations thereof.

SEC. 4. Not to exceed $778,100 shall be available for a study or investigation of antitrust and monopoly, of which amount not to exceed $5,000 may be expended for the procurement of individual consultants or organizations thereof.

SEC. 5. Not to exceed $228,500 shall be available for a study or investigation of constitutional amendments.

SEC. 6. Not to exceed $280,000 shall be available for a study or investigation of constitutional rights, of which amount not to exceed $3,000 may be expended for the procurement of individual consultants or organizations thereof.

SEC. 7. Not to exceed $210,000 shall be available for a study on investigation of criminal laws and procedures.

SEC. 8. Not to exceed $9,500 shall be available for a study or investigation of Federal charters, holidays, and celebrations.

SEC. 9. Not to exceed $243,500 shall be available for a study or investigation of immigration and naturalization.

SEC. 10. Not to exceed $259,400 shall be available for a study or investigation of improvements in judicial machinery.

SEC. 11. Not to exceed $620,000 shall be available for a study or investigation of internal security, of which amount not to exceed $3,900 may be expended for the procurement of individual consultants or organizations thereof.

SEC. 12. Not to exceed $308,300 shall be available for a study or investigation of juvenile delinquency, of which amount not

to exceed $5,800 may be expended for the procurement of individual consultants or organizations thereof.

SEC. 13. Not to exceed $140,000 shall be available for a study or investigation of patents, trademarks, and copyrights.

SEC. 14. Not to exceed $59,900 shall be available for a study or investigation of national penitentiaries.

SEC. 15. Not to exceed $155,000 shall be available for a study or investigation of refugees and escapees.

SEC. 16. Not to exceed $63,600 shall be available for a study or investigation of revision and codification.

SEC. 17. Not to exceed $180,000 shall be available for a study or investigation of separation of powers between the executive, judicial, and legislative branches of Government, of which amount not to exceed $14,800 may be expended for the procurement of individual consultants or organizations thereof.

SEC. 18. The committee shall report its findings, together with such recommendations for legislation as it deems advisable with respect to each study or investigation for which expenditure is authorized by this resolution, to the Senate at the earliest practicable date, but not later than February 29, 1972.

SEC. 19. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Mr. CANNON. Mr. President, this resolution as referred would authorize the Committee on the Judiciary to expend not to exceed $3,941,800 during the present session of Congress for inquiries and investigations. During the last session the committee was authorized to expend not to exceed $3,245,100 for the same purpose. The pending request covers a 13-month period as opposed to a 12-month period last year.

The Committee on Rules and Administration has amended Senate Resolution 32 by reducing the requested amount from $3,941,800 to $3,861,300, a reduction of $80,500.

The chairman of the Committee on the Judiciary is Senator EASTLAND, and the ranking minority member is Senator HRUSKA.

Subcommittee chairmen and ranking minority members are as follows:

Subcommittee	Chairman	Ranking minority member
Administrative Practice and Procedure	Senator Kennedy	Senator Thurmond.
Antitrust and Monopoly	Senator Hart	Senator Hruska.
Constitutional Amendments	Senator Bayh	Senator Fong.
Constitutional Rights	Senator Ervin	Senator Hruska.
Criminal Laws and Procedures	Senator McClellan	Senator Hruska.
Federal Charters, etc	Senator Hruska	Senator McClellan.
Immigration and Naturalization	Senator Eastland	Senator Fong.
Improvement in Judicial Machinery	Senator Burdick	Senator Hruska.
Internal Security	Senator Eastland	Senator Scott.
Juvenile Delinquency	Senator Bayh	Senator Cook.
Patents, Trademarks, etc	Senator McClellan	Senator Scott.
Penitentiaries	Senator Burdick	Senator Cook.
Refugees and Escapees	Senator Kennedy	Senator Fong.
Revision and Codification	Senator Ervin	Senator Scott.
Separation of Powers	Senator Ervin	Senator Mathias.

Mr. ELLENDER. Mr. President, as I have often pointed out, this committee today has more people on the payroll than all the committees put together in 1946 when the Reorganization Act was passed. I notice that the number of people today amounts to 198—17 of which are regular employees—that is, under the Reorganization Act, as well as resolutions adopted. There is also an additional contingent of 175 for investigative purposes. I cannot for the life of me see how that number of people can be employed fruitfully in these investigations.

I notice the recommendation of the Committee on Rules and Administration is to add six more people to the large number of people we now have. One of them is for the Subcommittee on Administrative Practice and Procedure, another is for the Subcommittee on Constitutional Amendments, another is for the Subcommittee on Federal Criminal Laws, and two for the Subcommittee on Refugees and Escapees.

I thought we were getting away from the refugee and escapee problem. Where do they come from? Here we are using 10 people to investigate that, and for what purpose? One is being added for the Subcommittee on Separation of Powers.

I know this committee has a good deal of work. I can well remember that the Senator from Mississippi (Mr. EASTLAND) has often said more bills come from the Committee on the Judiciary than from any other committee. That is true.

I can well remember when I was chairman of the Claims Committee, before the Reorganization Act. I did the work of that committee with two people, and the record will show that more bills were reported by that Claims Committee of which I was chairman than the rest of the Senate committees put together.

Here we have subcommittees that are headed by professionals and lawyers. In addition, there is the Department of Justice with a large number of lawyers. Then there is the Immigration and Naturalization Service, and they have a large number of lawyers.

So the work that is being done by this committee has increased in cost perhaps 500 times compared to what it was before 1946. To me it is unconscionable that so many people should be employed in the Committee on the Judiciary.

As I said, instead of having the regular 12 that other committees have, that committee has 17 regular employees, which means they have five additional specialists, plus 175 to investigate various programs.

I am not going to spend any more time arguing about this matter, but I think it is shameful for so many people to spend so much money—$3,941,800—to operate this committee.

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

Mr. ELLENDER. I yield.

Mr. CANNON. We reduced the overall request in committee by $80,500. Personally, I felt it probably could have been reduced more. That was the action of the committee. The Senator indicated that we approved six additional spaces. We did not act on the additional spaces. We felt that out of this reduction they probably will not be able to increase those six people they intend to increase; at least, we hope they will not, but we would leave them some flexibility.

We did not act on the total employee figure at all; we just acted on the total money figure.

Mr. ELLENDER. I understand the table from which I am reading was made up by the Committee on Rules and Administration.

Mr. CANNON. That is correct. They requested an increase of six, for a total of 198. We did not act on the total number of bodies. We acted to reduce their money request by $80,500 throughout the various subcommittees in the hope of reducing the number of bodies. They will have to reduce the number of bodies or not pay them as much as they expected to.

Mr. ELLENDER. I wonder if anyone could explain why it was necessary to add more positions for the Subcommittee on Refugees and Escapees. Can anybody give an explanation of that?

Mr. BAYH. Mr. President, the Senator from Indiana is not a member of that subcommittee, but I have attended meetings of the full Committee on the Judiciary and heard problems of that subcommittee discussed.

The Senator from Massachusetts, I think, is the chairman of that subcommittee. I think the record will show that with the hostilities that exist in Southeast Asia at this moment in history, in which we are embroiled in a confrontation that most of us feel is a war, one significant result has been of the increasing number of refugees.

If we are going to win the battle to win the minds and the hearts of the people of that area, which in the final analysis is what it is about, we have to find a way to deal with this large number of displaced persons and see that they are rehabilitated, that their lives are reconstituted, and that they have a new way to provide for themselves and their families, and that hopefully they will reinhabit those areas from which they came.

I do not have any way to speak with personal knowledge about those particular staff members. I was not in on the budget process in the subcommittee, but as I have stated, I have attended committee meetings of the Committee on the Judiciary when the matter was discussed.

Mr. ELLENDER. I brought this matter to the attention of the Senate. We have had the refugee and escapee problem facing us since World War II.

Today we have in our country almost a half-million Cubans. Some time ago I made the suggestion that our friends across the seas should assist us in this escapee and refugee problem. I suggested the countries to the south of us should

contribute, but what have we gotten thus far? We have gotten a goose egg. Nothing.

To the contrary, they said:

If you desire us to take refugees from Cuba, you will have to pay the expenses for them.

That is the kind of cooperation we got from our friends abroad. We carry the whole load, but nobody else seems to worry about that.

This committee, if it wants to do good work for the Senate, ought to look into the matter as to why our friends across the sea, whom we have helped, are not willing to help us solve the refugee problem.

Mr. CANNON. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, the amendments are considered and agreed to en bloc; and without objection, the resolution as amended is agreed to.

ADDITIONAL FUNDS FOR THE COMMITTEE ON LABOR AND PUBLIC WELFARE

The LEGISLATIVE CLERK. The Senate proceed to consider the resolution—Senate Resolution 35—to provide additional funds for the Committee on Labor and Public Welfare, which had been reported from the Committee on Rules and Administration with amendments on page 2, at the beginning of line 11, insert "$1,540,000"; in line 20, after the word "exceed", insert "$1,065,000"; in line 23, after the word "exceed", insert "$50,000"; on page 3, line 1, after the word "exceed", insert "$475,000"; in line 7, after the word "exceed", insert "$50,000"; and in line 16, after the word "aggregate", insert "$1,540,000"; so as to make the resolution read:

S. RES. 35

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Labor and Public Welfare, or any subcommittee thereof, is authorized from February 1, 1971, through February 29, 1972, for the purposes stated and within the limitations imposed by the following sections, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The Committee on Labor and Public Welfare, or any subcommittee thereof, is authorized from February 1, 1971, through February 29, 1972, to expend not to exceed $1,540,000 to examine, investigate, and to make a complete study of any and all matters pertaining to each of the subjects set forth below in succeeding sections of this resolution, said funds to be allocated to the respective specific inquiries and to the procurement of the services of individual consultants or organizations thereof (as authorized by section 202 (i) of the Legislative Reorganization Act of 1946, as amended) in accordance with such succeeding sections of this resolution.

SEC. 3. Not to exceed $1,065,000 shall be available for a study or investigation of all matters within its jurisdiction under rule XXV of the Standing Rules of the Senate, of which amount not to exceed $50,000 may be expended for the procurement of individual consultants or organizations thereof.

SEC. 4. Not to exceed $475,000 shall be available for an examination, investigation, and complete study of any and all matters pertaining to the United Mine Workers of America election of 1969 and a general study of pension and welfare funds, with special emphasis on the need for protection of employees covered by these funds, of which amount not to exceed $50,000 may be expended for the procurement of individual consultants or organizations thereof.

SEC. 5. The committee shall report its findings, together with such recommendations for legislation as it deems advisable with respect to each study or investigation for which expenditure is authorized by this resolution, to the Senate at the earliest practicable date, but not later than February 29, 1972.

SEC. 6. Expenses of the committee under this resolution, which shall not exceed in the aggregate $1,540,000 shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Mr. CANNON. Mr. President, this resolution would authorize the Committee on Labor and Public Welfare to expend not to exceed $1,540,000 during the present session of Congress for inquiries and investigation. During the last session the committee was authorized to expend not to exceed $1,235,000 for the same purpose. The pending request covers a 13-month period as opposed to a 12-month period last year.

The Committee on Rules and Administration has reported Senate Resolution 35 with no reduction in the amount requested.

The chairman of the Committee on Labor and Public Welfare is the Senator from New Jersey, (Mr. WILLIAMS), and the ranking minority member is the Senator from New York (Mr. JAVITS).

This amount is $121,809 more than the amount necessary to cover the 13th month plus the 6-percent increase plus the amount requested last year.

Mr. ELLENDER. Mr. President, on this resolution I expect to ask for a yea-and-nay vote. Here we have a subcommittee which is asking for additional personnel notwithstanding the fact that it has 30 regular employees provided under the original Reorganization Act plus the amendments thereto. In other words, there are 30 staff positions on the regular committee. Eighteen of them were added, as I have said, by special amendment of the law. Today, the committee is asking for three more for the investigative staff, for a total of 58 employees, over and above the 30.

Evidently, the Committee on Rules and Administration fails to take into consideration the fact that four of the responsibilities that were under the Committee on Labor and Public Welfare were moved to the Committee for Veterans Affairs, which will handle vocational rehabilitation of veterans, veterans hospitals, medical care and treatment of veterans, as well as civil relief and also readjustment of servicemen to civil life. All of those categories were handled by the Committee on Labor and Public Welfare previously. They were taken away from that committee and placed in the Committee on Veterans' Affairs.

Notwithstanding that decrease in work, the Committee on Rules and Administration approved three new positions. I think it is unconscionable to agree to that. The Committee on Labor and Public Welfare has been relieved of much of its work, yet we are providing more employees for it. Evidently there has not been given to this matter the consideration that should have been given.

On this question I ask for a yea-and-nay vote.

Mr. CANNON. Mr. President, I should like to make it perfectly clear that when the Committee on Rules and Administration added employees, we did not add anyone that the Committee on Labor and Public Welfare had not requested and justified before us. I did not necessarily agree to those additions. I moved to reduce the amount by, I believe, 50 percent as to all committees that requested excess amounts, but my position was not supported. The request for three additional persons was made by the Committee on Labor and Public Welfare. The Committee on Rules and Administration acted on that request and approved that number. So I would not want to have the record to appear that the Committee on Rules and Administration itself added those employees; we simply did not.

Mr. ELLENDER. I notice that the committee requested $1,540,000, and the Committee on Rules and Administration gave them that amount.

Mr. CANNON. That is correct; we approved their request.

Mr. ELLENDER. Exactly; but in that request, they had provided for the three additional positions, so they will have the money for that purpose.

Mr. CANNON. Yes. I am merely saying that I wanted to make it clear that the committee approved their request. We did not on our own add any employees. I would have liked to see them taken off.

Mr. ELLENDER. The Committee on Rules and Administration allowed every dime that was asked for.

A lot of work has been taken from the Committee on Labor and Public Welfare and has been placed in the Committee on Veterans' Affairs, another new committee has been created. That committee will be provided with six professionals and six clericals, at a cost of some $200,000. The work that committee will perform has in the past been performed by the Committee on Labor and Public Welfare. With that reduction in the work of that committee, we have given them $1,540,000, and they can add more employees to do less work than they had previously.

I remember very well that when former Senator Hill was chairman of the Committee on Labor and Public Welfare, we had a debate every time the matter came up. So he had the Senate adopt, over my protest, a resolution to increase the number of regular employees of that committee—that is, professionals—from six to 28.

Today we have 30, and that includes

the two that were added in the amendment to the Reorganization Act of 1946. So here is a committee which has 18 people added to the regular staff, and the Senate can do nothing about it here, because it is in the law.

In addition to those 30, we are adding 58 for the special investigations of that committee. And, I repeat, we have taken away a good deal of the work. Yet its chairman is asking for much more money and many more bodies. Mr. President, I think it is unconscionable for us to do a thing like that, and that is why I shall ask for a record vote on this resolution.

Mr. WILLIAMS. Mr. President, as chairman of the Committee on Labor and Public Welfare, I should like to address myself to the remarks of the very able and distinguished Senator from Louisiana. I do not know of any other Senator who is as careful to see that the committees of the Senate do their job properly.

I should like to point out to the Senator from Louisiana that this committee has jurisdiction and oversight on programs in the executive department which can be measured in many ways, but one way is by the number of personnel in the executive branch administering the programs that we authorize. There are 230,678 people employed in the executive branch administering programs first authorized by the Committee on Labor and Public Welfare. That is one way to measure the dimension of our responsibilities. Another is to look at that program in terms of its total money impact on the budget. That comes to $12.5 billion.

The Senator from Louisiana makes a great point that there are 88 "bodies" that are to be authorized under this resolution. That in fact is not what will happen. I point out to the Senator from Louisiana that we have available to us the experts of the General Accounting Office, and we have used them and it is fully intended to use them again and again, particularly on the pension study that is authorized under this resolution for the Committee on Labor and Public Welfare. Rather than simply adding bodies here, we are going to go wherever we can get the information we need, and on a reimbursable basis we intend in the future, as we have in the past, to use the GAO.

So, rather than see the picture of bodies, the Senate should realize that we with this resolution will be able to reach the most knowledge and the greatest talent to do our job. As a matter of fact, not only is the GAO available to the Committee on Labor and Public Welfare as the result of this resolution, if it is not disturbed, but there is new emphasis on using the Congressional Research Service. There again, while we budget in terms of staff members, as we know, we are already negotiating with the Congressional Research Service for an ongoing member of that organization, again on a reimbursable basis, to help with the work of the Committee on Labor and Public Welfare.

I state further to the Senator from Louisiana that a good part of the budget that was presented by this committee to the Committee on Rules, and fully understood by the Committee on Rules, deals with the largest reservoir of unregulated money in the United States of America—$125 billion in pension and welfare funds; and this today is unregulated to the point where I can show the Senate headline after headline on abuses; for example, here is one on the "United Mine Workers' Money Maze."

I would point out to the Senator from Louisiana that in a private case that is now underway in downtown Washington, brought against the United Mine Workers' pension plan, a great deal of the evidence used in that case, which is aimed at recouping lost money, was arrived at in this Labor and Public Welfare Committee, with assistance that we got from the GAO, and we got it from them on a reimbursable basis.

So I would urge upon the Senator from Louisiana his own personal scrutiny of exactly what the responsibility of this committee is, and the great dimension that is ours, and that he look to ways to make sure that this committee does its job right, and does not do a shoddy job of overseeing $12.5 billion expenditures in the executive department, and investigating and studying to understand the operation of $125 billion in pension funds, so that the Senate can do the right kind of job in both of these great areas.

I do not know how the motion comes about. I do not know that a motion has been put to seek a record vote on this matter. But it would seem to me that if we cut into this budget, we, charged with this broad responsibility, will not be equipped to do our job. And I can tell Senators this: The Labor and Public Welfare Committee of the Senate has a jurisdiction today much broader than that of our counterpart committee in the House of Representatives where the jurisdiction is divided at this time between two major committees. I think we have to do basically the same work of two House committees, in understanding all the health programs that have been assigned to our committee, all of the education programs, the temporary strike legislation that is before us, and the manpower programs.

These are all ours. It is as broad as that: Education, health, railroad retirement—which is critical—all of the emergency strike legislation; these are areas where we want to do the right kind of job.

I suppose that the Senate, on an emotional basis, could cut us back, and we will not be able to do the right job. That, of course, is up to the Senate. But I do urge the Senator from Louisiana, as we now go into the full effort at understanding the private pension and welfare funds in this country, that we not be cut back, because at this time we know that millions upon millions of dollars are lost because there are not national guidelines requiring fiduciary responsibility, and as a result, we have the actions that are now pending in private lawsuits against pension funds.

We want to see national standards securing that pension money, so that working men and women reaching retirement age will have that pension money that they thought they had as they worked through their 20 or 30 years under a pension plan.

This is a part of it, Mr. President. I certainly urge upon the Senator from Louisiana to think in terms of the dimensions of our responsibility, and how we meet that responsibility.

Mr. BYRD of West Virginia. Mr. President, will the Senator from Louisiana ask for the yeas and nays at this time, while sufficient Senators are in the Chamber?

Mr. ELLENDER. I ask for the yeas and nays.

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

The PRESIDING OFFICER. Does the Senator wish the yeas and nays on an amendment or the adoption of the resolution?

Mr. ELLENDER. I am going to send an amendment to the desk.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that it be in order to order the yeas and nays on the Senator's amendment even though it has not been offered.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The yeas and nays were ordered.

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

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

Mr. ELLENDER. Mr. President, I move that in Senate Resolution 35, on line 20, page 2, the figure "$1,065,000" be stricken and "$850,895" be inserted in lieu thereof; that on page 3, line 1, the figure "$475,000" be stricken and "$321,480" be inserted in lieu thereof.

The PRESIDING OFFICER. Is the Senator from Louisiana asking unanimous consent that these amendments be considered en bloc?

Mr. ELLENDER. Yes. I have another amendment. I want to insert on line 16, page 3, "$1,172,375." In other words, that amount is the total of the two figures I have just given.

The PRESIDING OFFICER. Does the Senator from Louisiana ask that these amendments be taken up before the first committee amendment is considered?

Mr. ELLENDER. So far as I am concerned, the three amendments I have offered can be considered en bloc, if there is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered. And they will be acted on before the first committee amendment.

Mr. ELLENDER. Yes.

The PRESIDING OFFICER. Without objection, that is also ordered.

Mr. ELLENDER. Mr. President, as I stated heretofore, this committee has been released of much work that is now transferred to the Veterans' Affairs Com-

mittee. The first amendment I have submitted provides the same amount of money for section 3, General Investigations, as was provided for last year, plus $81,920 to provide for the 13th month plus, $48,975 for the 6 percent increase. That is how the figure of $850,895 was reached.

For the second subcommittee, under section 4 for an investigation of the United Mine Workers' election, which has been going on for quite some time now, we have provided for the same amount of money that was given last year, which amounts to $265,000, plus $36,540 for the 13th month and 6 percent increase on the salaries.

This amount on the salaries is a little more than should be provided, but it is just a few thousand dollars more. I figured it on the expenditures to be provided for in the resolution. This amount aggregates $1,172,350 instead of $1,540,000 provided for in section 6 of the bill.

With the transfer of the different responsibilities from the Labor and Public Welfare Committee, as I pointed out—and there are four different categories which have been transferred to Veterans' Affairs—the amount is more than sufficient. This does not affect the 30 employees provided for under resolutions passed, and under the Reorganization Act. In other words, the committee will still have 30 regular employees on it instead of 12, which the other standing committees have. The committee will have, as I just stated, the 55 additional employees they had last year.

Concerning the workload, I do not know what else is to be done, or can be done in this United Mine Workers' electon that my good friend from New Jersey speaks of. They have been holding hearings on it for some time. I think that we have amply provided for that.

Mr. WILLIAMS. Mr. President, will the Senator from Louisiana yield at that point?

Mr. ELLENDER. In just 1 minute. It provides a sufficient sum of money for the employment of the extra people that were employed last year, amounting to 11.

What I am dealing with here are the two subcommittees, from which a lot of work has been transferred to the Veterans' Affairs Committee. It is my considered judgment that, after a study of this matter, that the amount should be sufficient.

I now yield to the Senator from New Jersey.

Mr. WILLIAMS. Mr. President, I heard what the Senator had to say about a study that has been going on for a year and a half. What study was that to which the Senator was referring?

Mr. ELLENDER. The United Mine Workers' election. The Senator mentioned that awhile ago.

Mr. WILLIAMS. I regret to say that the Senator is completely in error.

Mr. ELLENDER. Well, I have here before me——

Mr. WILLIAMS. As a matter of fact, we have not even reached the first year of full study—but let me back up——

Mr. ELLENDER. I have here, on section 4, United Mine Workers' election. How long has the Senator been working on that?

Mr. WILLIAMS. Less than a year. This deals with——

Mr. ELLENDER. The Senator spent $265,000 last year for that purpose. What the amendment I sent to the desk provides for is that the Senator will get the same amount of money, plus the 13th month, and the 6 percent on all employees who will work under that subcommittee. I think that is ample. Why would the Senator ask for four more positions on that, in view of the fact that Congress gave the Senator last year the additional employees for the regular committee and the Senator has got, aside from that, 18. This is something that no other committee has. No other committee has as many people on the standing committees who have been put there by law than the committee headed by my good friend from New Jersey

Mr. WILLIAMS. Well, of course, right there, as I read the list that has been provided—print No. 2—taking the first committee—the Appropriations Committee, and then following over, under the column broadly entitled, "Committee Employees, Permanent" I see Appropriations—full committee—and it says 30.

I do not understand why the Senator says that the Labor Committee was the only one that has 30.

Mr. ELLENDER. I said more than provided by law.

Mr. WILLIAMS. No. Under the Permanent Employees, Appropriations has 30. If the Senator would look at the far right——

Mr. ELLENDER. As the Senator knows, the Appropriations Committee is——

Mr. WILLIAMS. Different.

Mr. ELLENDER. Exempt from the staff provisions of the Legislative Reorganization Act.

Mr. WILLIAMS. I agree.

Mr. ELLENDER. It is exempt from the limitation that is applied to all standing committees. I want to say to my good friend from New Jersey that when I assumed the chairmanship of that committee, I found the number of employees shown here. I am now in the process of lowering the number of positions. I can assure my good friend from New Jersey that the appropriations committee, of which I am chairman, will not be overloaded with excess baggage.

What I hope to do is to reorganize the force there so that we can do the work. The Senator well knows that the Appropriation Committee handles all appropriations for every department of Government. But what I was laying stress on was the fact that all the standing committees today have under the new Reorganization Act 12 staff positions, whereas the Senator has 30.

Those are permanent. They were added by my good friend, the former Senator from Alabama, Mr. Hill, and also under the Reorganization Act that was amended last year. The Senator has in addition to the two subcommittees which provide 55 positions, 30 others. All together there are 85 staff employees on that committee.

I think that is ample. I do hope that the Senate agrees to my proposed amendment.

Mr. WILLIAMS. Mr. President, I think the record is quite clear as far as I am concerned. I do wish to correct the remaining error, that the mine workers study has been underway for a year and a half. It was just short of a year ago that we were authorized to look into the United Mine Workers' election.

If the Senator recalls, on December 9, 1969, there was an election of the United Mine Workers, following which there was the tragic murder of the Yablonski family. Following that, we received in the committee a great many charges of irregularities in the election procedures. We were asked as a committee by the Senate to look into that. It was nearly April when we started that. We will be concluding that investigation within a matter, I hope, of 3 or 4 months. As a matter of fact, we learned a great deal that has been useful to the Department of Labor. They moved in and went into district 5. In district 5 there has been at this point a turnabout, and those that had fought alongside Yablonski have had a temporary victory.

A lot of findings were made available by this committee. But we did not get into a full-scale study last year of the pension and welfare funds generally.

As I have said before, there are 34,000 of these pension plans that cover 28 million people. That is a reservoir of money estimated to be $125 billion.

Believe me, this is the most unwatched and unregulated reservoir of money that one could imagine. I am sure that the Senator would want us to do our job correctly.

In that period of time we did not use all of the money appropriated for the committee by the Senate. As of mid-February we had not spent $77,000 under Senate Resolution 360. So, recognizing the full-scale dimension of the pension plans and knowing that we already have established on a reimbursable basis the cooperation of the GAO and the Congressional Research Service, the 88 bodies, so-called by the Senator, will not necessarily be 88 staff people here. A great deal of the funds will be for reimbursement to these two other agencies, GAO and Congressional Research.

Mr. ELLENDER. Mr. President, the GAO, of course, is an arm of the Congress. The matter of the election is in the courts. I do not see what good could be derived from an investigation by the committee of a matter that is in the courts.

As I said, Congress gave the committee authority to investigate the matter. I am not trying to cut that out. I am continuing that at the same rate as last year.

These 30 employees are provided for in the regular legislative bill and are not to be mixed with these extra people the Senator is asking for.

The 30 employees that are permanent are still being provided for. They are not in contest here.

What I am trying to do is simply give the committee the same number of people it had last year, on those two subcommittees I have just mentioned, plus

the 6-percent raise in salary. I think that ought to be satisfactory.

Mr. WILLIAMS. Mr. President, I think the Senator is cutting deeply into the marrow here and is attempting to do more than he suggests he is doing. As a matter of fact, this would cut us substantially below the authorization and appropriation last year. And he would do that to the extent of, I believe, $600,000.

So, this is not putting us on the level of last year, but is cutting us well below last year.

I would say that the legislation which has already reached this committee is a lot heavier than was the case last year.

Mr. ELLENDER. Mr. President, I understand the Cancer Research Committee has been eliminated. That is out. And under the tabulation the Senator has before him, he will find under general investigations that the Senate allowed his committee $720,000 for last year. Under Section 4, the miners' election, the Senate allowed the committee $265,000. That is not disturbed, as I have just stated. The committee will get that amount plus the 6 percent and funds for the 13th month.

That is enough to do the job. In addition, the committee is provided in the regular legislative bill with 30 employees instead of the 12 that all of the other standing committees have.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the senior Senator from Louisiana. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Nevada (Mr. BIBLE), the Senator from Virginia (Mr. BYRD), the Senator from Mississippi (Mr. EASTLAND), the Senator from Georgia (Mr. GAMBRELL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. MAGNUSON), the Senator from Montana (Mr. METCALF), the Senator from New Mexico (Mr. MONTOYA), the Senator from Rhode Island (Mr. PELL), the Senator from Alabama (Mr. SPARKMAN), the Senator from Georgia (Mr. TALMADGE), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I also announce that the Senator from Washington (Mr. JACKSON) is officially absent.

I also announce that the Senator from North Carolina (Mr. JORDAN) is absent because of illness.

I further announce that, if present and voting, the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Washington (Mr. JACKSON) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT) is absent on official business.

The Senator from New Jersey (Mr. CASE), the Senator from Kentucky (Mr. COOK), the Senator from New Hampshire (Mr. COTTON), the Senators from Oregon (Mr. HATFIELD and Mr. PACKWOOD), the Senator from New York (Mr. JAVITS), the Senator from Kansas (Mr. PEARSON), and the Senator from Ohio (Mr. SAXBE) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

Also, the Senator from New York (Mr. BUCKLEY), the Senator from Kansas (Mr. DOLE), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Iowa (Mr. MILLER) are necessarily absent.

The Senator from Tennessee (Mr. BROCK) is detained on official business.

If present and voting, the Senator from Colorado (Mr. ALLOTT) would vote "nay."

On this vote, the Senator from Tennessee (Mr. BROCK) as paired with the Senator from Oregon (Mr. HATFIELD). If present and voting, the Senator from Tennessee would vote "yea" and the Senator from Oregon would vote "nay."

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

The result was announced—yeas 19, nays 46, as follows:

[No. 9 Leg.]

YEAS—19

Allen	Fannin	Long
Anderson	Fulbright	Symington
Bellmon	Gravel	Thurmond
Bennett	Gurney	Tower
Curtis	Hansen	Young
Ellender	Hruska	
Ervin	Jordan, Idaho	

NAYS—46

Aiken	Griffin	Proxmire
Baker	Hart	Randolph
Bayh	Kennedy	Ribicoff
Beall	Mansfield	Roth
Boggs	Mathias	Schweiker
Brooke	McClellan	Scott
Burdick	McGee	Smith
Byrd, W. Va.	McGovern	Spong
Cannon	McIntyre	Stennis
Chiles	Mondale	Stevens
Church	Moss	Stevenson
Cooper	Muskie	Taft
Cranston	Nelson	Weicker
Dominick	Pastore	Williams
Eagleton	Percy	
Fong	Prouty	

NOT VOTING—35

Allott	Goldwater	Metcalf
Bentsen	Harris	Miller
Bible	Hartke	Montoya
Brock	Hatfield	Mundt
Buckley	Hollings	Packwood
Byrd, Va.	Hughes	Pearson
Case	Humphrey	Pell
Cook	Inouye	Saxbe
Cotton	Jackson	Sparkman
Dole	Javits	Talmadge
Eastland	Jordan, N.C.	Tunney
Gambrell	Magnuson	

So Mr. ELLENDER's amendment was rejected.

The PRESIDING OFFICER. The first committee amendment will be stated.

Mr. CANNON. Mr. President, I ask unanimous consent that the committee amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, the committee amendments are considered en bloc, and without objection they are agreed to.

Without objection, the resolution, as amended, is agreed to.

The PRESIDING OFFICER. The clerk will state the next resolution.

ADDITIONAL FUNDS FOR THE COMMITTEE ON POST OFFICE AND CIVIL SERVICE

The Senate proceeded to consider the resolution (S. Res. 21) to provide additional funds for the Committee on Post Office and Civil Service.

Mr. CANNON. Mr. President, this resolution would authorize the Committee on Post Office and Civil Service to expend not to exceed $225,000 during the present session of Congress for inquiries and investigations. During the last session the committee was authorized to expend not to exceed $275,000 for the same purpose. The pending request covers a 13-month period as opposed to a 12-month period last year.

The Committee on Rules and Administration has reported Senate Resolution 21 with no reduction in the amount requested.

The chairman of the Committee on Post Office and Civil Service is Senator MCGEE, and the ranking minority member is Senator FONG.

Mr. President, I point out that the committee's request, when you consider the amount requested last year, the amount necessary to cover the 13th month, and the 6-percent increase, represents a reduction of $90,790, and a reduction of seven in the total number of personnel.

Mr. ELLENDER. Mr. President, I notice in this resolution that reductions have been made. I had planned to offer an amendment, but judging from the last vote, I think it is useless. By the last vote we have given to a committee more money than it had last year, when many of the categories over which they had jurisdiction were transferred to the Committee on Veterans' Affairs. To me, it is simply irrational for us to provide so much for the Committee on Labor and Public Welfare.

In regard to the Post Office and Civil Service Committee, it is true that there has been a reduction of seven people, but here is a committee that has on its regular payroll, provided by law, 13 employees, which are not in controversy at the moment. The subcommittee that was in effect last year had 17 employees, and that number has been reduced to 10.

Yet, it seems to me that the Post Office and Civil Service Committee could well do without the 10 extra that they have, for the simple reason that this committee no longer has under its jurisdiction the Post Office employees. As Senators will remember, we formed a corporation last year, giving that corporation the power to handle all the mail.

In addition, Mr. President, unfortunately the Senate passed a law giving to the President of the United States the power to fix the salaries of all classified employees, so that this committee has little or no work left for it except to look after what the President will do by way of reducing or increasing the salaries of classified employees.

It is my judgment that, with the 13 regular employees, there would be ample

personnel to take care of the work that is now the responsibility of the committee.

As to the last vote taken on the Committee on Labor and Public Welfare, as I pointed out, that committee has been relieved of duties that were transferred to the Committee on Veterans' Affairs. That committee, as I also pointed out, has 30 employees provided for in the legislative bill, which is not in contest here. In addition to those 30 employees, they have asked for and received from the Senate more money than they received last year, although they have been relieved of much of their work.

I point that out to the Senate, and let it go at that. I believe the public should be made to realize what the Senate has just done. I regret that there were so few Senators present to listen to my remarks.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 21) was agreed to, as follows:

S. RES. 21

Resolved, That in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Post Office and Civil Service, or any subcommittee thereof, is authorized from February 1, 1971, through February 29, 1972, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $225,000.

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1972.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contigent fund of the Senate upon vouchers approved by the chairman of the committee.

ADDITIONAL EXPENDITURES BY THE COMMITTEE ON PUBLIC WORKS

The Senate proceeded to consider the resolution (S. Res. 22) authorizing additional expenditures by the Committee on Public Works for inquiries and investigations.

Mr. CANNON. Mr. President, this resolution would authorize the Committee on Public Works to expend not to exceed $600,000 during the present session of Congress for inquiries and investigations. During the last session the committee was authorized to expend not to exceed $435,000 for the same purposes. The pending request covers a 13-month period as opposed to a 12-month period last year.

The Committee on Rules and Administration has reported Senate Resolution 22 with no reduction in the amount requested.

The chairman of the Committee on Public Works is Senator RANDOLPH and the ranking minority member is Senator COOPER.

Mr. President, I might say that this request is $100,475 more than the amount requested last year, plus the amount necessary to cover the 13th month and the 6-percent increase.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 22) was agreed to, as follows:

S. RES. 22

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Public Works, or any subcommittee thereof, is authorized from February 1, 1971, through February 29, 1972, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $600,000, of which amount not to exceed $32,000 shall be available for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act, as amended).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1972.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

ADDITIONAL EXPENDITURES BY THE COMMITTEE ON RULES AND ADMINISTRATION

The Senate proceeded to consider the resolution (S. Res. 28) authorizing additional expenditures by the Committee on Rules and Administration for a study of matters relating to privileges and elections.

Mr. CANNON. Mr. President, this resolution would authorize the Committee on Rules and Administration to expend not to exceed $113,000 during the present session of Congress for inquiries and investigations. During the last session the committee was authorized to expend not to exceed $150,000 for the same purpose. The pending request covers a 13-month period as opposed to a 12-month period last year.

The Committee on Rules and Administration has reported Senate Resolution 28 with no reduction in the amount requested.

The chairman of the Committee on Rules and Administration is Senator JORDAN, and the ranking minority member is Senator PROUTY. I am chairman of the Subcommittee on Privileges and Elections, which would utilize the funds requested, and Senator PROUTY is the ranking minority member.

I point out to the distinguished Senator from Louisiana that our overall request is $59,250 less than the amount requested last year, plus the amount necessary to cover the 13th month and the 6-percent increase.

We have tried to follow the same procedure. We would like to have seen some of the other committees be consistent with the Senate's actions today with reference to these resolutions.

We also have a net reduction of two personnel under the number we had last year.

Mr. ELLENDER. Mr. President, I compliment the Senator from Nevada, and express the wish that others could have done the same as he. Many of these committees have additional employees that are not provided for here, by resolution, but are authorized under the regular legislative act. I am quite certain that if the facts were known to many Senators voting in the negative on my proposed amendment, they might have voted otherwise.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 28) was agreed to, as follows:

S. RES. 28

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Rules and Administration, or any subcommittee thereof, is authorized from February 1, 1971, through February 29, 1972, for the purposes stated and within the limitations imposed by the following sections, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent shall be paid from the contingent fund of the Senate upon Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The Committee on Rules and Administration, or any subcommittee thereof, is authorized from February 1, 1971, through February 29, 1972, to expend not to exceed $113,000 to examine, investigate, and make a complete study of any and all matter pertaining to—

(1) the election of the President, Vice President, or Members of Congress;
(2) corrupt practices;
(3) contested elections;
(4) credentials and qualifications;
(5) Federal elections, generally; and
(6) presidential succession.

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1972.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

ADDITIONAL EXPENDITURES BY THE SELECT COMMITTEE ON SMALL BUSINESS

The Senate proceeded to consider the resolution (S. Res. 19) authorizing additional expenditures by the Select Committee on Small Business.

Mr. CANNON. Mr. President, this resolution would authorize the Select Committee on Small Business to expend not to exceed $153,000 during the present session of Congress for inquiries and investigations. During the last session the select committee was authorized to expend not to exceed $175,000 for the same

purpose. The pending request covers a 13-month period as opposed to a 12-month period last year.

The Committee on Rules and Administration has reported Senate Resolution 19 with no reduction in the amount requested.

The chairman of the Select Committee on Small Business is Senator BIBLE and the ranking minority member is Senator JAVITS.

I may say to the distinguished Senator from Louisiana that their request is $47,959 less than the amount requested last year, plus the amount necessary to cover the 13th month and the 6-percent pay increase. They also have requested a net reduction of two in the number of their personnel.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 19) was agreed to as follows:

S. RES. 19

Resolved, That the Select Committee on Small Business, in carrying out the duties imposed upon it by S. Res. 58, Eighty-first Congress, agreed to February 20, 1950, as amended and supplemented, is authorized to examine, investigate, and make a complete study of the problems of American small and independent business and to make recommendations concerning those problems to the appropriate legislative committees of the Senate.

SEC. 2. For purposes of this resolution, the committee, or any subcommittee thereof, is authorized from February 1, 1971, through February 29, 1972, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency, (4) to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services under section 202(i) of the Legislative Reorganization Act of 1946, and (5) to provide assistance for the members of its professional staff in obtaining specialized training, in the same manner and under the same conditions as any such standing committee may provide that assistance under section 202(j) of such Act.

SEC. 3. The expenses of the committee under this resolution shall not exceed $153,000, of which amount (1) not to exceed $500 shall be available for the procurement of the services of individual consultants, or organizations thereof, and (2) not to exceed $750 shall be available for the training of the professional staff of such committee.

SEC. 4. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date.

SEC. 5. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

EXPENDITURES BY THE SELECT COMMITTEE ON EQUAL EDUCATIONAL OPPORTUNITY

The Senate proceeded to consider resolution (S. Res. 49) authorizing expenditures by the Select Committee on Equal Educational Opportunity, which had been reported from the Committee on Rules and Administration with an amendment.

Mr. CANNON. Mr. President, this resolution as referred would authorize the Select Committee on Equal Educational Opportunity to expend not to exceed $494,000 during the present session of Congress for inquiries and investigations. During the last session, the select committee was authorized to expend not to exceed $375,000 for the same purpose. The pending request covers a 13-month period, as opposed to a 12-month period last year.

The Committee on Rules and Administration has amended Senate Resolution 49 by reducing the requested amount from $494,000 to $479,000, a reduction of $15,000.

The chairman of the Select Committee on Equal Educational Opportunity is Senator MONDALE, and the ranking minority member is Senator HRUSKA.

Mr. ELLENDER. Mr. President, I wonder whether we could have an explanation of what has been done by this committee up to now. As I recall, it is supposed to be a temporary committee; and I presume that, as many other committees that were created on a temporary basis, it has become permanent.

Mr. MONDALE. I am glad that the Senator from Louisiana has propounded that question.

It is our desire and our expectation to conclude the work of this committee at the end of the resolution, which expires at the end of February 1972. I have indicated to the Rules Committee that that is our objective.

We have had a very intensive period of work. We have held 45 hearings. We have heard 158 witnesses. I will submit the topic matters discussed at our hearing. I ask unanimous consent to have printed at this point in the RECORD excerpts from our memorandum to the Rules Committee which further details that activity and our future plans.

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

EXCERPTS FROM MEMORANDUM

THE COMMITTEE'S ACTIVITIES IN 1970

The activities of the select committee to date have focused on the extent to which racial and ethnic isolation in school deny equal educational opportunities to children throughout America; the extent to which a combination of racial; ethnic and socio-economic integration can provide equal educational opportunities; and the extent to which integration is a feasible remedy under a variety of demographic situations.

These activities involved extensive hearings at which 158 witnesses were heard during 48 days of hearings.

The committee began its inquiry with 11 days of overview hearings intended to provide an introduction to the issues related to school integration and equal educational opportunity. They included a preliminary review of: the effects of racial or ethnic isolation in the schools on black, white, Mexican-American and Indian children; proposals such as educational parks and various forms of urban-suburban and interdistrict cooperation that are designed to remedy the problems of racial or ethnic isolation; voluntary school integration efforts in Hartford, Conn.; Berkeley, Calif.; Detroit, Mich.; and Boston, Mass.; recommendations for innovations and services concerning the use of television to further school integration and equal educational opportunities; the relation of school decentralization and community participation to school integration and equal educational opportunity, and the problems of racial isolation confronting American Indians.

Following a joint hearing with the Education Subcommittee on June 9, 1970, at which former HEW Secretary, Robert Finch and former Commissioner of Education, James Allen testified on the proposed Emergency School Aid Act of 1970, the select committee held 17 days of additional hearings on the progress and problems related to school desegregation under Federal law. These hearings were designed to provide an understanding of the Federal Government's desegregation actions under the 14th amendment and the Civil Rights Act of 1964 throughout the Nation—North, South, East, and West—the quality of the desegregation plans being accepted, and proposals for improvements in the school desegregation program.

In August the committee held 4 days of hearings on the effects of ethnic isolation of Mexican-Americans. These hearings represented the committee's initial efforts to explore the extent to which ethnic isolation or ethnic discrimination in the schools—especially in cases involving language and cultural differences—deny equal educational opportunity. These hearings also included discussions of related problems and programs such as the inequality of financial and other resources and efforts to achieve greater equality of opportunity through bilingual and compensatory efforts that exist in many of the school districts that are attempting to deal with problems of ethnic isolation and discrimination.

During the fall the committee held 11 days of introductory hearings on the causes of and remedies for de facto segregation. These hearings focused on the reasons for racial or ethnic isolation in the schools including local zoning practices; the Government's policy with respect to the location of low-income housing; and school boards' decisions concerning attendance zones, assignment of teachers, and the location of new schools. In addition, these hearings were designed in part to examine the issue of unequal school financing and its relationship to racial and ethnic isolation and the denial of equal educational opportunities. Three hearings, for example, explored the extent to which inequalities in school financing occur in conjunction with and contribute to the problems of segregation and resegregation.

FUTURE PLANS

During 1971, the committee plans to explore in depth the problems of racial and ethnic isolation and unequal educational opportunity. Specifically, it hopes to examine thoroughly questions such as:

Where have efforts to integrate worked, and why?

Where have efforts to integrate failed, and why?

How can integration efforts be structured so that they assure maximum educational advantage to all students?

What are the social and other costs of racial isolation and educational disadvantage?

Where is integration feasible in the near term and where must alternative methods for assuring equal educational opportunities be proposed? How should feasibility be determined? What are the alternatives?

What are the relative merits of school integration versus education in isolation from the standpoint of educational achievement?

What is the effect of isolation of poor white children in urban and rural areas?

What is the relative importance of racial integration, socio-economic integration, and ethnic integration in providing equal educational opportunity?

What is the "tipping point" under various demographic circumstances?

What are the causes of white flight and how can resegregation be prevented?

What are the elements of equal educational opportunity beyond the formal mixing of minority and majority group children in school?

What is the relationship between the inequality of resources and the problems of minority group isolation, and how can such problems be resolved?

What are the particular educational needs of Mexican-American, Indian and other minority-groups experiencing language differences as well as ethnic isolation and discrimination, and what policies and programs should be proposed to alleviate their problems?

Under what particular conditions are specific proposals such as magnet schools, urban-suburban cooperation, educational parks, busing, decentralization, school district consolidation and other proposals related to school integration feasible and desirable?

The committee believes that these issues should be explored firsthand through inclusion of case studies and field visits in our series of hearings and investigations. For example, we hope to hold extensive hearings in a number of large cities to explore the multiple educational difficulties faced by students in large, urban, majority-black and majority disadvantaged school systems. Cities with large concentrations of Mexican-American students, Puerto Rican students, and Indian students would be included. Field visits to one or more medium or small size cities, as well as rural areas, to determine how similar problems relating to high concentrations of minority group or disadvantaged students have been or might be solved under different demographic circumstances are also contemplated. These field hearings would be designed to provide a firsthand examination of the problems of racial and ethnic isolation and efforts to provide equal educational opportunity in a variety of circumstances throughout the Nation.

Mr. ELLENDER. I thank the distinguished Senator. I am very hopeful that the prognostication he made will come to pass. Of course, I have heard that often as to other committees, particularly as to the next one coming up, the Select Committee on Nutrition and Human Needs. That was supposed to end after the first year, but I note that they are coming back for more money. What they are going to investigate this time, I do not know.

Mr. MONDALE. I may say to the Senator from Louisiana that I hope to have the work of my committee ended as quickly as possible.

The PRESIDING OFFICER. The clerk will state the committee amendment.

The legislative clerk read as follows:

On page 2, line 20, after the word "exceed", strike out "$494,000" and insert $479,000".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the resolution, as amended.

The resolution (S. Res. 49), as amended, was agreed to, as follows:

S. RES. 49

Resolved, That (a) in studying the effectiveness of existing laws and policies in assuring equality of educational opportunity in accordance with Senate Resolution 359, Ninety-first Congress, agreed to February 19, 1970, as amended and supplemented, the Select Committee on Equal Educational Opportunity is authorized from February 1, 1971 through February 29, 1972, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, (3) to subpena witnesses and documents, (4) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel, information, and facilities of any such department or agency, (5) to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services under section 202(1) of the Legislative Reorganization Act of 1946, (6) to interview employees of the Federal, State, and local governments and other individuals, and (7) to take depositions and other testimony.

(b) The minority shall receive fair consideration in the appointment of staff personnel pursuant to this resolution. Personnel assigned to the minority shall be accorded equitable treatment with respect to the fixing of salary rates, the assignment of facilities, and the accessibility of committee records.

SEC. 2. The expenses of the committee under this resolution shall not exceed $479,000, of which amount not to exceed $20,000 shall be available for the procurement of the services of individual consultants or organizations thereof.

SEC. 3. The committee shall make the final report required by such Senate Resolution 359, together with such recommendations as it deems advisable, at the earliest practicable date, but not later than February 29, 1972.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

ADDITIONAL EXPENDITURES BY THE SELECT COMMITTEE ON NUTRITION AND HUMAN NEEDS

The Senate proceeded to consider the resolution (S. Res. 23) continuing and authorizing additional expenditures by the Select Committee on Nutrition and Human Needs.

Mr. CANNON. Mr. President, this resolution would authorize the Select Committee on Nutrition and Human Needs to expend not to exceed $280,000 during the present session of Congress for inquiries and investigations. During the last session the select committee was authorized to expend not to exceed $246,000 for the same purpose. The pending request covers a 13-month period as opposed to a 12-month period last year.

The Committee on Rules and Administration has reported Senate Resolution 23 with no reduction in the amount requested.

The chairman of the Select Committee on Nutrition and Human Needs is Senator McGOVERN, and the ranking minority member is Senator PERCY.

Mr. ELLENDER. Mr. President, I have just referred to this committee. This is one in which the work was supposed to have been completed last year. The record shows that they asked for an extension and that the extension was granted to file the report, which I thought would be final. Here we are again, providing for more money than was spent last year.

The amount of money first asked was $25,000 to start this program of investigation. Later, $250,000 was requested, and with that amount the Senate was given to understand that this work would be completed.

As I have often said, there is nothing more permanent than one of these temporary committees.

Last year—that is, during 1970—the committee received $246,000, and this year they are asking for $280,000. We see ourselves spending $801,000 for a committee that was supposed to complete its work in the first year of its existence, and it is still going strong.

Mr. President, I ask that a tabulation showing the history of the funds made available to this committee be printed in the RECORD at this point.

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

SELECT COMMITTEE ON NUTRITION AND HUMAN NEEDS

Authority	Allotment	Limitation
S. Res. 281, July 30, 1968	Established, no funds	June 30, 1969
S. Res. 394, Oct. 4, 1968	$25,000	Oct. 4, 1968 through Jan. 31, 1969.
S. Res. 68, Feb. 18, 1969	$250,000	Feb. 1, 1969 through Dec. 31, 1969.
S. Res. 279, Dec 12, 1969		Through Jan. 31, 1970.
S. Res. 323, Feb. 16, 1970	$246,000	Feb. 1, 1970 through Jan. 31, 1971.
S. Res. 23 reported	$280,000	Feb. 1, 1971 through Feb. 29, 1972.

Note: Total past authorizations, $521,000; Total including current Resolution, $801,000.

Mr. ELLENDER. Mr. President, I also ask that a collection of statements taken from the record of past debates on extending this select committee also be placed in the RECORD at this point.

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

SENATE SELECT COMMITTEE ON NUTRITION AND HUMAN NEEDS

CONGRESSIONAL RECORD, volume 114, part 23, page 29579: S. Res. 394: Authorized funds for Select Committee on Nutrition and Human Needs: "The select committee is directed to study the food, medical, and other related basic needs among the people of the United States, and to report back to the appropriate committees of the Senate, terminating its activities not later than June 30, 1969."

CONGRESSIONAL RECORD, volume 114, part 18, page 24161: Mr. CLARK. "Mr. President, the resolution as reported from the committee calls for the select committee to report back to the Senate and terminate its activities not later than the opening of the 91st Congress. Faced with the realties of our heavy Senate schedules, I do not believe that this target date will give the select committee time for adequate implementation of its task.

Mr. President, I ask unanimous consent that the resolution be amended by striking out, on page 3, line 7, the words "the opening of the 91st Congress" and substituting therefor "not later than June 30, 1969." The pur-

pose of this amendment is to give the committee created by the resolution appropriate time to prepare its report and report back to the legislative committees of the Senate."

The PRESIDING OFFICER. "The question is on agreeing to the resolution, as amended.

The resolution (S. Res. 281), as amended, was agreed to, as follows: and terminate its activities not later than June 30, 1969."

CONGRESSIONAL RECORD, volume 115, part 3, page 3668: Mr. CURTIS. "Frankly, I cannot see how we could find out who the hungry are in a 1-year senatorial investigation."

Mr. MCGOVERN. "I have no way of knowing whether we could do it in 1 year, either. I think that we can. I think that we can get enough information to assist the Senate, the House, and the administration in making needed changes through legislation, administrative order, or both.

Granted, 1 year is a short time in which to deal with a problem as far-reaching as this one. So let us not stretch out the time needlessly by crippling this committee with a $100,000 cut, one which would be pennywise and pound foolish.

* * * * *

Mr. PERCY. "If I may answer the distinguished Senator, as we analyzed the budget, we decided this committee should not be a continuing committee. The continuing function should be carried on by the agencies.

"We had a question as to whether or not we could focus attention in a period of 12 months in various areas of the country, taking the Northern States, the Southern States, the Eastern and Western States, taking the rural and urban poverty, all types of families, and taking them as specific cases, so we could turn this body of evidence over and give impetus to a program that should be recommended and carried out by the administration." CONGRESSIONAL RECORD, volume 115, part 3, page 3673.

Mr. COOK. "I would say to the Senator from Nebraska that I am asking for this restoration, not for a block by block survey in this country, because the situation is in existence—it is here now—but I am asking for his help on the sound and logical basis that an answer to this problem must be found. It can be found here. We can only hope that, by the restoration of these funds, and the fact that this resolution also calls for the specific cut-off for this committee, an answer to this problem can be found, because it must be found." CONGRESSIONAL RECORD, volume 115, part 3, page 3676.

* * * * *

Mr. JAVITS. "So we have to prove the facts. And how are we going to prove them? If we can get $250,000, which is not a great deal of money, considering the way we spend money around here, with the firm commitment by Senator MCGOVERN himself and the whole committee that it will last only until the end of the calendar year, it will go out and prove the facts on two grounds: First, that the situation exists; that it is pervasive; that it affects millions of people, including hundreds of thousands of children; second, that the governmental machinery, somehow or other, just is not working in order to deal with it. We have no other recourse but what I consider to be a commitment—and I think the whole committee is committed to it, operating under a tight budget—to utilize the necessary resources to do the job." CONGRESSIONAL RECORD, volume 115, part 3, page 3676.

* * * * *

Mr. JORDAN of North Carolina. "In addition tion to the Select Committee on Nutrition and Human Needs, two subcommittees of the Senate will be carrying on somewhat similar studies during the coming year.

In his appearance before the Senate Rules Committee, Senator RIBICOFF, chairman of the Subcommittee on Executive Reorganization, of the Committee on Government Operations, emphasized that his subcommittee, during the coming year, would concentrate on the 21 separate departments and agencies involved in health care in America. Senator YARBOROUGH, chairman of the Subcommittee on Health, of the Committee on Labor and Public Welfare, also plans to make an intensive study of health problems and legislation related thereto." CONGRESSIONAL RECORD, volume 115, part 3, page 3684.

* * * * *

Mr. BYRD of Virginia. "Mr. President, it is not often that the Senator from Virginia supports an appropriation greater than that recommended by the appropriate committee. Today, however, I have listened to the debate, and it seems to me that the Senator from South Dakota (Mr. MCGOVERN) has made a good case. I am impressed also by the fact that the Select Committee on Nutrition and Human Needs has a termination date. In view of all this, it seems to me that the figure which the Senator from South Dakota (Mr. MCGOVERN) seeks is not an unreasonable one, and I shall support his amendment." CONGRESSIONAL RECORD, volume 115, part 3, page 3684.

The PRESIDING OFFICER. The question is on agreeing to the resolution. (Putting the question.) The noes appear to have it.

Mr. ALLEN. Mr. President, I ask for a division vote.

The PRESIDING OFFICER. A division is requested.

All those in favor of the resolution stand and be counted.

All those opposed stand and be counted.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

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

Mr. ALLEN. Mr. President, I call on the Chair to announce the result of the division vote.

Mr. MCGOVERN. Mr. President, I ask for the yeas and nays on this matter.

The PRESIDING OFFICER. Is there a sufficient second?

There was not a sufficient second.

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

Mr. ALLEN. Mr. President, a point of order. The absence of a quorum cannot be suggested while the vote is in progress, and all the Chair has to do is to announce the result of the previous vote.

The PRESIDING OFFICER (Mr. ROTH). The yeas and nays have been requested. That can be done before the results are announced. In fact, it must be done before it is announced.

Mr. ALLEN. The call for the yeas and nays was not sustained, and all the Chair had to do was to announce the result of the division vote.

The PRESIDING OFFICER. The yeas and nays not being ordered, the quorum call can be demanded and the clerk will call the roll.

Mr. MCGOVERN. Mr. President, I intend to ask that the quorum call be live.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 10 Leg.]

Aiken	Ellender	Mondale
Allen	Ervin	Nelson
Beall	Fannin	Percy
Bellmon	Griffin	Randolph
Boggs	Humphrey	Roth
Byrd, W. Va.	Long	Scott
Cannon	McGee	Spong
Chiles	McGovern	Young
Church	McIntyre	

The PRESIDING OFFICER. A quorum is not present.

Mr. BYRD of West Virginia. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Anderson	Gravel	Proxmire
Baker	Gurney	Ribicoff
Bayh	Hansen	Schweiker
Bennett	Hart	Smith
Brock	Hollings	Stennis
Brooke	Hruska	Stevens
Buckley	Jordan, Idaho	Stevenson
Burdick	Kennedy	Symington
Cooper	Mansfield	Taft
Cranston	Mathias	Thurmond
Curtis	McClellan	Tower
Dominick	Moss	Weicker
Eagleton	Muskie	Williams
Fong	Pastore	
Fulbright	Prouty	

The PRESIDING OFFICER. A quorum is present.

Mr. MCGOVERN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MCGOVERN. Mr. President, I urge Senators to support Senate Resolution 23, which calls for an extension of the life of the Select Committee on Nutrition and Human Needs, the so-called hunger committee.

The committee's budget of $280,000 for 1971 represents an actual decrease of $2,490 from the 1970 budget. Our 1970 budget was $246,000.

The fact that all committees are now budgeted for 13 months rather than for 12, together with the 6-percent salary raise authorized by the Federal Pay Comparability Act of 1970, represents a change that has occurred in the budget of this committee. Taking these new factors into account, the budget for 1971 is $2,690 below the budget we acted upon last year.

The select committee has, in my opinion, an excellent record and is highly deserving of this extension. The sad thing to me is that the committee's merit of new life comes chiefly not because of our accomplishments, but because of the continued existence of poverty-related hunger and malnutrition in America.

This committee, the Congress, and the Federal Government as a whole have much to be proud of in our efforts to come to grips with the shameful paradox of millions of poor and hungry people in the most affluent nation on earth.

Some progress, of course, has been made and I think a great deal of the credit for that progress in the fight against hunger can be attributed to the

efforts generated by this committee. Our successes have been realized because of the truly bipartisan nature of this committee effort.

There has never been a time when partisanship was injected into the hearings or into the work of this special select committee. The distinguished Senator from Illinois (Mr. PERCY), who now serves as the ranking minority member of the committee, has continued in the same tradition set by the Senator from New York (Mr. JAVITS) when he was the ranking minority member of the committee, and the relationships among the members of this select committee dealing with the problems of hunger have at all times been on a nonpartisan basis. But, as we all now fully understand, progress has been slow and our failure to end hunger in America in the past year outweighs our progress toward that final goal.

As such, I and other members of the committee have conceded our overoptimism in thinking back in 1968 that 1 short year would be an adequate life for a committee whose mandate requires it "to study the food, medical, and other related basic human needs among the people of the United States." As a matter of fact, it took our entire first year to document the extent, incidence, causes, and consequences of hunger and malnutrition in America. It really took that long to simply bring hunger before the national conscience of this country in an effective manner.

Since that time, the number of poor Americans participating in food programs has risen from 6 to 12 million of America's total of nearly 25 million eligible poor persons. We have increased the funding for Federal food assistance programs by more than $1½ billion.

The Congress has passed and the President has signed into law a new School Lunch Act that guarantees a free or reduced-price lunch to every needy school child. We also passed a Food Stamp Act which, while containing serious flaws, does extend food benefits to more hungry Americans.

But the shame of hunger is still on our national conscience. An estimated 12 or 13 million eligible poor people are still without Federal food assistance and over 4 million needy schoolchildren still do not receive free or reduced-price school lunches. I commend the President on his stated purpose of seeing to it that those children are reached with a free or reduced-price lunch, and I think that the work of this committee can be helpful in achieving that goal. Our primary responsibility in the next year will be to determine how we can best close this existing malnutrition and hunger gap in the United States.

Mr. President, the committee has in no way broadened its original mandate from the Senate. On the contrary, we have specifically focused our efforts on the nutritional problems of the poor people in America, and only insofar as other problems have impinged on the problem of nutritional health have we extended the investigation of our committee.

The Congress and the President have now pledged themselves firmly to the elimination of hunger in this Nation. It is essential that the Select Committee on Nutrition and Human Needs continue for another year to participate in this effort. Hopefully, by that time we will be able to claim victory in this, our most urgent domestic undertaking.

Our subjects for study and action will be an extension of this past year's activity. Our No. 1 priority will be to exercise continuing oversight in implementing the school lunch reform measures passed by the last Congress.

The next priority of the committee will revolve around our activities to insure the implementing of improvements in the recently passed Food Stamp Act of last year, as well as seeking further improvements in that program. I believe the importance of that undertaking cannot be overestimated, since the food stamp program is at the very heart of the effort to end hunger in this country.

We also have a commitment to report to the Agriculture Committee and the Senate on the need for extension and improvement of the school breakfast program, the authorization for which expires this coming June.

We are currently holding hearings on the followup to the White House Conference on Food, Nutrition, and Health held on February 5, 1971, in Williamsburg. The conference chairman, Dr. Jean Mayer, who has been working as a consultant to President Nixon, felt it was vital that the select committee monitor the conference and its recommendations, and we are attempting, as a committee, to do that.

In addition, we shall this year study the direct commodity distribution program, fraud, and other abuses in the food stamp program, and the effect of the administration's executive reorganization plan upon our national nutrition programs.

I think the committee members have been very careful in defining our goals and activities for the coming year. In conclusion, I would only like to say that I believe we finally have defined the problem and realized the limitations of our present mechanisms to deal with the very serious problem of hunger and malnutrition. We must now encourage and direct the national will necessary to deal fully with the realities of hunger and malnutrition in this country.

For that reason, I hope my colleagues will support Senate Resolution 23, now pending before the Senate, to extend the life of this very vital committee.

Mr. SCHWEIKER. Mr. President, I wish to register my strong support for Senate Resolution 23 and for the extension of the Select Committee on Nutrition and Human Needs for another full year.

I agree with the contentions that the select committee should not continue indefinitely. Eventually, the functions of the committee should be absorbed into the appropriate existing committees of the Senate. Nevertheless, as a new member of the committee it is evident to me that the committee's activities should not be ended this year. During the period of time in which the select committee has been established and funded, that is from 1968 to date, a great deal of progress has been made in the war on hunger and this committee is responsible for much of what has been done. The number of Americans participating in food programs has increased from 6 to 12 million of the 25 million poor people in this country. Funding for food programs have increased by more than $1½ billion.

Last year, the select committee conducted broadly based hearings into many aspects of the hunger problem. Twenty-two days of formal hearings were held, including extensive hearings concerning welfare reform and its relationship to Federal food programs.

The committee has mapped out its activities for 1971, which include a consideration of the amendments to the National School Lunch Act, particularly with regard to the national eligibility standards. I feel that these oversight hearings are urgently needed in order to guarantee that children receive the free or reduced price lunches as intended by Congress in this legislation.

The committee will also consider the implementation of improvements in the Food Stamp Act passed by Congress last year, the school breakfast legislation which expires this coming June, the direct commodity distribution program, problems of fraud in the food stamp program, the relationship between deteriorated living conditions and health, and a matter in which I am particularly interested, a study of the present national nutrition policy for the purpose of formulating a comprehensive national policy and providing recommendations for implementation of such a policy to Congress.

Mr. President, during the existence of the select committee we have discovered much about the problems of hunger and malnutrition which are evident in this country. The White House Conference on Food, Nutrition, and Health has provided us with valuable information on what is required and the recent followup conference in Williamsburg provided dramatic evidence of the urgent need for us to continue to focus on this serious national problem. We are just beginning the battle, and I believe that it is essential that the Senate continue the existence of the select committee for another year so that we can continue the valuable work which has already been done. With the great resources of this country, the problem of hunger should be a temporary one—let us continue the temporary existence of the select committee for another year so that we can provide the Senate with the kind of penetrating analysis which the subject of hunger so urgently deserves.

Mr. KENNEDY. Mr. President, once again we must act to extend the Select Committee on Nutrition and Human Needs. I want the committee's activities continued because the problems of those who are hungry have continued. Sparked by the committee's examination of hunger in America, sporadic attacks on the hunger crisis have been generated over

the past 2 years. Yet, for those who are poor, the pains of hunger have not been brought to an end.

Food stamps and surplus commodities are feeding about 12 million persons now. Free school lunches go to 6 million children. But, at least 25 million poor are deprived of an adequate diet.

Sitting as a member of this committee, I have studied repeated evidence of the existence of chronic hunger and malnutrition in the United States. We have even learned of specific cases of kwashiorker—the tragically consuming disease that saps the lifeblood and all of the body's energy.

Testimony received by the committee just last week revealed cases of youngsters starving and suffering from this deadly killer disease.

Three million children go to bed each night without a decent meal. They always wake up hungry. Shamefully, food assistance programs are deliberately designed to provide only two-thirds the volume of food per person estimated to be an absolute minimum for nutritional health.

Most of us have to admit that existing assistance programs do not provide the means to insure even minimum well-being for the unfortunate. The notion that an abundantly adequate subsidy for the "worthy" factors of our economy has not yet spilled over to the care we allocate for the poor.

This is not a problem, however, that is insoluble. Many experts agree that Federal food assistance programs are not bad devices. With enough money and flexibility they can be effective.

Encouraging advances on this front have emerged in the struggle to produce results—particularly because of the committee's work. It is important to note that the rate of funding requested for the extension of the committee for another year is at the same level as that approved last year. As stated by our committee chairman, one of the most vital tasks still ahead for the nutrition committee is to "exercise continuing oversight" of Federal food assistance programs, in order to insure that all needy people receive the full benefit of these programs.

For the coming year, the members of the committee have agreed on a full agenda that includes hearings to—

First. Examine ways to improve the food stamp program.

Second. Consider expansion of the present school breakfast program.

Third. Review the recommendations and suggest legislation to implement the recommendations of the White House Conference on Nutrition.

Fourth. Prepare a comprehensive report of the commodity distribution program.

Fifth. And finally, upon the recommendation of Senators SCHWEIKER and BELLMON, this committee will consider the development of a national nutrition policy. Hopefully that policy will be helpful in providing an answer to the baffling problem of how we can end hunger now.

Mr. President, I am deeply committed to all of the aims and tasks of the Nutrition Committee. It is not enough that the committee's past work has produced a move toward the kind of change we all want to see, but we are committed to ending the rhetoric about feeding the poor and starting to deliver foodstuffs that will fill the empty stomachs of the poor.

I would like to see the Senate sustain its commanding lead in the assault on ending hunger in America. What we must seek to achieve is a comprehensive system that guarantees an adequate diet for every American. The hunger emergency can be ended with new and innovative responses to this critical problem.

The least we can do as representatives of the poor is to endorse the effective programs committed to doing something about their plight. The Nutrition Committee has brought to light many of the injustices suffered by the poor. By continuing the committee, we shall serve notice that this Senate intends to continue the struggle against needless nutritional suffering. I strongly endorse the extension of this committee because of its far-reaching goals and I look forward to efforts that will bring about the changes we want to insure.

Mr. CRANSTON. Mr. President, as a newly appointed member of the Select Committee on Nutrition and Human Needs, I wish to comment on the need for the Senate to approve Senate Resolution 23, continuing the committee through February 29, 1972, and authorizing additional funds for this period.

The committee has pinpointed a number of areas for investigation during 1971, including an examination of the commodity distribution program. The committee also plans to hold hearings on possible abuses within the present operation of the food stamp program, and to look into the relationship between deteriorated living conditions and health.

During the first 2 days of hearings in 1971—February 23 and 24—the committee heard testimony which brought home the fact that hunger and malnutrition still exist and persist in America. The committee has made a substantial contribution to the expansion and improvement of the school lunch program and the food stamp program. But it is all too clear from the recent testimony on health conditions in migrant camps in Colorado that these improved programs still are not reaching the chronically poor and malnourished.

I believe that another year of investigation and hearings in these vital areas of the national interest may make it possible for us to put an end to hunger in America, to put an end to this terrible waste of human resources, to put an end to this useless suffering. Accordingly, I urge Senators to approve Senate Resolution 23, continuing, and authorizing additional expenditures by, the Select Committee on Nutrition and Human Needs.

The PRESIDING OFFICER. The question is on agreeing to the resolution. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Nevada (Mr. BIBLE), the Senator from Virginia (Mr. BYRD), the Senator from Mississippi (Mr. EASTLAND), the Senator from Georgia (Mr. GAMBRELL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Iowa (Mr. HUGHES), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. MAGNUSON), the Senator from Montana (Mr. MANSFIELD), the Senator from Montana (Mr. METCALF), the Senator from New Mexico (Mr. MONTOYA), the Senator from Rhode Island (Mr. PELL), the Senator from Alabama (Mr. SPARKMAN), the Senator from Georgia (Mr. TALMADGE), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I also anncunce that the Senator from Washington (Mr. JACKSON) is absent on official business.

I also announce that the Senator from North Carolina (Mr. JORDAN) is absent because of illness.

I further announce that, if present and voting, the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. JACKSON), and the Senator from Washington (Mr. MAGNUSON) would each vote "yea".

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT) is absent on official business.

The Senator from New Jersey (Mr. CASE), the Senator from Kentucky (Mr. COOK), the Senator from New Hampshire (Mr. COTTON), the Senators from Oregon (Mr. HATFIELD and Mr. PACKWOOD), the Senator from New York (Mr. JAVITS), the Senator from Kansas (Mr. PEARSON), and the Senator from Ohio (Mr. SAXBE) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

Also, the Senator from Kansas (Mr. DOLE), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Iowa (Mr. MILLER) are necessarily absent.

If present and voting, the Senator from Oregon (Mr. HATFIELD) would vote "yea."

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

The result was announced—yeas 51, nays 17, as follows:

[No. 11 Leg.]

YEAS—51

Aiken	Fulbright	Pastore
Anderson	Gravel	Percy
Baker	Griffin	Prouty
Bayh	Hart	Proxmire
Beall	Hollings	Randolph
Boggs	Humphrey	Ribicoff
Brooke	Jordan, Idaho	Roth
Burdick	Kennedy	Schweiker
Byrd, W. Va.	Mathias	Scott
Cannon	McClellan	Smith
Chiles	McGee	Spong
Church	McGovern	Stevens
Cooper	McIntyre	Stevenson
Cranston	Mondale	Symington
Dominick	Moss	Taft
Eagleton	Muskie	Weicker
Fong	Nelson	Williams

NAYS—17

Allen	Ellender	Long
Bellmon	Ervin	Stennis
Bennett	Fannin	Thurmond
Brock	Gurney	Tower
Buckley	Hansen	Young
Curtis	Hruska	

NOT VOTING—32

Allott	Harris	Miller
Bentsen	Hartke	Montoya
Bible	Hatfield	Mundt
Byrd, Va.	Hughes	Packwood
Case	Inouye	Pearson
Cook	Jackson	Pell
Cotton	Javits	Saxbe
Dole	Jordan, N.C.	Sparkman
Eastland	Magnuson	Talmadge
Gambrell	Mansfield	Tunney
Goldwater	Metcalf	

So the resolution (S. Res. 23) was agreed to, as follows:

S. RES. 23

Resolved, That the Select Committee on Nutrition and Human Needs, established by S. Res. 281, Ninetieth Congress, agreed to on July 30, 1968, as amended and supplemented, is hereby extended through February 29, 1972.

SEC. 2. (a) In studying matters pertaining to the lack of food, medical assistance, and other related necessities of life and health, the Select Committee on Nutrition and Human Needs is authorized from February 1, 1971, through February 29, 1972, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, (3) to subpena witnesses and documents, (4) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel, information, and facilities of any such department or agency, (5) to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services under section 202(i) of the Legislative Reorganization Act of 1946, (6) to interview employees of the Federal, State, and local governments and other individuals, and (7) to take depositions and other testimony.

(b) The minority shall receive fair consideration in the appointment of staff personnel pursuant to this resolution. Such personnel assigned to the minority shall be accorded equitable treatment with respect to the fixing of salary rates, the assignment of facilities, and the accessibility of committee records.

SEC. 3. The expenses of the committee under this resolution shall not exceed $280,000, of which amount not to exceed $10,000 shall be available for the procurement of the services of individual consultants or organization thereof.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Mr. McGOVERN. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. CANNON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE—ENROLLED JOINT RESOLUTIONS SIGNED

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled joint resolutions:

S.J. Res. 31. Joint resolution extending the date for transmission to the Congress of the Report of the Joint Economic Committee; and

S.J. Res. 44. Joint resolution to extend the time for the proclamation of marketing quotas for burley tobacco for the three marketing years beginning October 1, 1971.

ADDITIONAL EXPENDITURE BY THE SPECIAL COMMITTEE ON AGING

The Senate proceeded to consider the resolution (S. Res. 27) continuing and authorizing additional expenditures by the Special Committee on Aging.

Mr. CANNON. Mr. President, this resolution would authorize the Special Committee on Aging to expend not to exceed $380,000 during the present session of Congress for inquiries and investigations. During the last session the special committee was authorized to expend not to exceed $239,000 for the same purpose. The pending request covers a 13-month period as opposed to a 12-month period last year.

The Committee on Rules and Administration has reported Senate Resolution 27 with no reduction in the amount requested.

The chairman of the Special Committee on Aging is Senator CHURCH, and the ranking minority member is Senator PROUTY.

Mr. President, the amount requested was $105,550 more than the amount approved last year, plus the amount necessary to cover the 6-percent increase and the 13th month.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 27) was agreed to, as follows:

Resolved, That the Special Committee on Aging, established by S. Res. 33, Eighty-seventh Congress, agreed to on February 13, 1961, as amended and supplemented, is hereby extended through February 29, 1972.

SEC. 2. (a) The committee shall make a full and complete study and investigation of any and all matters pertaining to problems and opportunities of older people, including but not limited to, problems and opportunities of maintaining health, of assuring adequate income, of finding employment, of engaging in productive and rewarding activity, of securing proper housing and, when necessary, of obtaining care or assistance. No proposed legislation shall be referred to such committee, and such committee shall not have power to report by bill, or otherwise have legislative jurisdiction.

(b) A majority of the members of the committee or any subcommittee thereof shall constitute a quorum for the transaction of business, except that a lesser number, to be fixed by the committee, shall constitute a quorum for the purpose of taking sworn testimony.

SEC. 3. (a) For purposes of this resolution, the committee is authorized from February 1, 1971, through February 29, 1972, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to hold hearings, (3) to sit and act at any time or place during the sessions, recesses, and adjournment periods of the Senate, (4) to require by subpena or otherwise the attendance of witnesses and the production of correspondence, books, papers, and documents, (5) to administer oaths, (6) to take testimony orally or by deposition, (7) to employ personnel, (8) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel, information, and facilities of any such department or agency, and (9) to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services under section 202(i) of the Legislative Reorganization Act of 1946.

(b) The minority shall receive fair consideration in the appointment of staff personnel pursuant to this resolution. Such personnel assigned to the minority shall be accorded equitable treatment with respect to the fixing of salary rates, the assignment of facilities, and the accessibility of committee records.

SEC. 4. The expenses of the committee under this resolution shall not exceed $380,000, of which amount not to exceed $17,000 shall be available for the procurement of the services of individual consultants or organizations thereof.

SEC. 5. The committee shall report the results of its study and investigation, together with such recommendations as it may deem advisable, to the Senate at the earliest practicable date, but not later than February 29, 1972. The committee shall cease to exist at the close of business on February 29, 1972.

SEC. 6. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

ADDITIONAL FUNDS FOR THE COMMITTEE ON APPROPRIATIONS

The resolution (S. Res. 11) to provide additional funds for the Committee on Appropriations was considered and agreed to as follows:

Resolved, That the Committee on Appropriations hereby is authorized to expend from the contingent fund of the Senate, during the Ninety-second Congress, $50,000, in addition to the amount and for the same purpose, specified in section 134(a) of the Legislative Reorganization Act, approved August 2, 1946.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

Mr. BYRD of West Virginia. Mr. President, I ask that the Chair lay before the Senate the pending business.

The PRESIDING OFFICER (Mr. ROTH). The Chair lays before the Senate the pending business which will be stated by title.

The assistant legislative clerk read as follows:

A motion to proceed to the consideration of the resolution (S. Res. 9) amending rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

The Senate resumed the consideration of the motion.

CONCLUSION OF CALENDAR CALL

Mr. BYRD of West Virginia. Mr. President, action has been completed on Calendar No. 24; has it not?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD of West Virginia. Mr. President, that completes the call of the calendar.

ORDER FOR RECESS TO 10:30 A.M.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that,

when the Senate completes its business today, it stand in recess until 10:30 a.m. tomorrow.

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

ORDER FOR RECOGNITION OF SENATOR SYMINGTON TOMORROW

Mr. BYRD of West Virginia. Mr President, I ask unanimous consent that tomorrow, immediately following the approval of the Journal, if there is no objection, and the recognition of the two leaders or their designees under the standing order the able Senator from Missouri (Mr. SYMINGTON) be recognized for not to exceed 1 hour for the purpose of conducting a colloquy.

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

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order Nos. 28 and 29.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

AMENDMENT OF THE RURAL ELECTRIFICATION ACT

The Senate proceeded to consider the bill (S. 70) to amend the Rural Electrification Act of 1936, as amended, to provide an additional source of financing for the rural telephone program, and for other purposes, which had been reported from the Committee on Agriculture and Forestry with amendments on page 12, line 17, after the word "of," strike out "loans" and insert "loan"; on page 18, after line 12, strike out:

"(7) No portion of any loan made under this Act shall be used to finance any political activities prohibited under sections 600, 601, 610, 611, and 612 of title 18, United States Code, and prior to the making of any loan the borrowing entity shall agree in writing not to engage in any such prohibited political activities during the term of such loan.

And at the beginning of line 20, strike out "(8)" and insert "(7)"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is hereby declared to be the policy of the Congress that the growing capital needs of the rural telephone systems require the establishment of a rural telephone bank which will furnish assured and viable sources of supplementary financing with the objective that said bank will become an entirely privately owned, operated, and financed corporation. The Congress further finds that many rural telephone systems require financing under the terms and conditions provided in title II of the Rural Electrification Act of 1936, as amended. In order to effectuate this policy, the Rural Electrification Act of 1936, as amended (7 U.S.C. 921–924), is amended as hereinafter provided.

SEC. 2. The Rural Electrification Act of 1936, as amended, is amended by adding the following two new titles:

"TITLE III

"SEC. 301. RURAL TELEPHONE ACCOUNT.—There is hereby established in the Treasury of the United States an account, to be known as the rural telephone account, consisting of so much of the net collection proceeds (as defined in section 406(a) of this Act) as the Administrator may determine necessary to provide for investment in the capital stock of the Rural Telephone Bank in accordance with such section 406(a): *Provided,* That such investment shall be deemed paid in capital of the said bank notwithstanding that funds representing the proceeds from the sale of such stock shall remain in the rural telephone account until required for actual disbursement in cash by the said bank.

"SEC. 302. DEPOSIT OF ACCOUNT MONEYS.—Moneys in the rural telephone account shall remain on deposit in the Treasury of the United States until disbursed.

"TITLE IV

"SEC. 401. ESTABLISHMENT, GENERAL PURPOSES, AND STATUS OF THE TELEPHONE BANK.—(a) There is hereby established a body corporate to be known as the Rural Telephone Bank (hereinafter called the telephone bank).

"(b) The general purposes of the telephone bank shall be to obtain an adequate supply of supplemental funds to the extent feasible from non-Federal sources, to utilize said funds in the making of loans under section 408 of this title, and to conduct its operations to the extent practicable on a self-sustaining basis.

"(c) The telephone bank shall be deemed to be an instrumentality of the United States, and shall, for the purposes of jurisdiction and venue, be deemed a citizen and resident of the District of Columbia. The telephone bank is authorized to make payments to State, territorial, and local governments in lieu of property taxes upon real property and tangible personal property which was subject to State, territorial, and local taxation before acquisition by the telephone bank. Such payment may be in the amounts, at the times, and upon such terms as the telephone bank deems appropriate but the telephone bank shall be guided by the policy of making payments not in excess of the taxes which would have been payable upon such property in the condition in which it was acquired.

"SEC. 402. GENERAL POWERS.—To carry out the specific powers herein authorized, the telephone bank shall have power to (a) adopt, alter, and use a corporate seal; (b) sue and be sued in its corporate name; (c) make contracts, leases, and cooperative agreements, or enter into other transactions as may be necessary in the conduct of its business, and on such terms as it may deem appropriate; (d) acquire, in any lawful manner, hold, maintain, use, and dispose of property: *Provided,* That the telephone bank may only acquire property needed in the conduct of its banking operations or pledged or mortgaged to secure loans made hereunder or in temporary operation or maintenance thereof: *Provided further,* That any such pledged or mortgaged property so acquired shall be disposed of as promptly as is consistent with prudent liquidation practices, but in no event later than five years after such acquisition; (e) accept gifts or donations of services, or of property in aid of any of the purposes herein authorized; (f) appoint such officers, attorneys, agents, and employees, vest them with such powers and duties, fix and pay such compensation to them for their services as the telephone bank may determine; (g) determine the character of and the necessity for its obligations and expenditures, and the manner in which they shall be incurred, allowed, and paid; (h) execute, in accordance with its bylaws, all instruments necessary or appropriate in the exercise of any of its powers; (i) collect or compromise all obligations assigned to or held by it and all legal or equitable rights accruing to it in connection with the payment of such obligations until such time as such obligation may be referred to the Attorney General for suit or collection; and (j) exercise all such other powers as shall be necessary or incidental to carrying out its functions under this title.

"SEC. 403. SPECIAL PROVISIONS GOVERNING TELEPHONE BANK AS AN AGENCY OF THE UNITED STATES UNTIL CONVERSION OF OWNERSHIP, CONTROL, AND OPERATION.—Until the ownership, control, and operation of the telephone bank is converted as provided in section 410 (a) of this title and not thereafter—

"(a) the telephone bank shall be an agency of the United States and shall be subject to the supervision and direction of the Secretary of Agriculture (hereinafter called the Secretary): *Provided, however,* That the telephone bank shall at no time be entitled to transmission of its mail free of postage, nor shall it have the priority of the United States in the payment of debts out of bankrupt, insolvent, and decedents' estates;

"(b) in order to perform its responsibilities under this title, the telephone bank may partially or jointly utilize the facilities and the services of employees of the Rural Electrification Administration or of any other agency of the Department of Agriculture, without cost to the telephone bank;

"(c) the telephone bank shall be subject to the provisions of the Government Corporation Control Act, as amended (31 U.S.C. 841, et seq.), in the same manner and to the same extent as if it were included in the definition of 'wholly owned Government corporation' as set forth in section 101 of said Act (31 U.S.C. 846);

"(d) the telephone bank may without regard to the civil service classification laws appoint and fix the compensation of such officers and employees of the telephone bank as it may deem necessary;

"(e) the telephone bank shall be subject to the provisions of sections 517, 519, and 2679 of title 28, United States Code.

"SEC. 404. GOVERNOR.—Subject to the provisions of section 410, the Administrator of the Rural Electrification Administration shall serve as the chief executive officer of the telephone bank (herein called the Governor of the telephone bank). Except as to matters specifically reserved to the Telephone Bank Board in this title, the Governor of the telephone bank shall exercise and perform all functions, powers, and duties of the telephone bank.

"SEC. 405. BOARD OF DIRECTORS.—(a) The management of the telephone bank, within the limitations prescribed by law, shall be vested in a board of directors (herein called the Telephone Bank Board) consisting of thirteen members.

"(b) The Administrator of the Rural Electrification Administration and the Governor of the Farm Credit Administration shall be members of the Telephone Bank Board. Five other members of the Telephone Bank Board shall be designated by the President to serve at his pleasure, three of whom shall be officers or employees of the Department of Agriculture but not officers or employees of the Rural Electrification Administration, and two of whom shall be from the general public and not officers or employees of the Federal Government. The Administrator and other officers and employees of the Department of Agriculture and the Governor of the Farm Credit Administration shall serve as members without additional compensation.

"(c) As soon as practicable after enactment of this title, the President of the United States shall appoint six additional members of the initial Telephone Bank Board to be selected from the directors, managers, and employees of any entities eligible to borrow from the telephone bank and of organizations controlled by such entities, with due regard to fair representation of the rural telephone systems of the Nation. The six

members thus appointed shall serve until their successors shall have been duly elected in accordance with subsection (d).

"(d) Within twelve months following the appointment of the six members of the initial Board as provided in subsection (c), the Governor of the telephone bank shall call a meeting of all entities then eligible to borrow from the telephone bank and organizations controlled by such entities for the purpose of electing members of the Telephone Bank Board. Each such entity and organization shall be entitled to notice of and shall have one noncumulative vote at said meeting. Six members of the Telephone Bank Board shall be elected for a two-year term, three from among the directors, managers, and employes of cooperative-type entities eligible to vote and organizations controlled by such entities, and three from among the managers, directors, and employees of commercial-type entities eligible to vote and organizations controlled by such entities. These six members shall be elected by majority vote of the entities and organizations eligible to vote and such entities and organizations may vote by proxy.

"(e) Thereafter, in accordance with the bylaws of the telephone bank, the six members of the Telephone Bank Board shall be elected by holders of class B and class C stock, three from among the directors, managers, and employees of cooperative-type entities and organizations controlled by such entities holding class B or class C stock, and three from among the directors, managers, and employees of commercial-type entities and organizations controlled by such entities holding class B or class C stock. These six members shall be elected by majority vote of the entities and organizations eligible to vote and such entities and organizations may vote by proxy.

"(f) Any Telephone Bank Board member may continue to serve after the expiration of the term for which he is elected until his successor has been elected and has qualified. Telephone Bank Board members designated from the general public, pursuant to subsection (b), or appointed or elected pursuant to subsections (c), (d), and (e), shall receive $100 for each day or part thereof, not to exceed one hundred days per year for the first three years after enactment of this title and not to exceed fifty days per year thereafter, spent in the performance of official duties, and shall be reimbursed for travel and other expenses in such manner and subject to such limitations as the Telephone Bank Board may prescribe.

"(g) The Telephone Bank Board shall prescribe bylaws, not inconsistent with law, regulating the manner in which the telephone bank's business shall be conducted, its directors and officers elected, its stock issued, held, and disposed of, its property transferred, its bylaws amended, and the powers and privileges granted to it by law exercised and enjoyed.

"(h) The Telephone Bank Board shall meet at such times and places as it may fix and determine, but shall hold at least four regularly scheduled meetings a year, and special meetings may be held on call in the manner specified in the bylaws of the telephone bank.

"(i) The Telephone Bank Board shall make an annual report to the Secretary for transmittal to the Congress on the administration of this title IV and any other matters relating to the effectuation of the policies of title IV, including recommendations for legislation.

"SEC. 406. CAPITALIZATION.—(a) The telephone bank's capital shall consist of capital subscribed by the United States, by borrowers from the telephone bank, by corporations and public bodies eligible to become borrowers from the telephone bank, and by organizations controlled by such borrowers, corporations, and public bodies. Beginning with the fiscal year 1971 and for each fiscal year thereafter, the United States shall furnish capital for the purchase of class A stock and there are hereby authorized to be appropriated from net collection proceeds in the rural telephone account created under title III of this Act such amounts, not to exceed $30,000,000 annually, for such purchases until such class A stock shall equall $300,000,000: *Provided*, That on or before July 1, 1975, the Secretary shall make a report to the President for transmittal to the Congress on the status of capitalization of the telephone bank by the United States with appropriate recommendations. As used in this section and section 301, the term 'net collection proceeds' shall be deemed to mean payments from and after July 1, 1969, of principal and interest on loans heretofore or hereafter made under section 201 of this Act, less an amount representing interest payable to the Secretary of the Treasury on loans to the Administrator for telephone purposes pursuant to section 3(a) of this Act.

"(b) The capital stock of the telephone bank shall consist of three classes, class A, class B, and class C, the rights, powers, privileges, and preferences of the separate classes to be as specified, not inconsistent with law, in the bylaws of the telephone bank. Class B and class C stock shall be voting stock, but no holder of said stock shall be entitled to more than one vote, nor shall class B and class C stockholders, regardless of their number, which are owned or controlled by the same person, group of persons, firm, association, or corporation, be entitled in any event to more than one vote.

"(c) Class A stock shall be issued only to the Administrator of the Rural Electrification Administration on behalf of the United States in exchange for capital furnished to the telephone bank pursuant to subsection (a), and such class A stock shall be redeemed and retired by the telephone bank as soon as practicable after June 30, 1985, but not to the extent that the Telephone Bank Board determines that such retirement will impair the operations of the telephone bank: *Provided*, That the minimum amount of class A stock that shall be retired each year after said date and after the amount of class A and class B stock issued totals $400,000,000, shall equal the amount of class B stock sold by the telephone bank during such year. Class A stock shall be entitled to a return, payable from income, at the rate of 2 per centum per annum on the amounts of said class A stock actually paid into the telephone bank. Such return shall be cumulative and shall be payable annually into miscellaneous receipts of the Treasury.

"(d) Class B stock shall be held only by recipients of loans under section 408 of this Act. Borrowers receiving loan funds pursuant to section 408(a) (1) or (2) shall be required to invest in class B stock 5 per centum of the amount of loan funds so provided. No dividends shall be payable on class B stock. All holders of class B stock shall be entitled to patronage refunds in class B stock under terms and conditions to be specified in the bylaws of the telephone bank.

"(e) Class C stock shall be available for purchase and shall be held only by borrowers, or by corporations eligible to borrow under section 408 of this Act, or by organizations controlled by such borrowers and corporations, and shall be entitled to dividends in the manner specified in the bylaws of the telephone bank. Such dividends shall be payable only from income and, until all class A stock is retired, shall not exceed the current average rate payable on its telephone debentures.

"(f) If a firm, association, corporation, or public body is not authorized under the laws of the jurisdiction in which it is organized to acquire stock of the telephone bank, the telephone bank shall, in lieu thereof, permit such organization to pay into a special fund of the telephone bank a sum equivalent to the amount of stock to be purchased. Each reference in this title to capital stock, or to class B, or class C stock, shall include also the special fund equivalents of such stock, and to the extent permitted under the laws of the jurisdiction in which such organization is organized, a holder of special fund equivalents of class B, or class C stock, shall have the same rights and status as a holder of Class B or class C stock, respectively. The rights and obligations of the telephone bank in respect of such special fund equivalent shall be identical to its rights and obligations in respect of class B or class C stock, respectively.

"(g) After payment of all operating expenses of the telephone bank, including interest on its telephone debentures, setting aside appropriate funds for reserves for losses, and making payments in lieu of taxes, and returns on class A stock as provided in section 406(c), and on class C stock, the Telephone Bank Board shall annually set aside the remaining earnings of the telephone bank for patronage refunds in accordance with the bylaws of the telephone bank.

"SEC. 407. BORROWING POWER.—The telephone bank is authorized to obtain funds through the public or private sale of its bonds, debentures, notes, and other evidences of indebtedness (herein collectively called telephone debentures). Telephone debentures shall be issued at such times, bear interest as such rates, and contain such other terms and conditions as the Telephone Bank Board shall determine after consultation with the Secretary of the Treasury: *Provided, however*, That the amount of the telephone debentures which may be outstanding at any one time pursuant to this section shall not exceed eight times the paid-in capital and retained earnings of the telephone bank. The telephone bank shall insert in all its telephone debentures appropriate language indicating that such telephone debentures, together with interest thereon, are not guaranteed by the United States and do not constitute a debt or obligation of the United States or of any agency or instrumentality thereof other than the telephone bank. Telephone debentures shall not be exempt, either as to principal or interest, from any taxation now or hereafter imposed by the United States, by any territory, dependency, or possession thereof, or by any State or local taxing authority. Telephone debentures shall be lawful investments and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under the authority and control of the United States or any officer or officers thereof.

"SEC. 408. LENDING POWER.—(a) The Governor of the telephone bank is authorized on behalf of the telephone bank to make loans, in conformance with policies approved by the Telephone Bank Board, to corporations and public bodies which have received a loan or loan commitment pursuant to section 201 of this Act, (1) for the same purposes and under the same limitations for which loans may be made under section 201 of this Act, (2) for the purposes of financing, or refinancing, the construction, improvement, expansion, acquisition, and operation of telephone lines, facilities, or systems, in order to improve the efficiency, effectiveness, or financial stability of borrowers financed under sections 201 and 408 of this Act, and (3) for the purchase of class B stock required to be purchased under section 406(d) of this Act but not for the purchase of class C stock, subject, as to the purposes set forth in (2) hereof, to the following provisos: That in the case of any such loan for the acquisition of telepohne lines, facilities, or systems, the acquisition shall be approved by the Secretary, the location and character thereof shall be such as to improve the efficiency, effectiveness, or financial stability of the telephone system

of the borrower, and in respect to exchange facilities for local services, the size of each acquisition shall be not greater than the borrower's existing system at the time it receives its first loan from the telephone bank, taking into account the number of subscribers served, miles of line, and plant investment.

"(b) Loans under this section shall be on such terms and conditions as the Governor of the telephone bank shall determine, subject, however, to the following restrictions:

"(1) All loans made under this section shall be fully amortized over a period not to exceed fifty years.

"(2) Funds to be loaned under this Act to any borrower shall be loaned under this section in preference to section 201 if the borrower is eligible for such a loan and funds are available therefor. Notwithstanding the foregoing or any other provision of law, all loans made pursuant to this Act for facilities for telephone systems with an average subscriber density of three or fewer per mile shall be made under section 201 of this Act; but this provision shall not preclude the making of such loans from the telephone bank at the election of the borrower.

"(3) Loans under this section shall, to the extent practicable, bear interest at the highest rate which meets the requirements set forth in paragraph (4), consistent with the borrower's ability to pay such interest rate and with achievement of the objectives of this Act; but not less than 4 per centum per annum.

"(4) Loans shall not be made under this section unless the Governor of the telephone bank finds and certifies that in his judgment (i) the security therefor is reasonably adequate and such loan will be repaid within the time agreed, and (ii) the borrower has the capability of producing net income or margins before interest at least equal to 150 per centum of the interest requirements on all of its outstanding and proposed loans, or such higher per centum as may be fixed from time to time by the Telephone Bank Board in order to allocate available funds equitably among borrowers or to improve the marketability of the telephone debentures: *Provided, however,* That the Governor of the telephone bank may waive the requirement of (ii) above in any case if he shall determine (and set forth his reasons therefor in writing) that this requirement would prevent emergency restoration of the borrower's system or otherwise result in severe hardship to the borrower.

"(5) No loan shall be made in any State which now has or may hereafter have a State regulatory body having authority to regulate telephone service and to require certificates of convenience and necessity to the applicant unless such certificate from such agency is first obtained. In a State in which there is no such agency or regulatory body legally authorized to issue such certificates to the applicant, no loan shall be made under this section unless the Governor of the telephone bank shall determine (and set forth his reasons therefor in writing) that no duplication of lines, facilities, or systems, providing reasonably adequate services will result therefrom.

"(6) As used in this section, the term telephone service shall have the meaning prescribed for this term in section 203(a) of this Act, and the term telephone lines, facilities, or systems shall mean lines, facilities, or systems used in the rendition of such telephone service.

"(7) Notwithstanding any other provision of law, (i) no borrower of funds under section 201 of this Act shall, without approval of the Administrator, sell or dispose of its property, rights, controlling interest, or franchise, or merge or consolidate with any other corporation, until all indebtedness, including all interest and charges, to the Rural Electrification Administration shall have been repaid, and (ii) no borrower of funds under section 408 of this Act shall, without approval of the Governor of the telephone bank under rules established by the Telephone Bank Board, sell or dispose of its property, rights, controlling interest, or franchise, or merge or consolidate with any other corporation, until all indebtedness, including all interest and charges, to the telephone bank shall have been repaid. Any such approval of the disposition of all, or substantially all, of such property, rights, interest, or franchise, or of such merger or consolidation, shall be conditioned upon (1) agreement by the new owner, or the entity resulting from such merger or consolidation, to pay not less than such rate or rates of interest as would be required by this Act if a new loan, or loans, were made to it and (2) refinancing of the loan, or loans, to the extent necessary to effect this result.

"(c) The Governor of the telephone bank is authorized under rules established by the Telephone Bank Board to adjust, on an amortized basis, the schedule of payments of interest or principal of loans made under this section upon his determination that with such readjustment there is reasonable assurance of repayment: *Provided, however,* That no adjustment shall extend the period of such loans beyond fifty years.

"SEC. 409. TELEPHONE BANK RECEIPTS.—Any receipts from the activities of the telephone bank shall be available for all obligations and expenditures of the telephone bank.

"SEC. 410. CONVERSION OF OWNERSHIP, CONTROL AND OPERATION OF TELEPHONE BANK.—(a) Whenever class A stock issued to the United States has been fully redeemed and retired pursuant to section 406(c) of this title—

"(1) the powers and authority of the Governor of the telephone bank granted to the Administrator of the Rural Electrification Administration by this title IV shall vest in the Telephone Bank Board, and may be exercised and performed through the Governor of the telephone bank, to be selected by the Telephone Bank Board, and through such other employees as the Telephone Bank Board shall designate;

"(2) the five members of the Telephone Bank Board designated by the President pursuant to section 405(b) shall cease to be members, and the number of Board members shall be accordingly reduced to eight unless other provision is thereafter made in the bylaws of the telephone bank;

"(3) the telephone bank shall cease to be an agency of the United States, but shall continue in existence in perpetuity as an instrumentality of the United States and as a banking corporation with all of the powers and limitations conferred or imposed by this title IV except such as shall have lapsed pursuant to the provisions of this title.

"(b) When all class A stock has been fully redeemed and retired, loans made by the telephone bank shall not continue to be subject to the restrictions prescribed in the provisos to section 408(a)(2).

"(c) Congress reserves the right to review the continued operations of the telephone bank after all class A stock has been fully redeemed and retired.

"SEC. 411. LIQUIDATION OR DISSOLUTION OF THE TELEPHONE BANK.—In the case of liquidation or dissolution of the telephone bank, after the payment or retirement, as the case may be, first, of all liabilities; second, of all class A stock at par; third, of all class B stock at par; fourth, of all class C stock at par; then any surpluses and contingency reserves existing on the effective date of liquidation or dissolution of the telephone bank shall be paid to the holders of class A and class B stock issued and outstanding before the effective date of such liquidation or dissolution, pro rata.

"SEC. 412. BORROWER NET WORTH.—Except as provided in subsection (b)(2) of section 408, notwithstanding any other provision of law, a loan shall not be made under section 201 of this Act to any borrower which during the immediately preceding year had a net worth in excess of 20 per centum of its assets unless the Administrator finds that the borrower cannot obtain such a loan from the telephone bank or from other reliable sources at reasonable rates of interest and terms and conditions."

SEC. 3. (a) Subsection (f) of section 3 of the Rural Electrification Act of 1936, as amended, is amended by inserting in lieu of the first word of said subsection "Except as otherwise provided in sections 301 and 406(a) of this Act, all".

(b) Section 201 of the Rural Electrification Act of 1936, as amended, is amended by inserting ", to public bodies now providing telephone service in rural areas", immediately after the word "areas" in the first sentence and also immediately after the word "areas" in the first proviso of the second sentence.

SEC. 4. The right to repeal, alter, or amend this Act is expressly reserved.

SEC. 5. This Act shall take effect upon enactment.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 70) was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-21), explaining the purposes of the measure.

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

EXCERPT FROM REPORT

SHORT EXPLANATION

This bill creates a rural telephone bank to provide supplemental financing for telephone borrowers. With the committee amendments, it is identical to S. 3387, 91st Congress, as passed by the Senate on April 2, 1970, except that (1) the dates on pages 10, lines 15 and 22, and page 11, lines 2 and 24 (of the bill as introduced) have been advanced 1 year, and (2) the word "loans" on page 12, line 17 (of the bill as introduced) has been changed to "loan" to correct a typographical error.

SUMMARY OF PROVISIONS

The bill adds two new titles to the Rural Electrification Act of 1936 to provide for (1) a rural telephone account (title III), and (2) a rural telephone bank (title IV).

COMMITTEE AMENDMENTS

The committee amendments would (1) strike out a political activities provision similar to one stricken from S. 3387 last year, and (2) make a typographical correction. Political activities are already covered by sections 600, 601, 610, 611, and 612 of title 18, United States Code, and there is no need for further provision in this bill with respect to them.

NEW TITLE III—RURAL TELEPHONE ACCOUNT

The rural telephone account would consist of so much of the net collections received under the 2-percent telephone loan program after July 1, 1969, as may be necessary to provide for the Government's investment in the new bank. It could be used only to provide such investment and only pursuant to appropriation act.

NEW TITLE IV—RURAL TELEPHONE BANK

A. *Bank Directors and Governor.*—The Administrator of the Rural Electrification Administration would be the chief executive officer (Governor). There would be 13 directors as follows:

The REA Administrator.

The Governor of the Farm Credit Administration.

Three Department of Agriculture (but not REA) employees appointed by the President.

Two public members (not Federal employees) appointed by the President.

Six members elected by holders of class B and class C stock (to follow six temporary presidential appointees and their six elected 2-year successors). Three would be elected from among personnel of cooperative-type entities and three would be elected from among personnel of commercial-type entities.

B. *Financing of the bank* would be through the sale of stock and debentures and through U.S. financing as follows:

(1) U.S. stock purchases of $300 million ($30 million annually to be appropriated from net collection proceeds in the rural telephone account).

(2) Use of USDA facilities and personnel without cost.

(3) Exemption from U.S., State, and local taxes (with authority, but no obligation, to make payments in lieu of taxes on real and tangible personal property previously subject to such taxes).

Bank debentures may not exceed eight times paid-in capital and retained earnings, and are not tax-exempt.

C. *Loans by the bank* would be made to existing or approved borrowers under the 2-percent loan program, would be for up to 50 years, and would bear interest based on the ability of the borrower to pay, but not less than 4-percent per annum.

D. *Loan purposes.*—Loans could be made for the same purposes as section 201 loans, or to finance or refinance system improvement, or for the purchase of class B stock. System improvement loans would not be subject to the "rural area" or 40 percent refinancing limitations of 2-percent telephone loans.

E. *Acquisition limits.*—The bill limits loans for any single telephone acquisition, with respect to exchange facilities for local service, to the size of the borrower's system at the time of its first loan from the bank.

F. *Classes of stock.*—Class A: Issued only to U.S. Government, bearing an annual return of 2 percent, to be redeemed as soon as practicable after June 30, 1985, and in any event, after class A and class B stock totaling $400 million has been issued, in at least the amount of annual stock sales of class B stock.

Class B: Issued to borrowers, who are required to invest an amount equal to 5 percent of the loan (not including that part of the loan made for the purchase of the stock). No dividends, but patronage refunds in class B stock would be paid in accordance with the bylaws.

Class C: Sold to borrowers or persons eligible to borrow or organizations controlled by them. Dividends in accordance with bylaws, payable only from income. Dividends may not exceed the average rate on debentures until all class A stock is retired.

G. *Conversion to private ownership.*—Upon retirement of all class A stock—

(1) The powers of "Governor" would be vested in the board, to be performed by a Governor selected by the board and such other employees as the board designated;

(2) The five Presidential-appointed board members would cease to be board members and the board would be reduced to eight (including the REA Administrator and the Governor of the Farm Credit Administration);

(3) The bank would cease to be an agency of the United States subject to the supervision of the Secretary, but would continue as an instrumentality of the United States;

(4) The limits on the bank's loans for acquisitions contained in the proviso to section 408(a)(2) would become inapplicable;

(5) The bank's authority to use USDA facilities would terminate; and

(6) Various additional provisions of section 403 dealing with status as a wholly owned Government corporation, suits by and against agencies of the United States, and other matters would become inapplicable.

H. *Borrowers eligible for 2-percent loan program.*—Loans for facilities for telephone systems with an average subscriber density of three or fewer per mile would be made under the existing 2-percent program unless the borrower elected to take a telephone bank loan. A system with greater density would not be eligible for a 2-percent loan unless (1) its net worth was not in excess of 20 percent of its assets, or it could not obtain a loan from the telephone bank or from other reliable sources at reasonable rates and terms. Where a borrower eligible for a 2-percent loan is also eligible for a bank loan and financially able to bear the higher interest cost, a bank loan is to be made in preference to a 2-percent loan, if funds are available for such a loan. In determining whether funds are available, the Administrator may consider all of the anticipated demands on both sources of funds.

COMMITTEE CONSIDERATION

The committee's Subcommittee on Agricultural Credit and Rural Electrification held hearings during the 91st Congress on S. 1864 and S. 2202. These hearings were held on November 6, 1969, and have been printed.

In addition to providing for a rural telephone bank, those bills provided for a direct loan account which could be used for making section 201 loans, as well as providing the funds for the Government's investment in the bank. The committee felt that this provision served a purely technical accounting purpose, and that the bill should be restricted to the creation of the rural telephone bank. Consequently the bill reported in the 91st Congress provided, and the bill reported herewith provides, that the rural telephone account can be used only for the purchase of bank stock. It can be used for that purpose only pursuant to future appropriation acts.

S. 1684. and S. 2202 would have made the bank a mixed ownership Government corporation with some of the attributes of a wholly owned Government corporation. The bill reported in the 91st Congress and the bill reported herewith would make it a wholly owned Government corporation until its conversion to private ownership. The essential effect of this provision would be to subject the bank to annual budget review until conversion to private ownership. The bank would be required, after such conversion, to consult with the Secretary of the Treasury before determining the terms and conditions of its debentures. This would assist the Treasury with its complex problem of timing and management of the public debt. Both of these provisions were suggested by the Department of Agriculture.

The most difficult problems confronted by the committee in its consideration of the bill in the 91st Congress were those of determining (1) which borrowers would be entitled to 2 percent loans under section 201 of the Rural Electrification Act of 1936 and which would be entitled to loans at higher interest rates from the bank under the new section 408 which would be added to that act by the bill, and (2) the interest rates to be charged by the banks. S. 1684 and S. 2202 provided for two bank interest rates, to wit, an "intermediate" rate of 4 percent (based on current conditions) and an "other" rate reflecting the cost of money to the bank. The committee felt at that time that this did not afford the bank adequate latitude. The objective of the bank is to provide supplemental financing to borrowers who are able to pay interest rates above the 2 percent level, but who are not able to go to the regular money markets and pay the going interest rates. To accomplish this objective, the bill reported in the 91st Congress and the bill reported herewith provide for the highest interest rate the borrower is able to pay, but not less than 4 percent per annum. The borrower's ability to pay would be determined under section 408(b) on the basis of its net income before interest.

Section 408(b) requires that the rate be such that the borrower's total interest costs can be covered by his net margins before interest at least 1.5 times (or such higher multiple as may be fixed by the Bank Board in order to allocate available funds equitably among borrowers or to improve the marketability of the telephone debentures). A higher multiple would, of course, result in a lower interest rate for the proposed loan.

Following is a hypothetical case illustrating operation of the interest coverage requirement. In this simplified example it is assumed—

(1) That the borrower has a prior loan balance of $2 million on which it is currently paying 2 percent interest or $40,000.

(2) That it requires a new loan of $1 million making its projected total loan balance $3 million; and

(3) That it is estimated that the borrower will be able to produce a net income or margin before interest totaling $120,000.

Since the borrower will have a net income or margin before interest of $120,000, the maximum interest it would be able to pay on all its outstanding and proposed loans and still meet the 150 percent interest coverage requirement would be two-thirds of $120,000 or $80,000. Since the borrower is already paying $40,000 interest on the old loan balance of $2 million, it can pay no more than another $40,000 or 4 percent interest on the new loan of $1 million; and that would be the rate required by section 408(b)(3) of the bill.

In order to provide still greater latitude in tailoring interest rates to the borrower's ability to pay and available funds the committee contemplates the blending of section 201 loans and bank loans to result in an average rate of interest which reflects the borrower's ability to pay. For example a borrower able to pay a maximum of 3 percent on its new borrowings might obtain half of its requirements from the bank at 4 percent and half of its requirements under section 201 at 2 percent REA, in reviewing the loan application, would in each case determine the highest practicable effective interest rate the borrower could pay on the new loan and still meet the bank's interest coverage requirement. If the borrower could pay more than 2 percent and meet this test but not as much as the bank's lowest rate, REA would make a loan for enough of the funds required at 2 percent to reduce the borrower's composite interest rate on present and proposed loans to a level which would meet the bank's interest coverage requirements and qualify the borrower for a bank loan covering the largest practical amount of the new fund requirement.

The general rule under the bill for determining which borrowers receive 2-percent loans and which receive higher interest loans follows the same rationale as the rule for fixing bank interest rates. Section 408(b)(2) provides that funds to be loaned under the act to any borrower shall be loaned under the bank loan provision in preference to section 201 if the borrower is eligible for such a loan and funds are available therefor. In determining whether loan funds were avail-

able for a bank loan, the Administrator could look at all of the expected demands for funds for the fiscal year and plan for the optimum use of loan funds from both sources.

The bill provides for two exceptions from this general rule as follows: First, section 408 (b) (2) provides that loans for telephone systems with an average subscriber density of three or fewer per mile shall be made under section 201.

Second, section 412 prohibits a section 201 loan to any borrower with a greater density which during the immediately preceding year had a net worth in excess of 20 percent of its assets, unless the Administrator finds that the borrower cannot obtain such a loan from the bank or from other reliable sources at reasonable rates and terms.

In order to prevent companies with ability to pay higher rates of interest from acquiring borrowers with low interest rate loans, the bill provides in section 408(b)(7) that approval of the disposition of all, or substantially all, of a borrower's assets, or approval of the merger or consolidation of a borrower with another corporation, shall be conditioned upon the agreement of the new owner to pay not less than such rate of interest as would be required by the bill if a new loan were made to it. The committee last year also gave some consideration to making similar provision where control of a borrower is obtained through acquisition of the borrower's stock. This proved difficult to do since (1) the borrower cannot control transfers of its stock, and (2) the borrower is not necessarily put in a better position to pay a higher interest rate by a wealthy entity's acquisition of a controlling interest in its stock. However, the committee felt that this was a matter which should be examined further by the Administrator and the bank with a view to looking through the corporation to its controlling stockholder in apprpriate cases. It is conceivable that if the borrower had a large volume of outstanding 2-percent loans under section 201 and sought a small loan from the bank, the interest rate which would meet the feasibility requirements of section 408(b)(4) could be an unreasonably high rate for it to pay. If this were the case, the borrower might obtain the loan from some other source with or without subordination of the REA lien, or the Bank Board might determine under the subcommittee language that such unreasonable rate was not practicable or consistent with the borrower's ability to pay or with the achievement of the objectives of the act, and charge a lower rate which would be practicable and consistent with such ability and objectives.

To the extent that a bank obtains higher interest rates, it will be able to obtain a larger volume of funds to loan.

The following table illustrates the total volume of loans that could be made at various average interest rates with $30 million of class A stock proceeds (maximum class A stock would be $300 million) and varying amounts of debenture proceeds. As the average interest rate rises from 3.71 percent, plus an allowance for expenses, reserves, and losses up to 7.33 percent, plus a similar allowance, a greater volume of loan funds can be obtained through the sale of debentures, and the total volume of loans can rise from $42 million of $270 million:

Mix ratio	Class A stock at 2 percent	Debentures at 8 percent	Total amount	Average cost (percent)
1 to 0.4	$30,000,000	$12,000,000	$42,000,000	3.71
1 to 1.0	30,000,000	30,000,000	60,000,000	5.00
1 to 2.0	30,000,000	60,000,000	90,000,000	6.00
1 to 3.0	30,000,000	90,000,000	120,000,000	6.50
1 to 4.0	30,000,000	120,000,000	150,000,000	6.80
1 to 5.0	30,000,000	150,000,000	180,000,000	7.00
1 to 6.0	30,000,000	180,000,000	210,000,000	7.14
1 to 7.0	30,000,000	210,000,000	240,000,000	7.25
1 to 8.0	30,000,000	240,000,000	270,000,000	7.33

OUTER CONTINENTAL SHELF

The Senate proceeded to consider the resolution (S. Res. 56) authorizing the printing for the use of the Committee on Interior and Insular Affairs of additional copies of its committee print entitled "Outer Continental Shelf."

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 56) was agreed to, as follows:

S. RES. 56

Resolved, That there be printed for the use of the Committee on Interior and Insular Affairs three thousand three hundred additional copies of its committee print of the current session entitled "Outer Continental Shelf", a report by its Special Subcommittee on Continental Shelf.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–22), explaining the purposes of the measure.

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

Senate Resolution 56 would authorize the printing for the use of the Committee on Interior and Insular Affairs of 3,300 additional copies of its committee print of the current session entitled "Outer Continental Shelf," a report by its Special Subcommittee on the on Continental Shelf.

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

3,300 additional copies, at $353.97 per thousand $1,168.10

QUORUM

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

RE-REFERRAL OF SENATE JOINT RESOLUTION 58 TO THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Mr. BELLMON. Mr. President, I ask unanimous consent that Senate Joint Resolution 58, which has been referred to the Committee on Commerce, be re-referred to the Committee on Interior and Insular Affairs.

I make that request, Mr. President, because Senate Resolution 45, which pertains to a similar matter, has already been referred to the Committee on Interior and Insular Affairs.

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

QUORUM

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

The PRESIDING OFFICER. The clerk will call the roll.

The 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.

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

IS ANYBODY LISTENING?

Mr. GRIFFIN. Mr. President, in yesterday's Washington Star there appeared an editorial entitled "Nixon Reasons, But Is Anybody Listening?" The editorial, in a perceptive way, discusses President Nixon's report on the foreign policy of the United States for the 1970's.

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

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

NIXON REASONS, BUT IS ANYBODY LISTENING?

If Americans were capable of being reasoned into a consensus on foreign policy, President Nixon's second encyclopedic teach-in on his conduct of our affairs in the world would be rated as an extremely effective job. As the President puts it:

"It is always a requirement of American leadership to explain, as clearly as possible, its over-all approach. We must convincingly demonstrate the relaitonship between our specific actions and our basic purposes. In turn, the leadership can ask the American people for some degree of trust, and for an acknowledgment of the complexities of foreign policy. This does not mean a moratorium on criticism. It means listening to the rationale for specific actions and distinguishing attacks on the broad policy itself from attacks on tactical judgments."

Mr. Nixon certainly has explained himself at great length and in considerable detail on all the major features of his actions over the past year in the area of foreign affairs. No important area of the world has been overlooked. None of the critical problems has been evaded. His message is, furthermore, an explanation rather than merely a defense or a recital of administration successes. The President does reply to some of the arguments of his critics. But the tone throughout his 180-page report is restrained, lucid and non-polemical to the point of blandness.

No startling revelations or new departures are forthcoming. Much of the document consists of a restatement of familiar themes. The connecting thread that runs through the discussion is a reaffirmation of the Nixon Doctrine of shared responsibilities and limited American commitments. But at the same time, it reflects a sensivity to new forces of isolationism in the land, firmly rejecting isolation as a viable American policy.

When it comes to discussion of the major problem areas of the world, the outlook is confident and modestly hopeful.

On Vietnam, the President points to the progress of his Vietnamization program over the past year in terms of American troop withdrawals, which he pledges to continue, and sharp reductions in the rate of American casualties. Improvement in the over-all military situation is attributed largely to the success of the operations against the Communist sanctuaries in Cambodia last spring. At the same time, Mr. Nixon concedes that North Vietnamese forces in both Cambodia and Laos will continue to create severe problems for those countries, and for the South Vietnamese as well, as American forces withdraw.

Little hope is held out for the peace talks in Paris. The Communists, the President says, continue to reject all proposals for taking part in the political life of South Viet-

nam, while pressing for an imposed settlement which would guarantee their take-over of the country. On the question of war prisoners, Mr. Nixon repeats his promise that some American troops will remain in Vietnam as long as any Americans remain in North Vietnamese hands.

On the Middle East, the focus is on the substantial improvement in the prospects for a settlement of the Arab-Israeli conflict that has taken place since a year ago—the establishment, at least temporarily, of a cease-fire, the resolution of the crisis in Jordan and the beginnings of serious negotiations under the auspices of Gunnar Jarring.

Here again, there is no effort to minimize the problems that remain to be resolved. The assessment of the administration is that peace cannot be assured except through acceptance by the Arabs of a binding peace settlement that guarantees Israel's security and the acceptance by Israel of a withdrawal from territories lost in the June war. It is emphasized, however, that the terms of a settlement should be left to the parties to work out through negotiation, rather than imposed from the outside.

Special attention is given to the role of the Soviet Union in the Middle East—a role which has not encouraged the hope of peace. Although it is recognized that the Russians have important interests in the Middle East, they are sharply warned against trying to establish a dominent position there at the expense of the nations of the area, Western Europe or the United States.

In discussing our relations with the Soviet Union, there is a consistent effort to adapt to the realities of a new balance of nuclear power in the world and, if possible, to stabilize this balance through negotiation, perhaps at lower levels of armaments than exist today. The President is under no illusions when it comes to dealing with the Soviets. He recognizes basic conflicts of interest in many parts of the world and widely differing perspectives in the approach to specific problems. He enumerates the hopeful factors, such as the treaties to prevent the proliferation of nuclear weapons to countries now not atomically armed and prohibiting the implantation of atomic weapons on the seabeds. But he balances these plusses against much less encouraging Soviet behavior in the cases of Berlin, the Middle East and Cuba.

Perhaps the most newsworthy—and also most controversial—section of the report deals with problems of armaments control and specifically the Strategic Arms Limitation Talks (SALT) which have been going on with the Russians in Helsinki and Vienna. Mr. Nixon is encouraged by the fact that the Soviet approach to the negotiations has been serious and lacking in propaganda. But he notes grave difficulties in arriving at a mutual concept of equivalency between widely differing weapons systems and their employment. He appears to reject a Soviet proposal aimed at the limiting of defensive weapons only and reaffirms his decision to proceed with the deployment of the Safeguard antiballistic missile system and multiple nuclear warheads known as MIRV.

It is difficult to come up with an over-all assessment of the validity of such a wide-ranging and all-inclusive discussion of our foreign policy problems. For our part, however, with minor reservations in some areas, we support the foreign policy of this administration. We believe, indeed, that it is essentially the foreign policy that any responsible administration—Republican or Democratic—would inevitably pursue, given the reality of present power relationships and the narrow scope of the options within which an American president must operate.

For those who take the trouble to read it, this report probably will promote understanding and respect for the administration's position, though probably not, in the present political atmosphere, the "solidity of domestic support" that the President seeks.

On the contrary, Mr. Nixon's statement has coincided with a renewed outburst of congressional criticism, centering on his policies in Vietnam. A group of 17 Democratic senators, including several of the presumptive presidential candidates, has introduced a bill to bar American support for an invasion of North Vietnam. Republican Senator Javits of New York has warned that Mr. Nixon will be in "grave danger" unless he gives up his policy of Vietnamization. A new decision to send American teams into Laos on rescue missions is certain to add fuel to the controversy.

In any event, no single document can change the new facts of life in this country: Political differences which once stopped at the water's edge now often start there. The great issues of foreign policy will remain among the most divisive and most politically charged issues as long as thinking Americans hold doctrinal—one could almost say religious—differences on the role of the United States as a world power. And this unhappily is the case today.

QUORUM

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

RESCISSION OF ORDER OF REFERRAL OF A JOINT RESOLUTION

Mr. BELLMON. Mr. President, I ask unanimous consent that the order just entered referring Senate Joint Resolution 58 to the Committee on Interior and Insular Affairs be vacated.

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

AUTHORIZATION FOR PRESIDENT PRO TEMPORE TO SIGN JOINT RESOLUTIONS DURING RECESS OF SENATE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the President pro tempore be authorized to sign two joint resolutions during the recess of the Senate until 10:30 a.m. tomorrow, Tuesday, March 2, 1971.

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

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10:30 a.m., following a recess.

At the conclusion of the remarks of the two leaders under the standing order, the able Senator from Missouri (Mr. SYMINGTON) will be recognized for not to exceed 1 hour for the purpose of conducting a colloquy.

At the close of the 1 hour, there will be a period for the transaction of routine morning business not to extend beyond 12 o'clock meridian, and with statements therein limited to 3 minutes.

The operation of rule XXII will be suspended until 12 o'clock meridian. Under rule XXII, at the conclusion of the 1 hour under the rule—that hour to be equally divided and controlled by Mr. Erwin and Mr. Church—there will be a mandatory quorum call. Upon the ascertainment of the presence of a quorum, a yea-and-nay vote is mandatory under the rule. Consequently, Senators should be on notice that there will be a yea-and-nay vote tomorrow at approximately 1:15 p.m. on the motion to invoke cloture on the motion to proceed to the consideration of Senate Resolution 9.

As has been previously stated, at about 2 p.m. tomorrow the Apollo 14 astronauts and their families will visit the Senate Chamber. The distinguished senior Senator from New Mexico (Mr. ANDERSON) has asked that this visit by the Apollo 14 astronauts be called to the attention of Senators.

RECESS UNTIL 10:30 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 10:30 tomorrow morning.

The motion was agreed to; and (at 4 o'clock and 39 minutes p.m.) the Senate took a recess until tomorrow, Tuesday, March 2, 1971, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate March 1 (legislative day of February 17), 1971:

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

James C. Fletcher, of Utah, to be Administrator of the National Aeronautics and Space Administration, vice Thomas O. Paine, resigned.

LAW ENFORCEMENT ASSISTANCE

Jerris Leonard, of Wisconsin, to be Administrator of Law Enforcement Assistance, vice Charles H. Rogovin, resigned.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Subject to qualifications provided by law, the following for permanent appointment to the grades indicated in the National Oceanic and Atmospheric Administration:

To be commanders

Florwick, Donald J.	Hayes, C. William
Bradly, Walter L.	Crawford, Darrell W.
Petersen, Sigmund R.	Jeffries, Freddie L.
Land, Ralph J.	

To be lieutenant commanders

Gelb, Edward M.	Matsushige, Roy K.
Fisher, Carl W.	Nelson, Larry K.
Rolland, John O.	Wallace, Jack L.
Callahan, John K., Jr.	Molyneaux, Charles Y., Jr.
Schaefer, Glen R.	
Perry, Leslie H.	

To be lieutenants

Smart, Robert V.
Stubblefield, William L.

To be lieutenants (junior grade)

Pier, Kenneth A.	Divis, Allan F.
Hodgson, C. Patrick	Miller, Jerry A.
Adelseck, Charles G., Jr.	Briggs, Douglas A.
	Duernberger, Paul M.

Mathis, Richard M.
Campton, John P.
Goodman, Lowell R.
Bodnar, Andrew N., Jr.
Mulhern, Martin R.
Langdon, Charles H., III
Potter, Kenneth W.
Scolnik, Stephen H.
Retzlaff, Gerald C.
Suva, Donald C.
Wright, Newell W.
Leuthesser, Lance E.
Spillman, Donnie M.
Morley, Joseph J.
Thomasson, John E.
New, Larry A.
Adams, Michael L.
Elliott, Garry W.
Theberge, Albert E., Jr.
Flior, Arthur N.
Hudson, John R., Jr.
Stokoe, James L.
Wagner, Michael E.
Hunt, Robert E., Jr.
Muller, Richard K.
Suloff, Donald L.
Mangis, Stephen J.
Hewitt, Roger P.
Johnson, David H.
Hirschman, Alan D.
Lake, Lawrence L.
Lovelace, Norman L.
Sikes, Andrew L.
Ballentine, Thomas
Lawson, Robert B.
Parry, Harvey L., Jr.
Gester, Ronald L.
Richards, Thomas W.
Rushing, Robert W.
Herz, Howard W.
Snolowitz, Ronald J.
Nostrant, Donald W.
Schwartz, Stephen C.
Davis, Archibald C., III
Reilly, Raymond W.
Rousch, Robert C.
Anderly, Stephen E.
Viertel, William A.
Johnson, Robert L.
Fuller, George C.
Annett, John R.
Goforth, Thomas M.
Hornick, William M., Jr.
Hoyle, Wayne A.
Louis, Raymond
McGee, Stewart, Jr.

To be ensigns

Bernard, Eddie N.
Greber, Michael A.
Beaupre, Richard T.
Wood, Emerson E.
Yeager, David W.
Norris, Robert K.
Coon, Kurt D.
Franklin, Nelson M.
Adams, William L.
Freirich, Glenn E.
Turnacliff, Wayne F.
Rivers, William M., Jr.
Birkey, Steven R.
Schnebele, Kurt J.
Crumley, Bruce L.
Faris, James R.
Kolesar, Michael F.
Kureth, Charles L., Jr.
Lawrence, Christopher B.
Minter, Larry L.
Moore, Richard P.
Newcomer, James E.
Smyth, Carl S.
Wehling, Patrick L., Jr.
Wexler, James A.
Whitaker, Stephen D.
Wilson, Joseph D.
Zider, Robert B.
Arbusto, Frank P., Jr.
Hoge, Robert C.
Young, Stephen A.
Zachariason, Richard A.

IN THE ARMY

The U.S. Army Reserve officers named herein for promotion as Reserve Commissioned officers of the Army, under provisions of title 10, United States Code, section 593(a) and 3384:

To be major general

Brig. Gen. James B. Faulconer, SSAN xxx-xx-xxxx.
Brig. Gen. Stephen S. Ferebee, Jr., SSAN xxx-xx-xxxx.
Brig. Gen. Harry J. Rockafeller, SSAN xxx-xx-xxxx.
Brig. Gen. Moise B. Seligman, Jr., SSAN xxx-xx-xxxx.

To be brigadier general

Col. Edwin I. Creed, SSAN xxx-xx-xxxx, Ordnance Corps.
Col. Richard T. Cuneo, SSAN xxx-xx-xxxx, Infantry.
Col. Edward W. Gaupin, Jr., SSAN xxx-xx-x... xxx-... Corps of Engineers.
Col. Frank C. Harold, SSAN xxx-xx-xxxx, Medical Corps.
Col. Howard A. Louderback, Jr., SSAN xxx-... xxx-xx-xx... Infantry.
Col. George W. McGrath, Jr., SSAN xxx-xx-x... xxx-... Field Artillery.
Col. Albert G. Peterson, SSAN xxx-xx-xxxx, Infantry.
Col. Joseph G. Rebman, SSAN xxx-xx-xxxx, Signal Corps.
Col. W. Stanford Smith, Jr., SSAN xxx-xx-x... xxx-... Infantry.
Col. Edwin B. Taylor, SSAN xxx-xx-xxxx, Infantry.
Col. Donald A. Yongue, SSAN xxx-xx-xxxx, Infantry.

The Army National Guard of the United States officers named herein for promotion as a Reserve Commissioned officer of the Army, under the provisions of title 10, United States Code, section 593(a) and 3385:

To be brigadier general

Col. Kennedy C. Bullard, SSAN xxx-xx-xx... xxx-... Field Artillery.
Col. John F. Burk, Jr., SSAN xxx-xx-xxxx, Infantry.
Col. O. T. Dalton, Jr., SSAN xxx-xx-xxxx, Corps of Engineers.
Col. Sherman J. Gage, SSAN xxx-xx-xxxx, Armor.
Col. Howard G. Garrison, SSAN xxx-xx-x... xxx-... Armor.
Col. John J. Godfrey, SSAN xxx-xx-xxxx, Corps of Engineers.
Brig. Gen. Wilfred C. Menard, Jr., SSAN xxx-xx-xxxx Adjutant General's Corps.
Col. James L. Moreland, SSAN xxx-xx-xxxx, Infantry.
Col. Edward M. Yoshimasu, SSAN xxx-xx-x... xxx-... Infantry.

The Army National Guard of the United States officers named herein for appointment as Reserve Commissioned officers of the Army under provisions of title 10, United States Code, section 593(a) and 3392:

To be major general

Brig. Gen. William R. Sharp, SSAN xxx-xx-x... xxx-... Adjutant General's Corps.

To be brigadier general

Col. John Blatsos, SSAN xxx-xx-xxxx, Field Artillery.
Col. Charles J. Cronan, III, SSAN xxx-xx-xxxx xxx-... Field Artillery.
Col. Edward M. Frye, SSAN xxx-xx-xxxx, Infantry.
Col. Van D. Nunally, Jr., SSAN xxx-xx-xxxx xxx... Armor.
Col. Guy N. Rogers, SSAN xxx-xx-xxxx, Infantry.
Col. Willie L. Scott, SSAN xxx-xx-xxxx, Air Defense Artillery.

IN THE NAVY

The following named (Naval Reserve Officers Training Corps candidates) to be permanent ensigns in the line of staff corps of the Navy, subject to the qualifications therefor as provided by law:

James R. Allen
Lance Antrim
Dan E. Babarik
Timothy L. Baker
William E. Balson
Laughlin M. Barker
Robert F. Barnes, Jr.
James A. Bingaman
Stephen H. Brown
William B. Brown, Jr.
Christopher W. Cole
John H. Collins, Jr.
Peter A. Danforth
James E. Doherty
David A. Duncan
Terence D. Edwards
William R. Ellis
Alan A. Ellison
Troy J. Erwin
Alfred W. Fazio
William L. Fleming
John E. Foerst
Thomas A. Guzman
Martin R. Haase
Alfred G. Harms, Jr.
John A. Hayes
Marc A. Helgeson
Gary L. Helwig
Vincent J. Hill
Thomas H. Hough
William A. Hudson
Jerry S. Hughes
David E. Jarvis
Thomas M. Jaskunas
Wayne A. Johnston
Stanley L. Jones
James E. Keeper
Michael W. Korin
Lawrence M. Kryske
Christopher "K" Lane
Gregg D. Larson
Gerard T. Lennon, Jr.
James W. Locke, Jr.
Bruce A. Lovell
John M. Lowe
George W. McClellan
Erwin L. McClendon
Kenneth F. McCoy
Larry W. McGough
William D. McLean
Thomas D. Macris
Steven P. Moffat
Ralph I. Murphy
Gregory S. Murray
James A. Mustain
James D. Olson
Jack J. Parrino
Norman J. Pheleps
David C. Pugh
Robert E. Reeve
James D. Reily
Stacy A. Resco
Joseph A. Revolinsky
Daniel D. Riley
Steven L. Riley
William M. Ritter
Christopher A. Rusch
David P. Rush
Robert D. Sagendorf
John A. Sampson
Jonathan B. Schmidt
Leonard P. Scullion
Charles S. Sharrocks, Jr.
Robert S. Shaw
Robert H. Shay
Theodore C. Sheline, II
*Lee E. Simon
Ronald J. Skewis
Gary W. Smith
Richard M. Stewart
James D. Swearingen
George M. Teague
Edgar A. Touchette, Jr.
Henry J. Vandenbergh
Jon J. Walkwitz
Robert C. Wallace
Robert C. Wallis
Robert B. Wells
William A. Wenslaff
Mark D. Wessman
Joseph D. West
Gary E. Williams
John W. Williams, Jr.
James M. Wilson
Richard G. Wright

The following-named (naval enlisted scientific education program candidates) to be permanent ensigns in the line or staff corps of the Navy, subject to the qualifications therefor as provided by law:

Robin L. Adams
Robert L. Anderson
Richard C. Avery
Richard M. Bailly
Edwin R. Benson III
Michael E. Brennan
Paul R. Bumgardner
Michael E. Chandler
Robert O. Crawford
James W. Davis
James L. Davison
Ronald W. Dennis
John C. Evans
John R. Fitzsimons
Kenneth W. Fleming
Michael E. Flenniken
Richard L. Flones
Thomas F. Floyd
Russell D. Freeman
Ronald A. Gates
Robert L. Gessner, Jr.
James H. Gogolin
Michael J. Goldman
James F. Green
James M. Haddock
Stephen C. Hall
Richard W. Harding
Lee D. Hoffman
James C. Hunt
Michael Ilku
Jared F. Interholzinger
John E. Jackson, Jr.
Craig M. Jannusch
Vernon J. Jarvis
James D. Johnson
Patrick W. Kelly
Arlin K. Kirkpatrick
Lawrence E. Kulp, Jr.
James R. Landry
John M. McLochlin
Edward W. Meisenbach
William R. Michell
Ronald R. Miller
Jack "B" Mills
Joseph A. Mitchell
Michael L. Morneau
David M. Mosey
Thomas E. Murdock
James M. Nelson
Alan M. Nibbs
Bobby L. Nickelson
James W. Patton
John S. Pipis
John B. Reigeluth, Jr.
Irvine A. Renton, III
Patrick A. Rich, Jr.
Robert L. Schilling
George W. Schultz
David P. Sisk
Paul R. Skurski
Duke A. Smith
Gerard R. Steiner
Paul E. Steward, Jr.
Lee B. Taylor
Ronald M. Thomas
Douglas F. Thompson
Lloyd A. Thorpe
Richard K. Troxell
Jay E. Turner
Larry J. Tuttle
Harley J. VanEaton
Paul M. Warr
Robert F. Whitacre, Jr.
Michael L. Williams
Mark C. Winter
David R. Wood
Marcelle E. Wood
Richard F. Wright
David K. Young

The following named (naval enlisted scientific education program candidates) to be permanent lieutenants (junior grade) in the line or staff corps of the Navy, in lieu of permanent ensigns as previously nominated and confirmed to correct grade, subject to the qualification therefor as provided by law:

*Bobby J. Felton
*Ralph L. Morris

The following named (civilian college graduates) to be permanent lieutenants (junior grade) and temporary lieutenants in the Dental Corps of the Navy, subject to the qualification therefor as provided by law:

*Don C. Maddox
*Charles F. Ness
*Ronald M. Rosenberg
*Frank Siciliano

*Alvin D. Campbell (Naval Reserve officer) to be a permanent lientenant and a temporary lieutenant commander in the Dental Corps of the Navy, subject to the qualifications therefor as provided by law.

The following named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Dental Corps of the Navy, subject to the qualification therefor as provided by law:

*Alfred E. Brandt
*Richard W. Burkey
*Kenneth M. Collins
*Arthur S. Daley, Jr.
*Dennis D. Kommer
*Robert J. Vosskuhler
*Clyde K. Wattenbarger

The following named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Medical Corps of the Navy, subject to the qualification therefor as provided by law:

*Larry H. Bowers
*John Y. Chew
*John F. Donaldson
*William A. Downs
*Paul B. Flandermeyer

Jimmy L. Strube, temporary chief warrant officer to be a permanent chief warrant officer W–3 and temporary chief warrant officer W–4 in the U.S. Navy, subject to the qualification therefor as provided by law.

The following temporary chief warrant officers to be permanent chief warrant officers W–2 and temporary chief warrant officers W–3 in the U.S. Navy, subject to the qualification therefor as provided by law:

Robert F. Carlton
Edwin L. Dickinson
Billie G. Hannon
Gerald S. Lear
Theodore G. McManus
Joe D. Meade, III
Neal D. Olson
James A. Posey, Jr.
Charles J. Reddix
David L. Richardson
James H. Richey
August Spata

The following temporary chief warrant officers to be permanent chief warrant officers W–2 in the U.S. Navy, subject to the qualification therefor as provided by law:

James E. Adrian
Lary K. Alley
Ellis C. Anderson
Alfred E. S. Armfield
Andrew T. Atchley
Ricardo J. Aterrado
Gary E. Ball
Sam M. Barnes
James A. Bartley
Arthur Beatty
Richard A. Biondo
Harold L. Bolton, Jr.
Robert S. Booth
George T. Boring
Allen G. Brice
Clarence Broussard
James E. Brueggeman
Clyde L. Butler
Alvin E. Callahan
Willis E. Campbell
John G. Catron
Roland L. Cave
Harold D. Chambers
Richard P. Chesbro
David L. Clements
Dennis E. Clifford
Jimmy T. Clifford
Earl M. Colley, Jr.
Ira B. Cortez
James O. Cooper
Anderson H. Cox
Frederick P. Crickman
William D. Cutler
Walter E. Courtney
Richard K. Cunningham
John Cultrera
William C. Daily
Bobby G. Davis
Gene F. Dove
James T. Dubose
Arthur A. Dumas
James R. Duren
Thomas M. Edwards
Norman H. Faulkner
Bernard J. Ferrara
Gordon P. Fields
Robert F. Fisher
Dale K. Free
George Freeman
Allen P. Freese
Robert Friedenreich
Jack W. Furlong
Robert M. Galindo
Richard E. Gibson
Durell M. Bissinger
Joseph F. Giunta
Michael J. Grace
Charles R. Gray, Jr.
Edward C. Griggs
Leon T. Grigsby
Manuel W. Guerra, Jr.
Zollo R. Gutierrez
Henry C. Haggard
Harold W. Harter
Herbert M. Hartley, Jr.
James L. Harvey
Lynn D. Harvison
John F. Hilton, Jr.
William P. Hinson
William V. Hubbard
Donald E. Hubner
James E. Hutcheson
Charles R. Hughes
Roy D. Hughes
William P. Jeffries, Jr.
Charles D. Johnson, Jr.
Valery C. Keaveny
James H. Kilpatrick, Jr.
Edward Kopanski
Charles S. Krauch
Preston I. Carraway
George Lawson
John C. Lisk
John F. Loonam
Thomas P. Long
William J. Lynn
Thomas E. McClimont
John P. McGowan
Terry L. McKinney
Ernest J. Malboeuf
Vincent R. Marseglia
Dale A. Menard
Clyde D. Miller
Robert A. Morris
Walter S. Morrow
Kenneth L. Munn
Ronald E. Nash
Richard O. Nason
Stephen R. Nelson
Robert E. L. Norwood
James T. O'Keefe
Jim F. O'Neal
Joseph R. Paquin
William G. Parsons
Donald V. Patino
Joseph T. Patkus
Bryant L. Payden
Allen B. Perry
John E. Peterson
Vernon A. Plantz
Thomas R. Pletcher
Louis E. Potts
John E. Price
Charles J. Raggo
Richard A. Riddle
Neal D. Rife
Donald D. Robbins
Robert J. Robbins
David M. Roby
Roger W. Rutland
Lee E. Smith
Lewis B. Smith
Theodore L. Smith
Alton E. Stapp
James C. Stendel
Richard H. Story
John R. Strusinski
John E. Stuart
William W. Sutter
Clovis H. Tapp
George L. Taylor, Jr.
Donald R. Thomas
Byron H. Thompson
Jerry Tingle
Ernest A. Toth
George T. Treptor
Donald P. Turner
Thomas R. Turpin
Warner R. Tyler
Bennie J. Valeu
Robert J. Ventgen
George W. Wallace
William C. Walsh
William F. Walsh
Lee L. Walz
Robert H. Weaver
Elvin B. Webb
James G. Wilke
Joseph K. Winsey
Guy W. Woody
James L. Worley
Clarence F. Wreath
George D. Zeitler

CONFIRMATION

Executive nomination confirmed by the Senate March 1 (legislative day of February 17), 1971:

APPALACHIAN REGIONAL COMMISSION

Donald W. Whitehead, of Massachusetts, to be Federal Cochairman of the Appalachian Regional Commission.

EXTENSIONS OF REMARKS

ABRAHAM LINCOLN AND HIS CHURCH ACTIVITIES

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Monday, March 1, 1971

Mr. SCOTT. Mr. President, much has been written over the years about Abraham Lincoln and his church activities. In fact, some historians have claimed that the 16th President did not display much interest in church.

I want to dispel this point, Mr. President. Abraham Lincoln had a deep faith; he possessed a strong religious conviction; his actions showed a "Humble Lincoln Walked in the Path of God."

Mr. President, I ask unanimous consent that news articles on Lincoln's birthday which have appeared in the Kansas City Times, the Phoenix Gazette, the Milwaukee Journal, and the Philadelphia Evening Bulletin be printed in the Extensions of Remarks. These articles were written by Herman Blum, of Philadelphia, who has an exceptional collection of Lincoln memorabilia and who, over the years before becoming a textile industry executive, was a reporter on newspapers in Wisconsin, St. Louis, New York, and Chicago.

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

CRAFTEX MILLS, INC. OF PENNSYLVANIA,
Philadelphia, Pa., February 20, 1971.

Senator HUGH D. SCOTT,
Senate Office Building,
Washington, D.C.

DEAR HUGH: I thought you might be interested in a few of the nationally important newspapers that ran my byline article on the editorial pages on Lincoln's birthday this year. The most complete of these reprints is the one which appeared in the Kansas City Times.

If you think it worth while to insert it in the Congressional Record, I think it would be readable and a tribute to the understanding of our 16th President.

With kind regards, I am,

Yours very sincerely,

HERMAN BLUM.

[From the Kansas City Times, Feb. 12, 1967]

"LINCOLN THE INFIDEL" IN FACT RELIGIOUS

(By Dr. Herman Blum)

When Abraham Lincoln ran for president the first time, in 1860, his detractors claimed that since he was not a member of any church, had never been baptized or made formal profession of faith, he could not be considered religious. His outright enemies did not hesitate to call him an infidel.

It was in 1846, while a candidate for Congress that Lincoln felt impelled to state his position on the subject of religion which became an issue in his campaign. Accordingly he published the following letter:

"To the voters of the Seventh Congressional District of Illinois.

"A charge having got into circulation in some of the neighborhoods of this district, in substance that I am a scoffer at Christianity, I have by the advice of some friends concluded to notice the subject in this form. That I am not a member of any Christian Church is true, but I have never denied the truth of the Scriptures, and I have never spoken with intentional disrespect of any religion in general, or any denomination in particular.

I do not think I could, myself, be brought to support a man for office whom I knew to be an open enemy of, and scoffer at, religion. Leaving the higher matter of eternal consequences, between him and his maker, I still do not think any man has the right thus to insult the feelings and injure the morals of the community in which he may live.

"If then, I was guilty of such conduct, I should blame the man who should condemn me for it; but I do blame those, whoever they may be, who falsely put such a charge in circulation against me."

(Signed) A. LINCOLN.

Charges that he was an unbeliever continued, but these did not dismay Lincoln. He used to become enmeshed in distorted interpretations of Christianity, which were current then in the narrow religious ways of the day. He was not opposed to creed, but he did say this:

"I cannot without mental reservations assent to long and complicated creeds and catechisms. If the Church would ask simply for acceptance of the commands, 'Thou shalt love the Lord thy God with all thy heart and with all thy soul and thy neighbor as thyself'—that Church I would gladly join with."

OTHER EVIDENCE

Besides his own statement, there is other evidence that Lincoln had deep religious