Sunday lecture: *Archetypal and Personal Elements in Leonardo's "Last Supper." Guest Speaker,* Raymond S. Stites, Former Curator in Charge of Education, National Gallery of Art, Auditorium 4:00.

Sunday concert: National Gallery Orchestra, Richard Bales, *Conductor,* East Garden Court, 7:00.

MONDAY, APRIL 12, THROUGH SUNDAY, APRIL 18

Painting of the week: [1] Botticelli. *Portrait of a Youth* (Andrew Mellon Collection) Gallery 8. Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

Tour of the week: *19th-Century French Masters: Manet.* Rotunda. Tues. through Sat. 1:00; Sun. 2:30.

Tour: *Introduction to the Collection.* Rotunda. Mon. through Sat. 11:00 & 3:00; Sun. 5:00.

Sunday lecture: *Hogarth's London. Guest Speaker:* W. R. Dalzell, Author, Lecturer, and Radio Commentator, Bedford, England. Auditorium 4:00.

Sunday concert: Thomas Beveridge, *Bass.* Martin Katz, *Piano.* (28th American Music Festival). East Garden Court, 7:00.

MONDAY, APRIL 19, THROUGH SUNDAY, APRIL 25

Painting of the week: [1] Byzantine, XIII Century. *Enthroned Madonna and Child.* (Andrew Mellon Collection) Gallery 1. Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

Tour of the week: *19th-Century French Masters: Degas.* Rotunda. Tues. through Sat. 1:00; Sun. 2:30.

Tour: *Introduction to the Collection.* Rotunda, Mon. through Sat. 11:00 & 3:00; Sun. 5:00.

Sunday lecture: *Dürer and America. Guest Speaker:* Wolfgang Stechow, Kress Professor in Residence, National Gallery of Art. Auditorium 4:00.

Sunday concert: Helen Boatwright, *Soprano.* Stuart Raleigh, *Piano.* (28th American Music Festival). East Garden Court, 7:00.

SENATE—*Tuesday, March 30, 1971*

The Senate met at 9:45 a.m., and was called to order by the Acting President pro tempore (Mr. METCALF).

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

My voice shalt Thou hear in the morning, O Lord; in the morning will I direct my prayer unto Thee, and will look up—Psalms 5: 3

And now as we return to the vexing problems of state we beseech Thee, O Lord, to empower Thy servants with hearts aflame for Thee and minds illumined by Thy wisdom. Give them eyes to see the distant scene and a faith in the things that abide all our earthly years. We pray that Thou wilt direct and control all that they design or do or say. And when evening comes give them a good conscience, a quiet mind, and peace at the last.

In the name of Him who gave Himself for others. Amen.

THE JOURNAL

Mr. MOSS. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, March 29, 1971, be dispensed with.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed, without amendment, the joint resolution (S.J. Res. 55) to provide a temporary extension of certain provisions of law relating to interest rates and cost-of-living stabilization.

ENROLLED JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled joint resolution (S.J. Res. 55) to provide a temporary extension of certain provisions of law relating to interest rates and cost-of-living stabilization, and it was signed by the President pro tempore.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, March 30, 1971, he presented to the President of the United States the enrolled joint resolution (S.J. Res. 55) to provide a temporary extension of certain provisions of law relating to interest rates and cost-of-living stabilization.

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

BYELORUSSIAN INDEPENDENCE DAY

Mr. SCOTT. Mr. President, on March 25, we recognized the courageous and nationalistic spirit of the Byelorussian people on their 53d observance of Byelorussian Independence Day. The free world should take note of these people who every day pray and hope for freedom from the constant terror of communism. The short term of Byelorussian freedom from 1918 to 1921 has since been followed by a long and bitter Communist rule. This lunge for liberty has not been forgotten by the Byelorussians and will not be ignored by the United States.

Byelorussia emerged as an independent nation during the turmoil of the Bolshevik Revolution. An example of Byelorussia's desire for self-determination was powerfully stated in an excerpt from the Second Constitutional Decree of March 9, 1918:

> After three and one-half centuries of slavery, the Byelorussian people proclaim to the entire world that they are living and will live.

This statement certainly has survived within the hearts of the Byelorussian people at this hour. They will never give up hope, and the United States will never let that hope down.

Every possible means of assistance will be furnished by the United States, as well as the United Nations, to work toward a lasting era of freedom in the future for this captive nation. The short term of Byelorussian independence beginning on March 25, 53 years ago, will be a symbol revealing what these captive people are struggling for. Freedom is waiting to be unleashed in Byelorussia. The thirst for freedom is living and will continue to live in Byelorussia.

Mr. MOSS. Mr. President, under the previous order, I ask that the Senator from Maine (Mr. MUSKIE) be recognized.

The ACTING PRESIDENT pro tempore. The Senator from Maine (Mr. MUSKIE) is recognized for 15 minutes.

(The remarks of Mr. MUSKIE when he introduced S. 1408 are printed in the RECORD under Bills and Joint Resolutions Introduced.)

SILENT VIETNAM

Mr. MUSKIE. Mr. President, the United States has paid a heavy price for its involvement in the war in Indochina. Thousands of lives have been lost, priceless resources have been squandered, and public morale has suffered a crushing blow.

Yet the toll which this war has exacted on the countries of South Vietnam, Laos, and Cambodia has been far more savage, infinitely most costly.

Our obsession with the body count method of measuring the progress of this war has led us to the indiscriminate bombing of the countryside and the wasteful destruction of its people and resources.

The number of people driven from their homes has soared. The number of bodies maimed by bombings and the use of chemical weapons reaches into the many thousands.

And the countryside itself has been stripped of its vegetation and wildlife. The chances are great that the delicate ecological balance has been irreparably upset, and that the social structure built upon this balance has been destroyed.

In the March 6 issue of Look magazine, Orville Schell, codirector of the Bay Area Institute, has provided a detailed examination of the horrors of the "ecocide" which the war has brought to Vietnam. I ask unanimous consent that this article, entitled "Silent Vietnam," be printed in the RECORD at this point.

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

SILENT VIETNAM

(By Orville Schell, Jr.)

The gradual dismemberment of Indochinese society has become a fact of life. Learned at first with disbelief and horror, and then integrated into the routines of our everyday

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existence, the destruction has become a cliché. Even to speak of the "Vietnam problem" or the "Indochina problem" is deceiving because it implies that there remains a real entity that can easily be restored to health with certain reasonable changes. But, like the bodies of men and women mangled by napalm, fragmentation bombs and phosphorous, the land and the peoples of Indochina will not readily recover from the wounds that America has inflicted, even if a peace is achieved.

The war reports speak of particular battles, an accidentally bombed village, a B-52 strike, a defoliated county, the body count and the increasing numbers of refugees. We have understood this conflict more in terms of isolated events rather than as a complex pattern. We have come to assume that the changed structure of a village, the altered chemistry of a jungle or river, the destroyed tissue of a napalmed child or the shattered economy of a nation do not affect each other. We still see the war in Indochina in terms of meaningless categories, of boundaries, programs, operations and invasions, without understanding that Indochina is an organic fabric in which all living things are tied together in innumerable ways.

If we look at all these disparate disasters as part of a whole, however, it begins to become apparent that our actions in Indochina have already gone far in committing what may well be a new kind of crime in the history of warfare—ecocide. Just as genocide is the crime of eliminating one of the earth's peoples, ecocide is the crime of destroying the natural environment in which people live. In the past, armies have often engaged in a "scorched earth" policy. But whereas a scorched-earth strategy killed and burned everything in its path, an ecocidal strategy, which has become possible only through the recent technological transformation of warfare, destroys an environment for an extended period of time.

It is difficult now to recall Indochina before the ecocide began. Over the last few centuries, the countryside had changed little. South Vietnam was an area largely made up of small decentralized villages spread out over the coastal plain and the fertile Mekong River Delta in the South. The village was the essential unit of Vietnamese life. Most people seldom left their village. Fewer left their county or province. Most villages, although simple, gave one a sense of peace and beauty. Many were accessible only by path or canal. Small houses of split bamboo and thatch, many even on stone foundations, were clumped together in an agreeable way so as to allow for both privacy and communality. In spite of poverty and the absence of land reform, the inhabitants had worked out an accommodation with the natural world around them. They planted palm trees and bamboo groves around their houses for shade and shelter. Rice fields surrounded each village. And, of course, not far away, were the ancestral tombs. At his village, a peasant farmer was born, got married, raised his family, grew his rice crops and died. He lived in a simple universe, yet one that gave him dignity.

Now, ten years after the American military began to move into Vietnam, many crucial elements between man and nature have been destroyed. The two principal agents of this destruction have been a saturation bombing unprecedented in warfare, and the massive spraying of herbicides.

From the point of view of the Indochinese peasant, Vietnamization and President Nixon's claims of withdrawal have not meant an end to the destruction, but a clear escalation of the assault on the countryside by American air power, bombing and defoliation. Aerial bombardment has increased, and systematically replaced ground forces as they have withdrawn. Whatever selectivity the military once exercised in picking targets has disappeared with the massive continuous bombing in Vietnam, Cambodia and Laos.

Indochinese society has become our target, and, in turn, our enemy. We are waging a war against an abstraction that has turned out to be a war against the people and the land itself. Gen. William C. Westmoreland's billion-dollar electronic battlefield for automated warfare has arrived. A year and a half ago, he told the Association of the U.S. Army, "I see battlefields on which we can destroy anything we can locate through instant communications and almost instantaneous application of highly lethal firepower. With first-round kill probabilities approaching certainty, and with surveillance devices that can continually track the enemy, the need for large forces to fix the opposition physically will be less important."

Technology and firepower have now allowed America to wage a wider war while reducing its own casualties, and thus hardly notice what it is doing.

With the replacement of General Westmoreland by Gen. Creighton W. Abrams, the much publicized "search and destroy" operations that were the heart and soul of the Westmoreland tenure began quietly to be phased out in favor of "cordon and search" and "reconnaissance in force" operations, which simply meant that large ground operations were phased out and technology substituted. The high U.S. casualties—over 1,500 during an average week—had become too great a political liability at home. There was a pullback on the ground away from the bloody Loc Ninh, Hamburger Hill, Khe Sanh battles, and the Junction City or Cedar Rapids type of military operation. Drug problems and insubordination among U.S. troops rendered such operations worthless. The war moved to the air. Planes that had been flying daily strikes over North Vietnam were diverted, after the bombing halt in October, 1968, to Laos and South Vietnam. B-52's began to be used as tactical weapons on daily runs. Bomb tonnage soared, and U.S. casualty figures dropped. Mr. Nixon began to speak effusively about withdrawal and of Vietnamization. But the tonnage still has reached amounts that are difficult to comprehend. *Le Monde* reported last July 29 that 1,387,000 tons of bombs were dropped on Indochina in 1969. During the first five months of last year, 594,171 tons of bombs were dropped. The total tonnage dropped during the war is now just under six million tons. (The U.S. dropped just over two million tons of bombs during the whole of World War II on Europe and Japan.) This does not even include artillery shells fired (for example, some 5,172,588 tons fired between January 1, 1968, and May 31, 1970). Since then, B-52's have been flying a thousand sorties and dropping up to 2,000 tons of bombs a day. Such figures stagger the imagination; we have dropped almost 20 tons of explosives for every square mile in Vietnam.

The war has shown that United States firepower is almost limitless. Our inability to win has not stemmed from an absence of ordnance but from an absence of targets. In this technological warfare, our lethal firepower has been turned on society itself, like a broad-spectrum antibiotic that makes no distinction between wanted and unwanted organisms. Target bombing and air support for ground operations have given way to saturation bombing. Artillery strikes, once called in on specific targets, have evolved into harassment and interdiction (H&I) fire that is shot around the clock into "free-fire zones" (now conveniently called "specified strike zones") from coastal and inland fire bases. Navy guns are now computerized to fire continuously at whole counties for several days running rather than just at isolated targets. Whole villages are incinerated by napalm strikes because of single snipers. Armed helicopters of days gone by have become "gun ships" capable of launching rockets, grenades and machinegun fire. C–47's, now nicknamed "Puff-the-Magic-Dragons," have been armed with multiple "mini-guns" that are capable of laying a withering blaze of fire, 18,000 rounds a minute.

One of the most disastrous, and least noticed, effects of our bombing has been the destruction of the irrigation system in rural Vietnam. The waterworks are one of the most important elements in inter-village life of South Vietnam, the one undertaking that makes cooperation within the village, and even between adjacent villages, absolutely essential. As in all Asian countries, the irrigation system for the rice fields is extremely complicated. Water runs down through scores of paddies on which hundreds of different people and families depend. Disruption at any point of the long chain threatens the survival of everyone further down the line.

More than anything else since the advent of Chinese hydraulic technology hundreds of years ago, the irrigation system made a social fabric out of the patchwork of villages in the Vietnamese countryside. Without the dams, dikes and canals to temper the heavy monsoon rains and assure a supply of water during the long dry months, tillable land, crops, and hence society, could not exist.

Almost without noticing it, the U.S. military have destroyed this system in Vietnam and much of Indochina. As one flies over the countryside, he sees brownish-yellow rivers and streams flowing aimlessly across paddies and eroded fields. Some areas are scorched dry and pitted with craters. One looks down on mile after mile of uncultivated rice fields pockmarked with millions of large craters filled with water in which malarial mosquitoes have been breeding in epidemic numbers. Reportedly, 2.5 billion cubic yards of earth have been removed. This is 25 times greater than the Suez Canal excavation. In the coastal areas of I Corps, one searches for signs of life in the vast "sanitized" free-fire zones. On the borders of fields, at the tree-line, one can often see evidence of pathetic gardens where people attempt to grow basic foods like sweet potatoes, taro or squash. They do not dare work the rice fields for fear of being shot by Americans who are out "squirrel hunting" in bubble choppers. In free-fire zones, people are subject to bombardment 24 hours a day and live like moles in bomb-shelter holes beneath the ground.

While the bombing was being stepped up, the use of herbicides continued unabated. Beginning in 1961, the U.S. began the "experimental" use of herbicides in South Vietnam as a weapon to destroy crops. The initial objective was to deny food to the National Liberation Front. In 1962, herbicides became "a central weapon" in the overall chemical and biological warfare (CBW) strategy of America throughout Southeast Asia. Known as "Operation Ranch Hand," the project's motto became "Only we can prevent forests."

The defoliation program soon expanded into a critical aspect of the whole shift of strategy from ground to air power in South Vietnam. Besides destroying crops, defoliants began to be used to destroy the forest canopy that hid NLF forces from detection by air. The process is described in an Army Training Circular *#TC3–16 Employment of Riot Control Agents, Flame, Smoke, Anti-plant Agents and Personnel Detectors in Counter Guerrilla Operations:* "Guerrilla operations rely heavily on locally produced crops for their food supply. Crop destruction can reduce the food supply and seriously affect the guerrilla's survival. Naturally dense vegetation in jungle areas is ideal for illusive hit and run tactics of guerrillas. Removal or

reduction of this concealment limits the guerrilla's capability to operate in the defoliated area." A report released last December by the American Association for the Advancement of Science claims that in Vietnam, some 600,000 people have been deprived of their normal food supply by defoliation. The report claims that chemical agents sprayed by the U.S. have been responsible for killing over $500 million worth of prime hardwood, covering an area the size of Massachusetts. It states that some 400,000 acres of coastal mangrove forest have been killed, leaving lifeless swamps. These vast areas were once major sources of smaller species of fish and shrimp, on which larger kinds of seafood depend for life. The effect of this disruption in the food chain, and, consequently, of the livelihood of fishermen in the area, is not known.

Over 12 percent of South Vietnam's territory, including croplands and grazing lands, has been damaged or destroyed. Sen. Gaylord A. Nelson of Wisconsin reports that "The U.S. has sprayed [in South Vietnam] enough chemicals to amount to six pounds for every man, woman and child in that country."

Last spring, American military sources announced that after nine years, use of the deadliest herbicide, Agent Orange (some 60,000 tons had already been used), was suspended. The use of other herbicides continued. But in November, it was revealed that the 90th Chemical Attachment in Quang Ngai province had, in fact, continued to use Agent Orange and had defoliated thousands of acres in spite of the ban. As one soldier remarked, "Hell, we've been using it all through the summer." Sen. Stephen M. Young of Ohio quoted another young soldier, who had been asked where all the barrels of Agent Orange had disappeared: "If we ain't been using it, where do you think those missing barrels went? We sure ain't makin' milkshakes out of it."

On February 2, 1971, General Abrams and U.S. Ambassador Ellsworth Bunker issued a statement saying that herbicide spraying of crops by fixed-wing aircraft would cease, but that the program would continue, from the ground and from helicopters, around U.S. bases and in other "unpopulated areas." Most people, however, remain justifiably confused as to the real status of the herbicide program. Even if the program were ended *in toto*, the indications are that many important aspects of the whole organic fabric of Vietnam have already been affected. Scientists are concerned that herbicides have damaged the soil by destroying the process through which foliage regularly falls to the ground, decays, and returns minerals and nutrients to the earth. As a result plant life is unable to replenish itself, and erosion washes the essential soil nutrients away. Other scientists fear that a process called laterization may set in in many areas, turning the soil into a hard, rocklike substance in which nothing will grow.

Reports indicate that patterns of wild-animal life have been altered through the interruption of food chains and the near extinction of several rare species. The regeneration of vast jungle areas that are pollinated by animals and insects rather than air currents are affected in turn. Elephants, often used by both sides for transportation, are shot on sight, while the tiger population has soared as a consequence of an abundant supply of fresh human meat.

There are even reports of women giving birth to monsters, though most occurrences are not reported because of nonexistent procedures for compiling statistics. The Saigon Ministry of Health classified the files of malformed babies as "secret" in 1969.

Quietly, the whole nature of Indochinese agriculture is being changed by the aerial destruction. In 1964, South Vietnam exported 48,563 metric tons of rice. The following year, largely because of bombing and spraying, South Vietnam *imported* 240,000 metric tons of rice. In 1968, the figure rose to 677,000 tons. The destruction of rice has meant the destruction of a culture. The people of Asia have been growing and eating rice for 5,000 years. Rice is central not only to their diet but to the entire spiritual relationship between the Vietnamese people and the natural world. If a Vietnamese has not eaten rice, though he may have eaten other foods that day, he considers himself not to have eaten at all. During the day, Vietnamese often greet each other with the words, *"An Com Chua?"* literally, "Eat cooked rice yet?"

The destruction of the rice crop has meant that the fundamental connection between peasant and earth is broken. Without the rice to plant, grow and harvest, the village is without function or meaning, even if it is not bombed or burned. A man forced off his land is left without reason to exist or connection with the world around him. He becomes a purposeless human being.

For the people of Vietnam, the immediate consequence of the bombing and the destruction of their crops has been the growth of the refugee camps. Such camps are usually located in "secure areas," away from trees or hills. They are placed in the baking sun on bulldozed lots surrounded by barbed wire. Small houses with tin roof that cause them to heat up like ovens under the tropical sun are lined up like cars on a parking lot. U.S. surplus-commodities, dietary food and food banned in the U.S. because of cyclamates are brought in to replace the native rice. Here a refugee, or "detainee," frequently separated even from friends and family in the evacuation shuffle, is "resettled."

As with every other aspect of the war, statistics on refugees have almost no real meaning. Authorities in Vietnam have compiled "statistics" to give the illusion that the problem is not totally out of hand. Their figures give only an incomplete, shadowy picture of the devastating reality.

On December 28, 1967, the New York *Times* reported that although the military have "classified" two million Vietnamese as refugees, a "competent source" put the figure at four million. Meanwhile, officials claimed that 309,000 "classified" refugees were in camps and 475,000 were "elsewhere." Where is "elsewhere"? Journalists in Saigon are usually told that the refugees are "staying with relatives." One can understand what this means by seeing the squalid overcrowding of South Vietnamese cities.

In February, 1970, Rand Corporation anthropologist Gerald Hickey said, "Just 15 years ago, all but 15 percent of the South Vietnamese people lived in rural areas. Now, 60 percent live in urban areas. Saigon has grown from a city of 300,000, which it was designed to be, to more than three million." The pattern is the same in most Vietnamese cities. Da Nang, for example, has grown from a city of 25,000 to 300,000 in five years. Similarly, Phnom Penh, the capital of Cambodia, has grown from half a million to two million in eight months. This kind of "urbanization" is a tactic that Samuel P. Huntington, chairman of the Department of Government at Harvard University, and a long-time supporter of the war, advocated in *Foreign Affairs*, July, 1968. He claimed that Vietcong support could be cut off if there were " 'direct application of mechanical and conventional power' . . . on such a massive scale as to produce a massive migration from countryside to city."

The city of Saigon perhaps best illustrates this tactic of forced urbanization. In December, 1964, an article in the *Christian Science Monitor* described Saigon as the "Paris of the East." In a scant two years, the same paper began to run articles describing Saigon as a city in which "labor shortages due to the war have made services worse than usual. The streets are very dirty. Huge piles of uncollected trash and rotting garbage lie about, and sanitation is sadly lacking." Saigon has become one of the ugliest and most congested cities in the world, with an average population of 140 persons per acre (Tokyo has 63).

The overriding problem of civilian dislocation, euphemistically called "pacification," is one that the American military have never taken seriously. The index of General Westmoreland's final report on the war includes five references to "Refugees"—all with the misleading subtitle, "Care of. . . ." There is no serious discussion or even statistical reference in that report to the disruption that has been taking place in the countryside because of U.S. firepower.

In June, 1969, John Hannah, head of the Agency for International Development, told Sen. Edward Kennedy's Subcommittee on Refugees that 3.2 million Vietnamese had "become homeless" since 1965. A chart accompanying the testimony lists 1,328,517 of them as "current temporary refugees" for 1968. Then, there is an asterisk referring to a footnote in minute print: "Refugees are defined as persons who leave their home for war related reasons, and have not yet reestablished a permanent home. Statistics do not include victims of the Tet and May offensives numbering in excess of 1,000,000."

Hannah's report further states that 61,101 of these "current temporary refugees" are "in camp." Another 600,105 are listed as "out of camp" or "elsewhere." It all sounds like a reasonably manageable proposition. But as any honest refugee adviser in the provinces of Vietnam is quick to point out (since he has to work with actual people, not fantasy-land figures), official statistics only deal with "classified" refugees. Conservative estimates place the figure of dislocated people at twice the number of those "classified." This means that, as of 1969, roughly seven million Vietnamese (or nearly half the population of South Vietnam) had become homeless.

According to Royal Laotian Government figures in 1970, 1.5 million people there have been displaced since the U.S. began intensive bombing of Pathet Lao-held territory in 1968. Laos has a population of only three million. According to Jacques Decornoy of *Le Monde*, who was in the province of Sam Neua, a Pathet Lao area, all but two villages there had been destroyed as early as 1968. Since then, the U.S. has been flying up to 20,000 sorties a month over Sam Neua. One can only guess the effect the February invasion of Laos has had on the already severe refugee crisis in that country.

In 1970, a report of the Senate Subcommittee on Refugees said that in Cambodia, with a population of seven million, one million of refugees have already been "generated." We also know that the Lon Nol regime "generated" some 100,000 refugees from the ethnic Vietnamese population living in Cambodia just before the invasion of the NLF sanctuaries last spring. We also know that since then, the U.S. has provided unlimited air power to Lon Nol's tragicomic army. Whole cities like Snoul, where thousands of people lived, have been destroyed. And yet, in spite of this obvious escalation of the air war and the inevitable rural dislocation that must follow, U.S. authorities continue to claim, even with self-satisfaction, that the refugee problem is under control.

One wonders where all the refugees went. They began to disappear from our consciousness just as the B–52 raids increased. One is justified in conjecturing whether people are simply being killed in their villages without being brought into a pacification camp where they can be tabulated.

Fact has been piled on fact—few of them are new and fewer capable of shocking. The immensity of the destruction in the Indo-

chinese war has led to a kind of national numbness that is only momentarily interrupted by another escalation or invasion. Government "experts" speak of "urbanization," "protective reaction," "crop control," and "Vietnamization." But the old words are incapable of conveying just what it is that the U.S. is doing to Vietnam and the rest of Indochina. The crime is a new one, ecocide, our addition to the annals of man's inhumanity to man.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MOSS. Mr. President, I move that the Senate proceed to the transaction of routine morning business.

The ACTING PRESIDENT pro tempore. Pursuant to the previous order, the Senate will proceed to the transaction of routine morning business, for a period not to exceed 30 minutes, with a limitation of 3 minutes on statements therein

THE NIXON DOCTRINE—SENATOR MANSFIELD'S ADDRESS AT OLIVET COLLEGE

Mr. AIKEN. Mr. President, last night our distinguished majority leader, the Senator from Montana (Mr. MANSFIELD), spoke at the Begole-Brownell Lecture at Olivet College, Olivet, Mich.

The address of our distinguished colleague was thoughtful, temperate, forceful, and factual, as always are the remarks he makes. He gave a report in this address which cannot be overemphasized in the interest of the United States and in the interest of promoting peace in the world. He gives a message which should be often repeated.

Mr. President, I ask unanimous consent to have it printed in the RECORD.

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

THE NIXON DOCTRINE

I have not come here to make a political speech. Spring is not the season for politics, unless you are a young man running for the Presidency. Or unless you are a President in your first term. I am no longer that young. I am in my fourth term in the Senate. I run for office only in Montana and I have only recently been re-elected.

In any event, the subject of my remarks is not political. The Nixon Doctrine is not a partisan policy. It was not advanced by the President as a partisan thrust. It was not met in the Senate with a political party. On the contrary, when the President issued this Declaration on Asian policy eighteen months ago, support was immediately extended to him from the Senate. It came from Republicans and it came from Democrats.

What differences there are with regard to foreign relations, derive from policies not from politics and they are shared by members of both parties. The Senate, today, is not an intensely partisan forum. As Majority Leader, I have no political axes to grind. My relationship with a Republican President has been correct and cordial. In matters of foreign policy, the relationship does not differ greatly from that which existed with his predecessor, a Democrat.

Over the years in Washington, I have seen something of the burdens of the Presidency. They are great and lonely. In foreign affairs, the President is out in front at all times. The pressure is direct and relentless. In this connection, when the late John F. Kennedy assumed personal responsibility for the Cuban debacle, he quoted an old saying, "victory has a hundred fathers and defeat is an orphan."

Regardless of party, a President is entitled to understanding in his responsibilities. Since I have been in the Senate, it has been my practice to extend to the incumbent of the Presidency whatever I could in the way of support, cooperation and consolation. In doing so, however, I have not overlooked the separate Constitutional obligations of Senators nor the Leadership's additional responsibilities to the other 99 members of the Senate. Three Presidents have known that I do not stand on partisan ground. They have also known where I stood on the issues.

The Nixon Doctrine is one of those issues because it is a touchstone in our relations with Asia and the rest of the world. The Doctrine was set forth with the intent of bringing about an adjustment in U.S. policy in the Western Pacific. Eighteen months later, there is concern with the follow-through.

This concern does not arise from a retrogression to some sort of isolation. Provided the issues are clearly presented, the people of the nation are discerning enough to recognize that the alternative to one distortion is not another. I reiterate, provided the issues are clearly presented.

There is no escape by national isolation from the complexities of our times. We will have to live with these complexities and work with them, and do so in cooperation with other nations of the world or in conflict with other nations. There is no shell of sky large enough to shut out the rest of the globe. There is no sweep of ocean. There is no electronic shield, no insulating web of missiles.

Isolation is no answer to the nation's needs. But neither is internationalism some sort of incantation against the ills of international life. We will search in vain to safeguard our security and well-being by an internationalism which leads us to project military forces into the farthest reaches of the globe and to maintain them there without the comprehension of the people of this nation and without the understanding and cooperation of the rest of the world's people.

That reality ought not to be overlooked in an excess of concern in the Executive Branch that the American people will "retreat to isolation," at any suggestion of an adjustment in the present course of foreign policy. We would do well, instead, to note carefully the danger of persisting in a course which has already alienated many people at home and abroad and has led the nation a long way down the road to an isolated internationalism.

If I may lay aside, then, this non-issue of isolation along with partisan politics, as a basis for my remarks, I would like to turn your attention, now, to the Nixon Doctrine. The subject is of particular interest because shortly after the Doctrine was set forth in the summer of 1969, I went to Southeast Asia. I did so at the request of the President, and in the course of the journey, sought to convey some understanding of the President's new approach to Asia.

In a public report in September 1969, I pointed out that the Nixon Doctrine did not mean the United States was turning its back on Asia. Rather, the Doctrine was designed to reduce the factor of U.S. military participation in the problems of that region. The Doctrine's aim, too, was to foreclose new situations of dependency as had developed in Viet Nam; contrary to our interests such situations tended to lead to involvement in Asian conflicts.

In further interpretation of the Doctrine, I noted that we intended to alter aid-policies by placing more emphasis on economic aid and less on military help. Even with regard to economic aid, moreover, it was to be expected that we would shift from a unilateral approach and participate when desirable in whatever multi-sided cooperation Asian nations were inclined to develop themselves.

I made clear that the Nixon Doctrine did, indeed, imply major adjustments in long-standing U.S. policies in the Western Pacific, policies which had been formulated in the aftermath of World War II and the Korean War. Circumstances had long since changed greatly and we had not kept pace. As a result, we found ourselves more deeply involved in Southeast Asia than warranted by the nation's interests. The U.S. role had become both anachronistic and wasteful. Most seriously, an over-long persistence in that role had led us into the tragedy of Viet Nam. The time had come to alter it.

It seemed to me that the essence of the Nixon Doctrine was to be found in the President's frequent references to a new "low-profile" policy. I agreed fully with that concept and so stated many times in Asia and at home. Moreover, the Administration soon made clear that the new Doctrine would apply, not only in Asia but throughout the world. With that extension, too, I agreed completely.

During 1969 and the early months of 1970, the Executive Branch elaborated the Nixon Doctrine in specific actions. The U.S. military base structure was curtailed in the Far East. Reductions were made in official personnel throughout the region. The Executive Branch entered into negotiations with the Japanese government pursuant to the agreement which the President had achieved with Japan on the Okinawan question. That settlement promised to remove a spur of increasing tension in U.S.-Japanese relations. Largely by the President's personal efforts, diplomatic relations were restored with Prince Sihanouk's Cambodia and the restoration seemed to check the danger of a spill-over of Vietnamese hostilities into that nation. Initiatives were also taken by the President to enlarge contact with the Chinese People's Republic.

The most significant implications of the Nixon Doctrine, of course, involved Viet Nam. Despite obvious difficulties of immediate application, U.S. military forces in Viet Nam were reduced by 100,000 men between July 1969 and April 1970. With the reduction came a sharp drop in casualties and in the cost of the war. At the same time, new U.S. leadership was supplied to the negotiations in Paris. Hopes quickened for a negotiated peace in Viet Nam.

Elsewhere in the world, the inertia in U.S. policy seemed to be ending under the impetus of the Nixon Doctrine. There were indications of an intent to reduce the cost of maintaining a garrison of half a million military personnel and dependents in Western Europe. The new SALT talks on disarmament, as they involved ICBM's, ABM's and other laconic euphemisms of civilization's suicide, opened on an encouraging note. A Defense budget, swollen with cost over-runs and other waste as well as the price of the Vietnamese War, began to be curbed in the wake of the Senate's great debate on the Anti-Ballistics Missile.

The Nixon Doctrine, in short, appeared to have set off a chain reaction which promised to bring up to date the nation's international security affairs. It was most welcome in the Senate and in the nation. For a long time, we had remained wedded to the needs of another era. We had continued to indulge ourselves with policies and practices born of another time. As a nation, we had been so deeply concerned for two decades with threats from abroad, that we had overlooked the erosion of the nation's inner security and well-being.

The Nixon Doctrine opened the shutters on these musty thought-processes. In so doing, there was revealed the possibility of adjustments of policy abroad which would also redound to the benefit of the situation within the nation. Billions of dollars of taxes, not to speak of the creative skills and energy of young people, were involved in the excessive and increasingly isolated search for national

security in Viet Nam and elsewhere abroad. With the advent of the Nixon Doctrine, it seemed that some of these immense resources might begin to be channeled into urgent needs at home.

In my judgment, the President deserves great credit for having established this turning point. The Nixon Doctrine was an invitation to change—long overdue change—if I may use that overworked word, a change in priorities.

Then, there was April 30, 1970 and the American military incursion into Cambodia. The event is recent. You remember it and there is no point in a re-run. To make my position clear, let me say only that I opposed the incursion before it began; I was saddened by its beginning; I regard it, even now, with regret, although it is held in some quarters to have been a "successful operation."

At the time, it seemed to me that the incursion thrust the war deep into what had been, for all practical purposes, the only non-dependent nation in Indochina in which there existed a measure of stability self-achieved under a reasonably responsive civilian government. Most serious, the Cambodian incursion enlarged the battlefield. In so doing, it promised to prolong the U. S. involvement and open up a new source of U.S. casualties.

That position was not arrived at lightly. It is not re-asserted lightly now. The Cambodian incursion was justified largely in terms of saving American lives. That is a consideration that has always weighed heavily with me and every other member of the Senate. It was apparent then, however, and it is apparent now that the termination of our involvement in the war in Viet Nam and a prompt withdrawal would save far more American lives and return our POW's more quickly than an enlargement of the area of conflict.

As it was, in the brief invasion of Cambodia a year ago 362 Americans died and 2,205 were wounded—in the process of "saving American lives." And in the process of "saving American lives," our forces in Indochina have incurred casualties of 4,000 dead and 18,000 wounded in the year since the Cambodian incursion. In the light of those grim figures, it may well be asked—are we saving lives or saving face? The question becomes even more pertinent when put in the perspective of total casualties: 54,000 dead; almost 300,000 wounded, since the beginning of this tragic conflict.

This sacrifice of American life to date is indicative of the magnitude of the war's toll. The people, for whose benefit it was intended, have, themselves, suffered greatly in the war. Hundreds of thousands of Indochinese men, women and children, have been killed and maimed. The war has created millions of refugees. Ancient cultures and the natural environment in which they flourished have been damaged beyond calculation by the devastating tools of modern warfare.

If the war was widened by the Cambodian incursion, it was widened, again, by the Laotian incursion. With that development, what was once the Vietnamese conflict became a full-fledged Indochina war. What was once an American involvement in South Viet Nam was consolidated into an American involvement in all of Indochina. Notwithstanding linguistic gymnastics, an extension of warfare into vast new areas of combat cannot be depicted as a contraction of the war.

The fact is that we are still held fast in the evershifting current of a struggle which has gone on almost continuously for a quarter of a century. It is a war without light at the end of the tunnel. It is a war which does not stop at the borders of Cambodia. It does not stop at the borders of Laos. Where, then, is the end? Indeed, there may be none, unless it is in Peking or beyond, in a worldwide nuclear inferno.

How we are entrapped or, more accurately perhaps, how we entrap ourselves in this pattern of expanding violence is illustrated by events in Cambodia. I would note that on April 30, 1970, there were scarcely a half-dozen American officials in Cambodia and they were carrying out the most limited diplomatic functions. There are now many times that number and they are carrying on a variety of functions.

On April 30, 1970, we had no obligations whatsoever to the government of Prince Sihanouk of Cambodia; its fate was in its own hands. Since the overthrow of Sihanouk, we have already made aid-commitments totaling $260 million to the successor government. That government's fate is not in its own hands; it is now in ours. It is dependent for survival on the United States and on the Saigon government which, in turn, is dependent on the United States.

To be sure, the U.S. ground forces which were sent into the Cambodian border regions were withdrawn after a campaign of several weeks. To be sure, in Laos, U.S. service personnel have not set foot on the ground in any great numbers. Presumably, in deference to the Cooper-Church amendment, they have been restricted to hovering a few feet above the ground. However, U.S. planes and helicopters crisscross Laos and Cambodia many times a day. They fly missions of bombing and other direct combat support, supply, transport, evacuation, reconnaissance and whatever. U.S. planes and helicopters are now shot down in both Cambodia and Laos as well as in Viet Nam and men often die when they are shot down. We do not disinvolve ourselves by withdrawing on the ground while we plunge in more deeply through the air. Involvement is involvement, whatever it is called.

To be sure, the President deserves every credit for having reduced overall U.S. troops numbers in Viet Nam by more than 200,000 since the beginning of his Administration. But there are over 300,000 Americans still in Indochina. Furthermore, the use of U.S. airpower seems much more intensive than a year ago—that, in a primitive region which has already been bombed with more than twice the total tonnage dropped in both World War II and the Korean War.

Costs are costs wherever incurred. Casualties are casualties whether they are received on the ground or in the air. While lower costs are better than higher and fewer casualties are obviously to be preferred to more, all losses are tragic in a mistaken war.

If it is not in the interest of this nation to be in the war with ground forces, how can it be with air forces? To be sure, it may seem more palatable but it is not more purposeful. It is not less wasteful.

The prerequisite of a meaningful application of the Nixon Doctrine in Southeast Asia seems to me to be the termination of the U.S. military involvement—land, air and sea—in Indochina and military withdrawal from that region, lock, stock and barrel. That termination is not yet visible. That withdrawal is not yet in sight.

It is not only with regard to Indochina that there are grounds for concern over what has happened to the Nixon Doctrine since April 1970. Digressions or delays appear to be developing elsewhere in Asia. It is many months later, but the details of the Okinawa settlement have yet to be completed by the Executive Branch. Difficulties with Japan have also arisen over trade questions and a short time ago were even allowed to reach a tempestuous stage. As I see it, U.S.-Japanese trade is of immense value to both countries even as a political relationship of mutual consideration and forebearance between the two countries is essential to the elaboration of the Nixon Doctrine in the Western Pacific. It is disturbing, therefore, to find what appears to be the intrusion of petty bickering and personal pique into these vital ties.

Also of great importance to the Nixon Doctrine is the restoration of civility with the Chinese People's Republic. The President has shown a consistent initiative in this connection. Whether a satisfactory relationship can be achieved at this time is another matter. Certainly, it is not a very promising prospect when the Indochinese war has again been extended to within minutes bombing range of the Chinese borders and, in the circumstances, the Chinese have re-affirmed publicly their complete support of the North Vietnamese. Moreover, U.S. policy has yet to come to grips with the vehement rejection of a "two-China" concept by both the government of the Republic of China and the Chinese People's Republic. Both insist that Taiwan and mainland China are parts of one Chinese nation.

Elsewhere in the world, in Western Europe in particular, there seems also to have been a retrogression from the Nixon Doctrine. While the need for a cut in the consignment of U.S. forces to Europe is more and more recognized in the Senate, the reluctance of the Executive Branch to act remains as great under this Administration as it was under its predecessor. It is reluctance, apparently, stimulated by the anxieties of the German and other European governments who remain unwilling, nevertheless, to relieve this nation of any substantial part of the present one-sided burden of the costs of NATO defense.

To maintain U.S. forces in Europe is estimated to account for $14 billion of the annual Defense Department budget. This expenditure is made, presumably, to forestall or to meet a possible military thrust from the Soviet Union. It is an expenditure which has gone on year in and year out for almost two decades. In the meantime, by contrast, in the policies of both the Western European countries and the Soviet Union, the fear of such a conflict has been progressively downgraded and, today, the accent in both parts of Europe is almost entirely on the contacts of peace.

Let me make clear that the sentiment in the Senate for a change in U.S. policies regarding NATO has nothing to do with severing treaty relationships with Western Europe or with the complete withdrawal of the U.S. military garrison from Europe. The NATO treaty remains highly regarded and a U.S. military presence in Europe, as an earnest of the importance which this nation still attaches to the alliance, is a principle that has long been accepted. That is not the question. What is sought in the Senate, rather, is a substantial reduction in the half-million of U.S. forces with dependents that are maintained in Europe at such great cost to the people of this nation. The resistance of the Executive Branch to this change in my judgment is ill-founded and may well produce, in time, a Congressional reaction which will compel drastic reductions.

To bring these remarks to a close, I want to note again, as I did at the outset, my deep belief in the urgency of the adjustments of U.S. policy which are implicit in the Nixon Doctrine. I would be less than candid, however, if I did not express the concern which I have with the divergencies, digressions, dodges and delays which have been encountered in carrying out the doctrine.

We have not escaped the consequences of this procrastination at home. In my judgment the absence of a vigorous follow-through on the Doctrine has had much to do with the persistence of the inflation and the slack in the economy. It has had much to do with our continuing inability to confront fully the financial and other problems of the States and localities. It has had much to do with the inadequate way in which we are meeting the whole range of compelling needs of our national life whether they be pollu-

tion, welfare, unemployment, violence or whatever.

There is blame enough to spare for things done and not done. Where the finger points often depends on who is pointing and I shall not point mine. The fundamental difficulty, as I see it, is that the President and the Congress function in a government grown immense. It is a government whose gears must grind in a complex synchronization if they are to grind at all. The machinery is not easily moved by the President alone and certainly not, alone, by the Congress. Yet it must be moved if there is to be a fulfillment of the promise of the Nixon Doctrine and a realistic adjustment of our policies in line with its implications. In my judgment, the primary need, the critical need, is an end to the involvement in Indochina: an end, period. In their separate Constitutional authority as necessary and, in cooperation, where possible, the effort must be made by the President and the Congress to meet that need.

The Republic deserves no less.

VERBUM SAT SAPIENTI—"A WORD TO THE WISE"

Mr. SCOTT. Mr. President, I think we should be careful about the words we use, no matter how deep our emotions.

I have just heard a dreadful charge hurled, that the United States is engaged in indiscriminate bombing.

Without any attempt to justify the way we got into the war, and with every desire in the world to get out of it—the sooner the better—I do not believe that we should use phrases like that unless we say what they mean.

It is my understanding that the bombing by the United States is for the purpose of the destruction of supplies and the interdiction of the Ho Chi Minh Trail. We can argue whether it should continue or whether it should not continue, but merely to characterize all bombing out of hand as being indiscriminate implies that our pilots are merciless monsters, hell bent on the destruction of the population and the ecology of the countryside.

Mr. President, that simply is not so. It is a reflection on the pilots. It is a reflection on the action taken by the governments involved.

I plead for a little less extreme language, no matter how anxious any given spokesman may be to put blame on one person or another. Goodness knows, there is enough to go around. The war began two administrations ago. It is high time we found a way to end it. No one disagrees with that. But the moment we start overstating our case, the more the temptation becomes to go all the way back to the 17,000 men who first went into Vietnam and then replay by post mortem all the sad successions of involvements from which we are now in the process of extrication.

I just add this as a sort of verbum sat sapienti—"a word to the wise."

Mr. BELLMON. Mr. President, I should like to commend the distinguished minority leader for setting the record straight. I have visited Vietnam twice and the countryside does not show any evidence of indiscriminate bombing. What bombing has been done has been in the areas where the enemy has built fortifications or supply bases to use to support his activities against the South Vietnamese people and their government.

It seems to me there is an easy way to end the bombing and other acts of war in South Vietnam and that is for the North Vietnamese to realize that once they stop sending men and supplies into the south, our troops will be quickly withdrawn and all bombing can be stopped.

It seems to me that a charge of this kind should be aimed in that direction rather than in trying to help discredit our efforts to aid the South Vietnamese in protecting their own country.

Mr. SCOTT. Mr. President, perhaps the reason for the deeply emotional language now being used is the result of pent-up emotions which have been self-contained for the period since 1961 and they are just now finding release.

I would suggest that perhaps some of these rather strong statements could have been made 6, 7, or 8 years ago, or could have been made on the 27th of April 1964, when I was proposing means by which we could get out of the war. I shall repeat that speech on the 27th of April this year, 7 years later, because I am not a Johnny-come-lately—and I am not running for the Presidency, either.

Mr. BELLMON. Mr. President, I wonder whether the distinguished minority leader knows if any bombs are falling in populated areas of South Vietnam at present.

Mr. SCOTT. To the best of my knowledge, no bombs are falling in populated areas of South Vietnam, and to the best of my knowledge no defoliation is going on and no wreaking of irreversible ecological damage—as impressive as those Norman-French words are.

QUORUM CALL

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

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

The second assistant legislative clerk proceeded to call the roll.

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

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

DISCHARGE OF A COMMITTEE AND REREFERRAL OF A BILL

Mr. TALMADGE. Mr. President, S. 1356 was referred to the Committee on Agriculture and Forestry.

The rules of the Senate provide that the Committee on Interior and Insular Affairs has jurisdiction over forest reserves and national parks created from the public domain, whereas the Committee on Agriculture and Forestry has jurisdiction over forestry in general and forest reserves other than those created from the public domain.

The Department of Agriculture advises that the land covered by S. 1356 is either all or practically all from the public domain.

I therefore ask unanimous consent that the Committee on Agriculture and Forestry be discharged from further consideration of S. 1356 and that the bill be referred to the Committee on Interior and Insular Affairs.

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

QUORUM CALL

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

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

The second assistant legislative clerk proceeded to call the roll.

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

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

LEGISLATIVE PROHIBITION OF MILITARY OPERATIONS

Mr. BELLMON. Mr. President, last Thursday the Democratic Party, through its policy council, was put on record as endorsing the prohibition of all funds for American military operations in Indochina after December 31, 1971.

This would seem to be political strategy of a rather low order.

When President Nixon took office, this war had been going on for 7 years, under two Democratic administrations. There were 542,000 U.S. troops in Vietnam. I recall no such recklessly political resolutions on the part of Republicans during that period.

To date, the Republican administration has withdrawn 230,000 U.S. troops from Vietnam, with a withdrawal rate of over 12,000 per month, soon to be increased. And, whether the Democratic Policy Council likes it or not, the Vietnamization of the war, as described and planned by President Nixon, is working.

The Baltimore Sun last Friday commented that withdrawal as a policy is agreed upon now by both parties. It added that disagreement as to schedule between the two parties was legitimate.

But the Sun also pointed out the perilous irresponsibility of the Democratic resolution. It states:

To cut off funds would be a dangerous business for all concerned, including the Americans in Indochina. . . . Congress, moreover has a share in the responsibility now for the military operations in Indochina, and this extends to the responsibility for making sure that the American forces are withdrawn in safety.

I would hope that my colleagues across the aisle have a more responsible position on this matter than does the Democratic Policy Council. I commend this editorial to their attention, and ask unanimous consent that it be printed in the RECORD at this point.

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

[From the Baltimore Sun, Mar. 26, 1971]

WAR FUNDS

Differences between the President and the Congress over the withdrawal of American forces from the war cannot be permitted, we suggest, to reach the point of a pitched

battle over legislation to prohibit the use of any funds for United States military operations in Indochina after a given date, such as December 31, 1971. The Democratic Policy Council has put itself on record as favoring such a measure but the Democratic leaders in Congress should find it possible to advocate a complete withdrawal, if that is their view, without undertaking the drastic step of cutting off funds to the President at a specific time.

To cut off funds would be a dangerous business for all concerned, including the Americans in Indochina. Congress should not want to take on such a responsibility, even if this could be done in such a way as not to infringe upon a President's constitutional responsibility as Commander in Chief. Congress, moreover, has a share in the responsibility now for the military operations in Indochina, and this extends to the responsibility for making sure that the American forces are withdrawn in safety.

As a general proposition, a majority of the two political parties in Congress now supports, at least in a broad way, the policy of withdrawing American forces from the war. On a major policy matter of this sort, a broad area of bipartisan agreement is essential. Within this area there is room for differences as to precise schedules, and Democrats are within legitimate political bounds if they argue for an earlier and more complete withdrawal than the President may have in mind. But forcing the President's hand by cutting off funds goes well beyond this. The President, any President, must have some degree of flexibility in an operation of this kind. A threat to cut off funds for American forces looks to an impasse between the executive and the legislative, to the kind of political struggle that would not be good for anyone concerned.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORT OF INDIAN CLAIMS COMMISSION

A letter from the Chairman, Indian Claims Commission, reporting, pursuant to law, an order dismissing petition in *Gila River Prima-Maricopa Indian Community, Etc., plaintiff*, v. *The United States of America, defendant*, Docket No. 236–H (with accompanying papers); to the Committee on Appropriations.

REPORT OF FACILITIES PROJECT PROPOSED TO BE UNDERTAKEN BY THE ARMY RESERVE

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), reporting on facilities project proposed to be undertaken for the Army Reserve within the uncommitted balance of lump sum authorization provided by section 801(1)(b) of Public Law 91–142; to the Committee on Armed Services.

PROPOSED LEGISLATION TO CARRY OUT THE FIRE RESEARCH AND SAFETY ACT OF 1968

A letter from the Secretary of Commerce, submitting a draft of proposed legislation to authorize appropriations to carry out the Fire Research and Safety Act of 1968 (with accompanying papers); to the Committee on Commerce.

THE FINANCIAL INVESTMENT ADVISORY PANEL OF THE NATIONAL RAILROAD PASSENGER CORPORATION

A letter from the Chairman, Financial Investment Advisory Panel, pertaining to the second report of the Financial Investment Advisory Panel of the National Railroad Passenger Corporation; to the Committee on Commerce.

PROPOSED LEGISLATION FOR REGULATION OF EXPORTS

A letter from the Secretary of Commerce, submitting a draft of proposed legislation to provide for continuation of authority for regulation of exports (with accompanying papers); to the Committee on Banking, Housing and Urban Affairs.

PROPOSED LEGISLATION TO CREATE THE OFFICE OF ADMINISTRATIVE ASSISTANT TO THE CHIEF JUSTICE OF THE UNITED STATES

A letter from the Director, Administrative Office of the U.S. Courts, submitting a draft of proposed legislation to create the Office of Administrative Assistant to the Chief Justice of the United States (with accompanying papers); to the Committee on the Judiciary.

PROPOSED LEGISLATION TO ESTABLISH A COMMISSION ON REVISION OF THE JUDICIAL CIRCUITS OF THE UNITED STATES

A letter from the Director, Administrative Office of the U.S. Courts, submitting a draft of proposed legislation to establish a commission on revision of the judicial circuits of the United States (with accompanying papers); to the Committee on the Judiciary.

PROPOSED LEGISLATION TO PERMIT A FEDERAL JUDGE TO SERVE AS DIRECTOR OF THE FEDERAL JUDICIAL CENTER OR AS DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE U.S. COURTS

A letter from the Director, Administrative Office of the U.S. Courts, submitting a draft of proposed legislation to provide for the appointment of justices and judges to the offices of Administrative Assistant to the Chief Justice, Director, Administrative Office of the U.S. Courts, Director, Federal Judicial Center, and for other purposes (with accompanying papers); to the Committee on the Judiciary.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

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

A resolution of the House of Representatives of the State of Georgia; to the Committee on Armed Services:

"H.R. No. 348

"A resolution urging the abandonment of a policy of consolidating Selective Service functions within the State of Georgia; and for other purposes

"Whereas, the United States Selective Service System has recently adopted a nationwide co-location plan for the centralization of records and certain functions relative to the Selective Service System; and

"Whereas, centralization in this manner might necessitate travel by citizens of this State for excessive distances, often exceeding 50 miles in each direction, in order to transact certain business and perform certain tasks connected with the Selective Service System; and

"Whereas, any savings to be affected on the part of the Selective Service System by the co-location plan in the State of Georgia would more than be offset by the extra expense and inconvenience to the citizens of this State in the additional travel required for the transaction of certain business with the Selective Service System; and

"Whereas, the adoption of this plan will result in the loss of the equivalent of 26.68 full time jobs, or a total of 65 full and part time jobs, in this State at a time when unemployment is of serious concern to the citizens of this State and Nation; and

"Whereas, the inability of a local draft board to have immediate access to the records of its registrants will result in an inability on the part of local boards to provide responses to inquiries by registrants concerning the status of said registrants in a reasonably short period of time; and

"Where as, the continuous flow of records from the co-located records centers to the local boards and their return will only serve to impede the efficiency of the local boards and creates the strong possibility of loss of records and other vital data; and

"Whereas, it is the feeling of the members of this body that the Selective Service System should be maintained in a manner so as to be as close as possible to the local community in order that a better understanding of the problems and needs of the local communities of this State and the citizens thereof might be better maintained.

"Now, therefore, be it resolved by the House of Representatives, that the members of this body hereby urge the Selective Service System and its Director, Dr. Curtis Tarr, to reverse the decision which has been made on co-location of Selective Service records and other functions within the State of Georgia and do hereby urge that the present number and methods of operation of Selective Service System offices be maintained within this State.

"Be it further resolved, that the Clerk of the House of Representatives is hereby authorized and directed to transmit appropriate copies of this Resolution to the President of the United States; the Vice President of the United States; the Director of the United States Selective Service System; the Direcor of the Selective Service System in Georgia; the Governor of the State of Georgia; and to each member of the United States Senate and the United States House of Representatives from the State of Georgia."

Two concurrent resolutions of the Legislature of the State of South Dakota; to the Committee on Agriculture and Forestry:

"A CONCURRENT RESOLUTION

"A concurrent resolution memorializing the President of the United States and the United States Senate to establish a mandatory requirement that the United States Secretary of Agriculture be a farmer or rancher who receives a minimum of seventy-five percent of his income from farming or ranching

"Be it resolved by the Senate of the State of South Dakota, the House of Representatives concurring therein:

"Whereas, national agricultural policies for nearly two centuries have encouraged the development of farms and ranches and the nation has benefited from this policy as industrious farmers and ranchers have built the most efficient agriculture base the world has ever known; and

"Whereas, South Dakota is one of the most agricultural states of the nation; and

"Whereas, the economic well-being of South Dakota is very dependent upon the economic condition of its farming and ranching areas; and

"Whereas, the agriculture policies and programs administered by the United States Department of Agriculture have a profound effect upon the economic well-being of all farms and ranches throughout the nation:

"Now, therefore, be it resolved, that the Senate of the Forty-sixth session of the Legislature of the State of South Dakota, the House of Representatives concurring therein, respectfully urge the President of the United States, the Honorable Richard M. Nixon, and the United States Senators from South Dakota, the Honorable Karl E. Mundt and the Honorable George McGovern, to support a mandatory requirement that the United States Secretary of Agriculture be a farmer or rancher who receives a minimum of seventy-five per cent of his income from farming or ranching, and we respectfully urge their support of this proposal as being in the best interests of the agricultural

economy of South Dakota and in the public interest of this nation; and

"Be it further resolved, that the Secretary of the Senate of the State of South Dakota be directed to transmit copies of this Concurrent Resolution to His Excellency, the President of the United States, the Honorable Richard M. Nixon; to the Secretary of the United States Senate; to the Honorable Karl E. Mundt and the Honorable George McGovern; and to the Honorable Clifford M. Hardin, Secretary of the United States Department of Agriculture.

"Adopted by the Senate: March 4, 1971.

"Concurred in by the House of Representatives: March 12, 1971."

"A CONCURRENT RESOLUTION

"A concurrent resolution memorializing the President and the Congress of the United States to initiate and implement action to revitalize the agricultural economy of our nation

"Be it resolved by the Senate of the State of South Dakota, the House of Representatives concurring therein:

"Whereas, the agricultural economy of the United States is in a period of serious instability because of almost total inaction and lack of concern by the government of the United States; and

"Whereas, the number of those people involved in producing the foods for America are so small compared to those people who are benefiting from this productivity that the agricultural problems are subordinated to those of greater political numbers; and

"Whereas, the President and the Congress of the United States have the joint responsibility to establish a complete agricultural program for the general welfare of this nation and the world; and

"Whereas, the time for action by the President and the Congress of the United States is the present if serious consequences and unnecessary suffering are to be avoided:

"Now, therefore, be it resolved, by the Senate of the Forty-sixth Legislature of the State of South Dakota, the House of Representatives concurring therein, that the Congress of the United States initiate and the President of the United States implement without delay the necessary programs to revitalize the agricultural economy of our nation; and

"Be it further resolved, that copies of this Concurrent Resolution be transmitted by the Secretary of the Senate of the State of South Dakota to the office of the President of the United States, the Speaker of the House of Representatives of the United States, the Secretary of the Senate of the United States, the chairman of the Committee on Agriculture of the United States House of Representatives, the chairman of the Committee on Agriculture and Forestry of the Senate of the United States and the members of the Congressional delegation of the State of South Dakota.

"Adopted by the Senate: March 4, 1971.

"Concurred in by the House of Representatives: March 11, 1971."

A concurrent resolution of the Legislature of the State of Hawaii; to the Committee on the Judiciary:

"HOUSE CONCURRENT RESOLUTION No. 78

"Concurrent resolution ratifying a proposed Amendment to the Constitution of the United State extending the right to citizens eighteen years of age or older in all federal, state, and local elections

"Whereas, Congress passed a law last year lowering the voting age to eighteen years in all elections as part of an extension (P.L. 91–285) of the Voting Rights Act of 1965, but a Supreme Court decision on December 21, 1970, held the provision constitutional only for federal, not state and local, elections; and

"Whereas, unless the states also lower the voting age to eighteen years, many states will have to establish two sets of electoral machinery, one for federal elections and one for state and local elections; and

"Whereas, the Congress of the United States has proposed an amendment to the Constitution of the United States to lower the voting age to eighteen years in all federal, state, and local elections; and

"Whereas, the amendment would be the fourth to enlarge the electorate since the Constitution was originally adopted—the 15th Amendment extends the right to vote regardless of race, color, or previous condition of servitude; the 19th Amendment regardless of sex; the 23rd Amendment permits voting for President and Vice President in the District of Columbia; and the proposed 26th Amendment would extend the vote to eighteen year olds; and

"Whereas, Senate Joint Resolution 7, approved by the Ninety-Second Congress, First Session, reads as follows:

"'SENATE JOINT RESOLUTION 7

"'Joint resolution proposing an amendment to the Constitution of the United States extending the right to vote to citizens eighteen years of age or older

"'*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein)*, That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"'ARTICLE —

"'SECTION 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

"'"SEC. 2. The Congress shall have power to enforce this article by appropriate legislation."'

"Be it resolved by the House of Representatives of the Sixth Legislature of the State of Hawaii, Regular Session of 1971, the Senate concurring, That the Article proposed as an amendment to the Constitution of the United States as set forth in United States Senate Joint Resolution 7, dated March 23, 1971, be, and is hereby, ratified by the Legislature of the State of Hawaii; and

"Be it further resolved, That a certified copy of this Concurrent Resolution be transmitted to the Administrator, United States General Services Administration, and that copies of this Concurrent Resolution also be transmitted to the President of the Senate and to the Speaker of the House of Representatives of the United States and to the members of Hawaii's delegation to the Congress of the United States."

A concurrent resolution of the Legislature of the State of South Dakota; to the Committee on Post Office and Civil Service:

"A CONCURRENT RESOLUTION

"A concurrent resolution memorializing the Congress to reveiw and give direction to the U.S. Bureau of the Census

"Be it resolved by the Senate of the State of South Dakota, the House of Representatives concurring therein:

"Whereas, the U.S. Bureau of the Census has in certain past census and in the most recent census, namely that taken in 1970, provided directions for recording of college students within the county where they are attending a college or university; and

"Whereas, said college students in the event that they are qualified voters do only rarely vote in precincts within the city or county where they are enrolled for purposes of educational training, but may be qualified as voters in their home precincts; and

"Whereas, in the event that young people at age 18 years gain the right to vote not only in National elections but also in state elections including subdivisions of state government and it seeming to be in public interest that said students shall continue to register and be registered on the registration rolls of their home counties and voting precincts; and

"Whereas, for purposes of apportionment of Congressional seats to the U. S. House of Representatives, the state Legislature and either constitutional officers of the state, the Doctrine of "one man one vote" has been increasingly the rule of practice laid down by the Courts and followed by Legislative bodies; and

"Whereas, the effect of the 1970 practice by the Bureau of the Census in calling for a count of college students to be taken in and allocated to counties other than those counties in which said students actually reside and in which they are most likely to vote does of a certainty do violence to the proposition of proper apportionment; and

"Whereas, the State Legislature is required to determine and outline and establish the district boundaries of members of the U.S. House of Representatives and of the members of the State Legislature on the basis of U.S. Census figures:

"Now, therefore, be it resolved, by the Senate of the 46th Session of the Legislature of the state of South Dakota, the House of Representatives concurring therein, That we respectfully memorialize the U.S. Congress to point out to the Bureau of the Census the obvious inconsistency in removing from the census rolls of all counties *one whole segment of our population;* namely a county's entire college enrollment, and taking the count of these people only in the counties that include the colleges and universities in which they are enrolled as students; and

"Be it further resolved, in the interest of providing for a more reasonable approach to apportionment, fully realizing the necessity of counting student populations within the corporate limits wherein their instruction is provided for planning purposes and for more accurately determining the amount of financial assistance through federal grant programs necessary to alleviate overburdening local housing, utility systems and governmental services necessary to sustain the largest aggregate student and permanent resident population, that the Bureau of the Census be requested by the Congress to provide for the states a count of all college students by home counties so that census figures can at least at the state level be adjusted for apportionment purposes, to the end that inequities in population Census figures particularly emphasized against the most rural areas and counties; may within the states be corrected; and

"Be it further resolved, That the Secretary of the Senate make available copies of this Resolution to the Secretary of the U.S. Senate, the Speaker of the House of Representatives, to U.S. Senator Honorable Karl E. Mundt, to U.S. Senator Honorable George G. McGovern, to the Honorable Frank Denholm, and the Honorable James Abourezk, members of the House of Representatives.

"Adopted by the Senate: March 9, 1971.

"Concurred in by the House of Representatives: March 13, 1971."

A concurrent resolution of the Legislature of the State of Oklahoma; to the Committee on Finance:

"RESOLUTION No. 1018

"A concurrent resolution memorializing the Congress of the United States to continue the Federal Highway Trust Fund; and directing distribution

"Whereas, an adequate highway system is essential to the economy of Oklahoma and the nation; and

"Whereas, highway users pay gasoline taxes and other federal excise taxes which are de-

posited with the Federal Highway Trust Fund; and

"Whereas, the Federal Highway Trust Fund was created for the purpose of developing and constructing an interstate highway system and implementing highway safety program standards; and

"Whereas, the diversion of such taxes and the termination of the fund would impair the continued construction and maintenance of an interstate highway system for America.

"Now, therefore, be it resolved by the House of Representatives of the 1st session of the 33rd Oklahoma Legislature, the Senate concurring therein:

"SECTION 1. The Congress of the United States is hereby respectfully urged to continue the Federal Highway Trust Fund on a permanent basis for highway construction and implementation of highway safety program standards.

"SEC. 2. Duly authenticated copies of this Resolution shall be forwarded to the Speaker of the House of Representatives and the President of the Senate of the Congress of the United States and to each member of the Oklahoma Congressional Delegation.

"Adopted by the House of Representatives the 15th day of February, 1971."

A resolution of the General Assembly of the State of Georgia; to the Committee on Public Works:

"RESOLUTION

"Memorializing Congress and the Corps of Engineers to provide recreation a higher priority among management needs of reservoirs; and for other purposes

"Whereas, in recent years the number of recreational small craft registered in the State of Georgia has increased 52.2 percent, and the sale of marine equipment and services is now grossing $55,000,000 a year and substantially contributing to the economy of the State; and

"Whereas, Georgia's present water resources would be inadequate to handle such increased demands for boating and other water-based recreation without the multipurpose reservoirs of the U.S. Army Corps of Engineers; and

"Whereas, despite the fact that recreational benefits to the public is one of the factors which the Corps is required by law to take into account in justifying the construction and operation of multipurpose reservoirs, the experience in Georgia has been that recreational use is often hampered and severely curtailed as the result of periodic drawdowns of the reservoirs for other purposes; and

"Whereas, the present policy of according water recreation a relatively low priority in the management of Corps reservoirs in Georgia is not a realistic evaluation of the importance of water recreation to the economy of the State and the general public interest.

"Now, therefore, be it resolved by the General Assembly of Georgia, that this Body respectfully memorializes the Congress of the United States and the Chief of the United States Corps of Engineers to recognize that recreation needs and deserves a higher priority in the management of Corps of Engineers reservoirs, and to take such steps as are necessary to insure that higher priority will be given.

"Be it further resolved, That the Clerk of the House transmit copies of this Resolution to the Chief of the United States Army Corps of Engineers and to the Speaker of the House of Representatives and the President of the Senate, and to each Senator and Representative from Georgia in the Congress of the United States."

A resolution of the city of South Miami, Fla., requesting the National Aeronautics and Space Administration to designate Cape Kennedy as the operational base for the Space Shuttle system; to the Committee on Aeronautics and Space Sciences.

REPORT OF THE JOINT ECONOMIC COMMITTEE (S. REPT. 92–49) ON THE 1971 ECONOMIC REPORT OF THE PRESIDENT

Mr. PROXMIRE. Mr. President, under the Employment Act of 1946, the Joint Economic Committee is required to submit a report each year to both the Senate and House of Representatives conveying its findings and recommendations with respect to each of the main recommendations made by the President in the Economic Report. The report is to serve as a guide to the several committees of Congress dealing with legislation relating to economic issues.

Normally, the filing date for the report is March 1 but this year the Congress authorized the committee, in Public Law 92–2, dated March 5, 1971, to extend our normal period and file on or before April 1.

As chairman of the Joint Economic Committee, I am pleased to file the report herewith. In so doing, I would like to commend my colleagues on the committee for their highly competent handling of this responsibility. It was a great pleasure and privilege for me to work with them.

I submit the report to be printed together with the statement of committee agreement, minority, and supplementary views.

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. METCALF:

S. 1405. A bill to establish the Missouri Breaks Scenic Recreation River in the State of Montana. Referred to the Committee on Interior and Insular Affairs; and

S. 1406. A bill to amend section 104 of the Truth in Lending Act. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. CHURCH (for himself and Mr. JORDAN of Idaho):

S. 1407. A bill to establish the Sawtooth National Recreation Area in the State of Idaho, to temporarily withdraw certain national forest land in the State of Idaho from the operation of the U.S. mining laws, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. MUSKIE (for himself, Mr. JACKSON, Mr. JAVITS, Mr. METCALF, Mr. MOSS, Mr. RANDOLPH, Mr. STEVENSON, and Mr. TUNNEY):

S. 1408. A bill to amend the Internal Revenue Code of 1954 so as to permit certain tax-exempt organizations to engage in communications with legislative bodies, and committees and members thereof. Referred to the Committee on Finance; and

By Mr. MUSKIE:

S. 1409. A bill for the relief of Victor Frederick Sellier. Referred to the Committee on the Judiciary.

By Mr. HUMPHREY (for himself, Mr. HART, Mr. MATHIAS, Mr. MONDALE, Mr. MUSKIE, and Mr. STEVENS):

S. 1410. A bill to amend the Higher Education Act of 1965 to establish a student internship program to offer students practical political involvement with elected officials on the local, State, and Federal levels of government. Referred to the Committee on Labor and Public Welfare.

By Mr. BENTSEN:

S. 1411. A bill for the relief of Ulrich Otten (also known as Heinz Erhardt Nass), Elke Otten, and Michael Wunderwald. Referred to the Committee on the Judiciary.

By Mr. BEALL:

S. 1412. A bill for the relief of John T. Fitzwater. Referred to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. BAYH, and Mr. MATHIAS):

S. 1413. A bill to amend section 553, title 5, United States Code, relating to administrative practice and procedure, to remove certain exemptions from the requirement of notice of proposed rulemaking. Referred to the Committee on the Judiciary.

By Mr. RIBICOFF:

S. 1414. A bill to amend the Social Security Act by providing for the establishment of a child advocacy program. Referred to the Committee on Finance.

By Mr. PEARSON:

S. 1415. A bill to amend the Interstate Commerce Act in order to provide for the rail transportation of freight for the Department of Defense in general purpose box cars owned by the United States. Referred to the Committee on Commerce.

By Mr. FONG:

S. 1416. A bill for the relief of Benito Chow Wong (also known as Cho Chia Yuan), his wife, Chan Pui Koon (also known as Chan Pui Koon De Chow), and their children, Tin Yee Chow and Elisa Chow Chow;

S. 1417. A bill for the relief of Rufina R. Olpindo;

S. 1418. A bill for the relief of William Phillips; and

S. 1419. A bill to amend the Immigration and Nationality Act to provide that parents of permanent residents be eligible to file for the second preference category and to include sons and daughters within the provision relating to waiving the exclusion from the United States for fraud. Referred to the Committee on the Judiciary.

By Mr. GRAVEL:

S. 1420. A bill to amend the Internal Revenue Code of 1954 to provide that the sale of firearms to law enforcement officers who are required to purchase their own firearms for service use shall be exempt from excise tax. Referred to the Committee on Finance.

By Mr. ANDERSON (for himself, Mr. FULBRIGHT, and Mr. SCOTT) (by request):

S. 1421. A bill to authorize the Smithsonian Institution to acquire lands and to design a radio-radar astronomical telescope for the Smithsonian Astrophysical Observatory for the purpose of furthering scientific knowledge, and for other purposes. Referred to the Committee on Rules and Administration.

By Mr. JAVITS:

S. 1422. A bill to establish a National Emergency Price Stabilization Board to protect the public interest in price stability and the control of inflation. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. KENNEDY:

S. 1423. A bill to amend title 5, United States Code, to provide for the establishment of a Public Counsel Corporation to insure full participation by and on behalf of unrepresented citizens in administrative rulemaking proceedings. Referred to the Committee on the Judiciary.

By Mr. McGEE:

S. 1424. A bill to amend chapter 89 of title 5, United States Code, to provide improved health benefits for Federal employees. Referred to the Committee on Post Office and Civil Service.

By Mr. JAVITS (for himself, Mr. HUGHES, and Mr. MOSS):

S. 1425. A bill to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 to provide an increase in the appropriations authorizations for the Commission on Marihuana and Drug Abuse. Referred to

the Committee on Labor and Public Welfare, and ordered to be held at the desk until the next session of the Senate.

By Mr. JAVITS (for himself and Mr. BUCKLEY):

S. 1426. A bill to establish the Van Buren-Lindenwald Historic Site at Kinderhook, N.Y., and for other purposes. Referred to the Committee on Interior and Insular Affairs.

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

S. 1427. A bill to amend the Disaster Relief Act of 1970 to provide additional authority for the cancellation of disaster and emergency loans. Referred to the Committee on Public Works.

By Mr. PERCY (for himself, Mr. BAYH, Mr. HART, Mr. HUMPHREY, Mr. JAVITS, Mr. MATHIAS, Mr. STEVENSON, Mr. HATFIELD, Mr. TUNNEY, Mr. TAFT, Mr. MCGEE, Mr. RANDOLPH, Mr. WILLIAMS, Mr. CANNON, Mr. PASTORE, and Mr. ROTH):

S. 1428. A bill to amend title 18 of the United States Code by adding a new chapter 404 to establish an Institute for Continuing Studies of Juvenile Justice. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. METCALF:

S. 1405. A bill to establish the Missouri Breaks Scenic Recreation River in the State of Montana. Referred to the Committee on Interior and Insular Affairs.

Mr. METCALF. Mr. President, I introduce for appropriate reference a bill to establish the Missouri Breaks Scenic Recreation River in the State of Montana.

This bill is identical to S. 4580, which I introduced on December 10, 1970. Introductory remarks appear on page 40831 of the CONGRESSIONAL RECORD of that date, volume 116, part 30.

Supporters of this legislation include the Montana Legislature. I ask unanimous consent to have printed at this point in the RECORD the legislature's Senate Joint Resolution 5, which was signed by Gov. Forrest Anderson on March 3, 1971.

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

SENATE JOINT RESOLUTION 5

A joint resolution of the Senate and House of Representatives of the State of Montana to the Montana Congressional delegation supporting the establishment of a scenic recreation river along the Missouri from Robinson Bridge to Fort Benton in Montana and urging the Montana Congressional delegation to introduce and support appropriate legislation

Whereas, that reach of the Missouri River from Robinson Bridge to Fort Benton in Montana has great historic value, tremendous recreational potentialities, game and wildlife that are attractive to the hunter and fisherman, and still contains traces of Lewis and Clark; and

Whereas, legislation has been introduced into the United States congress to establish that reach of the river as the Missouri Breaks Scenic Recreation River; and

Whereas, the proposed legislation would preserve aesthetic and historic values by prohibiting impoundments on the wild and scenic segments of the river; would perpetuate traditional uses of the area through administration under the Taylor Grazing Act and allowance for mining and mineral leasing; would emphasize land requisition by scenic easement and exchange and would not require mandatory purchase of inholdings; and would give the state of Montana responsibility through cooperative agreement.

Now, therefore, be it resolved by the Senate and House of Representatives of the State of Montana:

That the legislative assembly of the state of Montana supports the establishment of the Missouri Breaks Scenic Recreation River to provide for wild river areas, for scenic river areas, and for recreational areas readily accessible by road in order to protect the historic sites, provide for recreation, including hunting and fishing, and preserve the area; and

Be it further resolved, that the legislative assembly of the state of Montana endorses legislation in the form of U.S. Senate Bill No. 4580 which was under consideration by the United States senate during the 91st congress, and urges the introduction and support of a like bill by the Montana congressional delegation during the 92nd congress; and

Be it further resolved, that the secretary of state be instructed to send copies of this resolution to the Honorable Mike Mansfield and Lee Metcalf, senators from the state of Montana, and the Honorable John Melcher and Richard Shoup, congressmen from the state of Montana.

By Mr. CHURCH (for himself and Mr. JORDAN of Idaho):

S. 1407. A bill to establish the Sawtooth National Recreation Area in the State of Idaho, to temporarily withdraw certain national forest land in the State of Idaho from the operation of the U.S. mining laws, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

SAWTOOTH NATIONAL RECREATIONAL AREA IN IDAHO

Mr. CHURCH. Mr. President, I introduce for appropriate reference, on behalf of myself and my distinguished colleague (Mr. JORDAN), a bill to establish the Sawtooth National Recreation Area in the State of Idaho, to temporarily withdraw certain national forest land in the State of Idaho from the operation of the U.S. mining laws, and for other purposes.

The purpose of this bill, Mr. President, is to preserve and protect the scenic, historic, pastoral, fish and wildlife, and other recreational values of the Sawtooth Mountains and adjacent lands, as well as the nearby White Cloud and Boulder Mountains.

In addition to establishing the recreation area, the bill would designate the Sawtooth Primitive Area, 201,000 acres of spectacular alpine-type peaks, lakes, and evergreen forests, as part of the national wilderness preservation system; provide for a 5-year moratorium on new mining entries, and direct the Secretary of Interior to prepare a comprehensive plan for establishing a national park in the uplands of the area.

The proposed national recreation area would be located 40 miles north of Idaho's internationally known Sun Valley resort, and 75 miles east of Boise, the State's largest metropolitan area.

The natural sweep of the Sawtooth valley and the beauty of the mountains are inseparably linked. Five large lakes, numerous smaller lakes, the Salmon River with its abundance of both salmon and trout, beautifully situated campgrounds, splendid sites for winter sports developments, and a spacious setting for hiking and horseback riding provide exceptional opportunities for full, yet uncrowded, use of the area.

Only 7 percent of the proposed NRA is privately owned, most of it on the floor of the valley where the flatlands were brought under cultivation by pioneer ranches. The purpose of the bill is not to eliminate these private holdings, but rather to prevent unsightly subdivision of the valley.

The overall national recreation area would embrace 752,000 acres of some of the most dramatic mountain ranges, colorful lakes and picturesque valley ranchlands in the West. Whiteface cattle and bands of sheep graze behind log fences, against a backdrop of distant ranchhouses and green forests which ascend to jagged and snowcapped peaks. At the junction of the two of these valleys is the old "cow town" of Stanley, sprawled like a western movieset at the foot of the mountains.

It is the intent of this legislation, Mr. President, to preserve the town of Stanley, and the valley ranches, with their authentic western appearance. The Secretary of Agriculture, who would administer the recreation area, would publish regulations setting standards for the use, subdivision and development of privately owned property within its boundaries. The Secretary could also obtain scenic easements—by condemnation if necessary—to assure that private land is used in a manner which is not in conflict with the purposes of the act. Condemnation in fee would be used only to acquire land for administrative and other necessary facilities, and would be limited to 5 percent of the total private acreage.

Commercial development now threatens the valley and adjacent foothills, and there is urgent need for the protection this legislation would provide.

East of the Sawtooths, the White Cloud Mountains have undergone mineral prospecting and pre-development that could jeopardize their fragile ecology. This bill would provide a 5-year moratorium on all new forms of location, entry and operation under the mining laws in the area. Mining operations under valid existing rights would be subject to regulation by the Forest Service.

This would assure time in which the Secretary of the Interior could complete his comprehensive plan for a national park within the area, and make his recommendations for the permanent management of the entire region.

The bill would not change the authority of the State or its political subdivisions to its exercise of civil or criminal jurisdiction within the area or its rights to tax persons, corporations, franchises, or property, including mineral of other interests.

Nor would it affect the jurisdiction or responsibilities of the State of Idaho with respect to fishing and hunting. The jurisdiction of the State and the United States over waters of any stream included in the area would not be altered or affected by the bill.

Mr. President, my distinguished colleague (Mr. JORDAN) will explain the legislative nistory of this proposal, but I

would like to point out that a Sawtooth National Recreation Area bill has twice been approved by the Senate. This proposal, however, has been considerably refined. An identical bill is being introduced in the House by the other Members of the Idaho delegation (Mr. McCLURE and Mr. HANSEN) who believe it will have a good chance of favorable action in this session of the Congress.

Mr. President, I ask unanimous consent that the text of the measure appear in the RECORD at the conclusion of our introductory remarks.

The ACTING PRESIDENT pro tempore (Mr. METCALF). Without objection, it is so ordered.

(See exhibit 1.)

Mr. JORDAN of Idaho. Mr. President, for the fourth successive Congress, I am pleased to join my distinguished colleague, Senator CHURCH, in the introduction of a jointly sponsored bill to authorize creation of the Sawtooth National Recreation Area in the State of Idaho. I am also pleased that our congressional colleagues are this day introducing a companion measure in the House.

This proposed 752,000-acre National Recreation Area in the heart of some of the most beautiful mountains, lake country, and forest land in the West has the potentiality of becoming recognized as one of the world's great alpine scenic and recreational areas with a distinctively "Old West" atmosphere.

Included in the proposed Sawtooth NRA are 725,000 acres of National Forest and Public Domain lands, 25,000 acres of private lands, and 2,000 acres of State lands. Because of this very high proportion of Federal lands, acquisitions in fee would be minimal and development costs extremely moderate.

Three mountain ranges are included—the Sawtooths, the White Cloud Peaks, and the Boulder Mountains. These mountains are accented with spectacular peaks, girdled with crystalline lakes, and the watersheds are the source of some of the Nation's most beautiful tributary streams and rivers.

The valleys and the lowland country are dotted by rustic ranch buildings, sheep and cattle graze on the verdant meadowland, and pack train load up at the ranch headquarters for hunting and camping trips into the roadless, essentially unspoiled back country. Visitors to the picturesque Sawtooth and Stanley Basins agree that this atmosphere has made their dreams of the old West come true.

We have been striving since 1966 to adequately preserve and manage this outstanding area in south-central Idaho, which is now being subjected to the heavy pressures of real estate speculation and modernday development.

Two Church-Jordan national recreation area bills have been approved by the Senate, the latest being S. 853, which passed unanimously on July 2, 1969. The area has been subjected to a joint Forest Service-National Park Service study, and extensive hearings have been held, both in the field and here in Washington.

The bill which we are introducing here today differs from the Senate-approved bill of last session in three major respects.

The acreage of the proposed Sawtooth NRA has been increased from 508,250 acres to 752,000 acres. This permits inclusion of the Boulder Mountains in the southeast corner, a strip along the Salmon River north of the White Cloud Peaks, and a small area along the northwest approach to the Sawtooth Mountains. The areas added are largely Federal lands.

This bill proposes Wilderness status, under the National Wilderness Act, for the Sawtooth Primitive Area, based upon the Wilderness Act study recently completed by the Forest Service. The bill also directs that wilderness studies by expedited on suitable Federal lands elsewhere within the NRA boundary.

In addition, the new bill requires the Director of the National Park Service to make an impact study, designate boundaries, and propose a draft bill for creation of a national park within this area. National Park proposals have been advanced for this area since the early part of the century, but aside from participating in the joint FS–NPS study in the early 1960's, the Park Service has not made an in-depth analysis of the impact that the creation of a national park would have on this particular area. Other provisions of the bill authorize funds for this NPS analysis and decree a 5-year moratorium on mining operations as interim protection for the land.

The information that will be derived from this NPS analysis and the studies currently being made by the Forest Service and the Geological Survey will be necessary for subsequent consideration of a Sawtooth National Park bill. The USGS mineral surveys and environmental studies of the Forest Service will not be completed until 1973.

Passage of this bill will not preclude later enactment of a national park bill. Conversely, eventual consideration of park legislation will not preclude continued management of the area as a Forest Service National Recreation Area and Forest Wilderness, if the State and the Congress conclude that the approach proposed in this legislation is adequate for protecting and managing the area.

This legislation not only has the collective support of the Idaho congressional delegation, but the Idaho Legislature also has recently memorialized the Congress to establish a Sawtooth National Recreation Area.

Mr. President, I ask unanimous consent to have printed the resolution of the Idaho State Legislature, at this point in my remarks.

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

[Legislature of the State of Idaho]

IN THE HOUSE OF REPRESENTATIVES, HOUSE JOINT MEMORIAL NO. 1, BY RESOURCES AND CONSERVATION COMMITTEE

A joint memorial to the President of the United States, the Honorable Senate and House of Representatives of the United States in Congress assembled, the House Committee on Interior and Insular Affairs, the Senate Committee on Interior and Insular Affairs, and to the Senators and Representatives representing this State in the Congress of the United States

We, your Memorialists, the Senate and House of Representatives of the state of Idaho assembled in the First Regular Session of the Forty-first Idaho Legislature, do respectfully represent that:

Whereas, the Congress of the United States has before it various proposals for legislation which would affect the future management of the present Sawtooth Primitive Area and adjacent lands; and

Whereas, this is a region of incomparable scenic beauty and a rich historical past; and

Whereas, this area is under increasing pressures of public and private use; and

Whereas, uncontrolled development in the Sawtooth Valley, the Stanley Basin, and the environs of the Sawtooths threaten destruction of the natural beauty of the area; and

Whereas, it is urgently required, in the public interest, that a definite permanent plan for the management of the Sawtooths be adopted as soon as possible; and

Whereas, this matter has been the subject of considerable study by the United States Congress including public hearings in the area of the Sawtooths; and

Whereas, the weight of past study and public sentiment favors the creation of a Sawtooth National Recreation Areas; and

Whereas, such action would permit continued management of the Sawtooths by the United States Forest Service, allowing the broadest multiple use of the area—for example, permitting grazing and timber management where possible; and

Whereas, a national recreation area would permit continued management of fish and game by the Idaho Fish and Game Department.

Now, therefore, be it resolved by the First Regular Session of the Forty-first Idaho Legislature, now in session, the Senate and House of Representatives concurring, that we most respectfully urge the Congress of the United States of America to proceed at the earliest possible date to enact the necessary legislation to authorize the establishment of the Sawtooth National Recreation Area and Wilderness.

Be it further resolved that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward copies of this Memorial to the President and the Vice President of the United States, the Speaker of the House of Representatives of Congress, to the House Committee on Interior and Insular Affairs, to the Senate Committee on Interior and Insular Affairs, and to the Senators and Representatives representing this state in the Congress of the United States.

Mr. JORDAN of Idaho. Mr. President, 4 years ago, when Senator CHURCH and I introduced the first Sawtooth National Recreation Area bill to pass the Senate, S. 1267, I made the following statement in a floor speech:

Presently, the beauty and unique western character of this environment is being threatened in some measure by subdivision of the meadows and fields near highway 93 in the Sawtooth Valley. Some of this development is incompatible with the scenic and historic integrity of the area. To protect this integrity we need regulation of development and scenic easements.

This development pressure has increased during the intervening years, and the upland area in the White Clouds has been undergoing intensive mineral prospecting and predevelopment work. Time is of the essence to preserve this magnificent area and give the Forest Service adequate authority to properly manage it.

I sincerely hope that the Senate will approve this bill so that 1971 can see the establishment of one of the Nation's finest national rcreation areas in the heartland of Idaho's alpine paradise.

EXHIBIT 1

S. 1407

A bill to establish the Sawtooth National Recreation Area in the State of Idaho, to temporarily withdraw certain national forest land in the State of Idaho from the operation of the United States mining laws, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to assure the preservation of, and to protect the scenic, historic, pastoral, fish and wildlife, and other recreational values of the Sawtooth Mountains and adjacent lands, there is hereby established, subject to valid existing rights, the Sawtooth National Recreation Area.

SEC. 2. The boundaries of the recreation area shall be those shown on the map entitled "Proposed Sawtooth National Recreation Area" dated March 1971, which is on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture. The Secretary of Agriculture (hereinafter called the "Secretary") shall, as soon as practicable after the date this Act takes effect, publish in the Federal Register a notice of the establishment of the Sawtooth National Recreation Area, together with a detailed description and map showing the boundaries thereof.

SEC. 3. The Secretary shall administer the Sawtooth National Recreation Area in accordance with the laws, rules, and regulations applicable to the National Forests in such manner as will best provide for (1) the protection and conservation of the salmon and other fisheries; (2) the conservation and development of scenic, historic, pastoral, wildlife, and other values, contributing to and available for public enjoyment, including the preservation of sites associated with and typifying the economic and social history of the American West; and (3) on federally owned lands, management, utilization, and disposal of natural resources, such as lumbering, grazing, and mining, that will not substantially impair the purposes for which the recreation area is established.

SEC. 4. Subject to the limitations hereinafter set forth, the Secretary may acquire by purchase with donated or appropriated funds, by gift, exchange, bequest, or otherwise, such lands or interests therein within the boundaries of the recreation area as he determines to be needed for the purposes of this Act. But, any property or interest within the recreation area owned by the State of Idaho or any political subdivision thereof may be acquired under the authority of this Act only with the concurrence of the owner.

In exercising his authority to acquire property by exchange, the Secretary may accept title to any non-Federal property or interests therein located within the boundaries of the recreation area and convey to the grantor of such property any federally owned property or interests therein within the State of Idaho under the jurisdiction of the Secretary, notwithstanding any other provision of law. The properties so exchanged shall be approximately equal in fair market value: *Provided,* That the Secretary may accept cash from or pay cash to the grantor in such an exchange in order to equalize the values of the properties exchanged.

Notwithstanding any other provision of law, any Federal property located within the recreation area may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the purposes of this Act. Lands acquired by the Secretary or transferred to his administrative jurisdiction within the recreation area shall become parts of the recreation area and of the national forest within or adjacent to which they are located.

SEC. 5. (a) The authority of the Secretary to acquire an interest in private property within the recreation area without the owner's consent and by means of condemnation shall be limited to—

(1) the acquisition of scenic easements when the private owner is unwilling to use his property in conformance with the standards of a use provided for in subsection (b) of this section, and

(2) the acquisition of easements for access to and utilization of public property, and the acquisition of land for recreation and other administrative facilities: *Provided,* That such acquisitions shall not exceed 5 per centum of the total acreage of all private property within the recreation area as of the effective date of this act.

(b) The Secretary shall make and publish regulations setting standards for the use, subdivision, and development of privately owned property within the boundaries of the recreation area. Such regulations shall be generally in furtherance of the purposes of this Act and shall have the object of assuring that the highest and best private use, subdivision, and development of such privately owned property is consistent with the purposes of this Act and with the overall general plan of the Sawtooth National Recreation Area. Such regulations shall be as detailed and specific as is reasonably required to accomplish such objective and purpose. Such regulations may differ amongst the several parcels of private land in the boundaries and may from time to time be amended by the Secretary. All regulations adopted under this section shall be promulgated in conformity with the provisions of the Administrative Procedure Act. The United States District Court for the District of Idaho shall have jurisdiction to review such regulations after their effective date, upon a complaint filed by any affected landowner, in an action for a declaratory judgment.

(c) To assure that private land within the boundaries of the national recreation area is used in a manner which is not detrimental to the purposes of this Act, the Secretary is authorized to procure by gift, purchase with donated or appropriated funds, or otherwise, scenic easements within the boundaries of the recreation area.

As used in this Act the term "scenic easement" means the right to control the use of land in order to protect the esthetic values for the purposes of this Act, but shall not preclude the continuation of any use exercised by the owner as of the date of this Act.

(d) Where an owner of private property within the exterior boundaries of the recreation area as of the date of this Act or his heirs and devisees, desires to dispose of such property to the Federal Government, the Secretary shall purchase said property at a price that shall include compensation for any decrease in the value thereof not previously compensated for under the provisions of this Act that may have resulted from the promulgation of regulations, standards, or other consequences of the establishment of the recreation area. In the event the Secretary and the owner are unable to agree upon the purchase price, and the Secretary declines to complete the purchase, the owner may file a complaint setting out these facts, together with a good and sufficient deed to the property, in the United States District Court for the District of Idaho. After the filing of an answer by the United States, the case shall be treated to the extent possible, in the same manner as an action for the condemnation of property brought by the United States: Provided, however, That the provisions of this subsection shall cease to be ineffect after a period of ten years from the date of the enactment of this Act.

SEC. 6. (a) The area classified as the Sawtooth Primitive Area, as generally depicted as the "Sawtooth Wilderness–Proposed" on the map referenced in Section 2 of this Act, is hereby designated as the Sawtooth Wilderness within and as a part of the Boise National Forest, Challis National Forest and Sawtooth National Forest, comprising an area of approximately two hundred and one thousand acres.

(b) As soon as practicable after this Act takes effect, the Secretary shall file a map and a legal description of the Sawtooth Wilderness with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such description shall have the same force and effect as if included in this Act; Provided, however, that correction of clerical and typographical errors in such legal description and map may be made.

(c) The Sawtooth Wilderness shall be administered by the Secretary in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

(d) The previous classification of the Sawtooth Primitive Area is hereby abolished.

SEC. 7. The Secretary of Agriculture shall, as soon as practicable after the enactment of this Act, review the undeveloped and unimproved portion or portions of the Recreation Area as to suitability or non-suitability for preservation as a part of the National Wilderness Preservation System. In conducting his review, the Secretary of Agriculture shall comply with the provisions of sub-section 3(d) of the Wilderness Act of September 3, 1964 (78 Stat. 892) relating to public notice, public hearings, and review by States and other agencies, and shall advise the Senate and House of Representatives of his recommendations with respect to the designation as wilderness of the area or areas reviewed.

SEC. 8. The Secretary may cooperate with other Federal agencies, with State and local public agencies, and with private individuals and agencies in the development and operation of facilities and services in the area in furtherance of the purposes of this Act, including, but not limited to, the restoration and maintenance of the historic setting and background of the frontier ranch-type town of Stanley.

SEC. 9. Nothing in this Act shall diminish, enlarge, or modify any right of the State of Idaho, or any political subdivision thereof, to exercise civil and criminal jurisdiction within the recreation area or of rights to tax persons, corporations, franchises, or property, including mineral or other interests, in or on lands or waters within the recreation area.

SEC. 10. Nothing in this Act shall affect the jurisdiction or responsibilities of the State of Idaho under other provisions of law with respect to hunting and fishing.

SEC. 11. The jurisdiction of the State and the United States over waters of any stream included in the Sawtooth National Recreation Area shall be determined by established principles of law. Under the provisions of this Act, any taking by the United States of a water right which is vested under either State or Federal law at the time of enactment of this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws.

SEC. 12. (a) In order to permit adequate time to study and determine the provisions desirable and necessary for management of the Federal lands described in section 2 of this Act, said lands are hereby withdrawn, subject to valid and existing claims, from all forms of location, entry, and operation under the mining laws of the United States for a period of five years from the date of this Act.

(b) The provisions of section 5 of the Act of May 10, 1872 (30 U.S.C. 28), which require that on each mining claim located after May

10, 1872, not less than $100 worth of labor shall be performed or improvements made during each year until patent has been issued therefore, shall not apply until six months after the expiration of this withdrawal, to claims or interests in claims located within said area. No mining claim or any interest in a claim within said area shall be subject to forfeiture by nonperformance of annual assessment work during the period ending six months after the expiration of this withdrawal: *Provided*, however, the claimant of any mining location shall, before the expiration of each assessment year during the withdrawal, file or cause to be filed in the office where the location notice or certificate is recorded a notice that he desires to hold his mining claim or interest therein.

SEC. 13. The Congress hereby recognizes and declares the need to take action to regulate the use and protect the surface values of the federal lands described in section 2 of this Act, and directs that necessary rules and regulations shall be jointly promulgated and issued by the Secretary of Agriculture and the Secretary of the Interior. Such regulations shall include, when deemed necessary, provisions for control of the use of motorized and mechanical equipment for transportation over, or alteration of, the surface of such Federal land in connection with any authorized activities on such land, including but not limited to mineral prospecting, exploration, or development and mining operations.

SEC. 14. Patents shall not hereafter be issued for locations and claims heretofore or hereafter made in the area described in section 2 under the mining laws of the United States. This shall not be construed as preventing or interfering with the full exercise of the rights of the holder of a valid claim to further prospect, develop, and mine any such claim subject to compliance with the rules and regulations covering the Federal land on which any such claim is located.

SEC. 15. Money appropriated from the land and water conservation fund shall be available for the acquisition of lands and scenic easements for purposes of establishing the Sawtooth National Recreation Area. There is hereby authorized to be appropriated $30,000,000 for the development of recreation and related facilities and for the acquisition of land and interests in land pursuant to this Act.

SEC. 16. (a) The Secretary of the Interior, in consultation with appropriate Federal, State, and local agencies, shall make a comprehensive analysis of the natural, economic, and cultural values of the Sawtooth National Recreation Area for the purpose of evaluating the potentiality of establishing therein a national park or other unit of the national park system. He shall submit a report of the results of the analysis along with his recommendations to the Congress by December 31, 1973.

(b) His report shall show that in making the aforesaid recommendations he took into consideration, among other things,

(1) the feasible alternative uses of the land and the long- and short-term effect of such alternative uses upon, but not limited to, the following:

(A) the State and local economy,

(B) the natural and cultural environment,

(C) the management and use of water resources,

(D) the management of grazing, timber, mineral and other commercial activities,

(E) the management of fish and wildlife resources,

(F) the continued occupancy of existing homesites, campsites, commercial and public recreation enterprises, and other privately owned properties and the future development of the same,

(G) the interrelation between Recreation Areas, wilderness areas and Park lands, and

(2) the establishment of a national park in the mountain peaks and upland areas together with such portions of the National Recreation Area as may be necessary and appropriate for the proper administration and public use of and access to such park lands, leaving the valleys and low-lying lands available for multiple-use purposes.

(c) Any recommendation for the establishment of a unit of the National Park system shall be accompanied by (1) a master plan for the development and administration of such unit, indicating proposed boundaries, access or other roads, visitor facilities, and proposed management concepts applicable to such units; (2) a statement of the estimated Federal cost for acquisition, development, and operation of such unit; and (3) proposed legislation for establishment of such Park administrative unit.

(d) There are authorized to be appropriated not more than $50,000 to carry out the provisions of this section.

SEC. 17. If any provision of this Act is declared to be invalid, such declaration shall not affect the validity of any other provision hereof.

By Mr. MUSKIE (for himself, Mr. JACKSON, Mr. JAVITS, Mr. METCALF, Mr. MOSS, Mr. RANDOLPH, Mr. STEVENSON, and Mr. TUNNEY):

S. 1408. A bill to amend the Internal Revenue Code of 1954 so as to permit certain tax-exempt organizations to engage in communications with legislative bodies, and committees and members thereof. Referred to the Committee on Finance.

Mr. MUSKIE. Mr. President, today I am introducing a bill that would revise the tax code to allow tax-exempt charitable organizations to advocate the public interest directly before Congress on an equal basis with private business.

The March 4 issue of the Washington Post and the March 8 issue of the New York Times contained advertisements paid for by an organization named American Labor and Industry for the SST. This organization was recently formed to develop and coordinate industry and grassroots support for the supersonic transport. The organization is a business association, organized pursuant to section 501(c)(6) of the Internal Revenue Code. As such, it is tax exempt, and for Federal income tax purposes contributions to it are deductible. Thus the massive lobbying effort which has been launched in support of the SST is, in effect, subsidized by the Federal Government by means of favorable tax treatment.

Mr. President, in 1962 I supported the amendment to section 162 of the Internal Revenue Code which permits tax-exempt business associations such as the SST coalition to engage in lobbying activities. I did so to assure that Congress would have the most complete record possible as it considers legislation. I did so with the feeling that the denial of tax-exempt status for such organizations would hamper their ability to communicate effectively with the Congress on matters where their expertise, experience, and interest were directly involved. The 1962 amendment which added section 162(e) to the tax laws has resulted in a flow of valuable information to the Congress.

Public interest and environmental organizations, however, are legally prohibited from contributing to the legislative process. These organizations can be a valuable source of information; they can broaden legislators' understanding of proposed legislation; and they can suggest valuable legislative alternatives.

Tax-exempt status is available to these organizations, only so long as no substantial part of their activities constitutes attempts to influence legislation. This limitation has had a severe impact on the ability of charitable and public interest groups to participate meaningfully in the formulation of public policy. A determination that such an organization has engaged "substantially" in attempting to affect legislation will result in a denial of tax-exempt status and a consequent denial of deductions for contributions which the organization receives. This is the equivalent to death for many of them. Even a review of their tax-exempt status can dry up desperately needed funds. It makes no sense to decide that these organizations operate in the public interest and grant them tax-exempt status and then silence them when they attempt to speak to those who must decide public policy.

The groups which suffer most under these limitations of the Internal Revenue Code are civil rights organizations, consumer and environmental groups, and the recently established public interest law firms. The outstanding characteristic of these groups has been their advocacy of the views of those who are underrepresented before governmental agencies, in the courts, and Congress. It is fundamental to our constitutional system that they should have equal access along with business groups and others in presenting views to Congress. This is so, not because the views of the public interest groups are necessarily correct, but because in considering the increasingly complex matters which come before it, the Congress should hear and weigh all views to the fullest extent possible.

On this point, it is instructive to review the language of the Senate committee report which accompanied the 1962 trade lobbying provision. The committee stated:

> It is also desirable that taxpayers who have information bearing on the impact of present laws, or proposed legislation, on their trade or business not be discouraged in making the information available to the members of the Congress or legislators in other levels of Government. The presentation of such information to the legislators is necessary to a proper evaluation on their part of the impact of present or proposed legislation. S. Rept. No. 1881, 7th Congress, 2nd Session.

This reasoning is eminently sound and should be applied fairly to all groups which represent interests affected by legislation.

Today the business community spends enormous sums of money trying to influence public opinion and Congress on legislative matters. Yet public interest groups, conservation groups, and other nonprofit tax-exempt organizations speaking for other parts of our society, have their voices stifled by the tax code. Why should the Government encourage private business to communicate with Congress by making lobbying a business expense which can be deducted from

taxes, while preventing strong efforts of public-interest groups to speak to lawmakers by removing their tax-exempt status when they raise their voices?

I believe that voices of the environmentalists, of the civil rights and poverty groups, of public interest law firms, are just as important—if not more important today—than the already finely orchestrated views of private business pursuing private policy.

Accordingly, I am today introducing a bill to amend section 501 of the Internal Revenue Code. The amendment would permit certain charitable and educational organizations which qualify as tax exempt under section 501(c)(3) to communicate directly with Congress, with the legislatures of the States, and with their members, to affect legislation of direct interest to the organization.

The amendment would not apply to those charitable organizations which are private foundations. Therefore, it would not affect the activities of any private foundation as defined in the Tax Reform Act of 1969.

Nor would the amendment change the provision of existing law which denies exempt status to organizations which engage in so-called grassroots lobbying, or which participate in political campaigning on behalf of a candidate for public office.

The amendment would allow charitable organizations which rely on public support to express their views in appropriate ways before the Congress, without the fear of losing their tax exemption.

Those who control the power of government are not responsive enough to the needs of our people. Congress itself is not as accessible as it should be, and it is often accessible only to the privileged few. If we are to maintain a democratic form of government in practice, and if the Congress is to reach reasoned judgments on the important issues before it, we must assure that every segment of our society is able to communicate with Congress. With its present restrictions, the Tax Code seriously impedes such communication. I hope the Congress will remove that impediment and restore full access to information which we need in order to consider fairly the issues which come before us.

The bill which I offer today is modeled after a resolution of the American Bar Association which recommended in 1969 an amendment to the Internal Revenue Code to accomplish these same purposes. I ask unanimous consent that the text of the ABA resolution and recommended amendment be printed in the RECORD, along with the text of my bill.

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

S. 1408

A bill to amend the Internal Revenue Code of 1954 so as to permit certain tax exempt organizations to engage in communications with legislative bodies, and committees and members thereof

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 501 of the Internal Revenue Code of 1954 is amended by redesignating subsection (f) as subsection (g) and inserting after subsection (e) the following new subsection:

"(f) APPEARANCES, ETC., WITH RESPECT TO LEGISLATION.—

"(1) IN GENERAL.—In the case of an organization described in section 509(a)(1), (2), or (3), none of the following activities shall be deemed 'carrying on propaganda, or otherwise attempting, to influence legislation':

"(A) appearances before, submission of statements to, or sending communications to, the committees, or individual members, of Congress or of any legislative body of a State, a possession of the United States, or a political subdivision of any of the foregoing with respect to legislation or proposed legislation of direct interest to the organization; or

"(B) Communication of information between the organization and its members or contributors with respect to legislation or proposed legislation of direct interest to the organization.

"(2) MATTERS OF DIRECT INTEREST.—For purposes of paragraph (1), matters of direct interest to the organization are those directly affecting any purpose for which it is organized and operated.

"(3) LIMITATION.—Paragraph (1) shall not apply to any attempt to influence the general public, or segments thereof, with respect to legislative matters, elections, or referendums."

SEC. 2. Section 170(c) of such Code is amended by adding the following new sentence at the end thereof:

"As used in subparagraph (D) of paragraph (2), the phrase 'carrying on propaganda, or otherwise attempting, to influence legislation' shall be subject to the exception set forth in section 501(f)."

SEC. 3. Section 2055(a) of such Code is amended by adding the following new sentence at the end thereof:

"As used in paragraphs (2) and (3), the phrase 'carrying on propaganda, or otherwise attempting, to influence legislation' shall be subject to the exception set forth in section 501(f)."

SEC. 4. Section 2106(a)(2)(A) of such Code is amended by adding the following new sentence at the end thereof:

"As used in clauses (ii) and (iii), the phrase 'carrying on propaganda, or otherwise attempting, to influence legislation' shall be subject to the exception set forth in section 501(f)."

SEC. 5. Section 2522 of such Code is amended by redesignating subsections (c) and (d) as subsections (d) and (e) and inserting after subsection (b) the following new subsection:

"(c) CARRYING ON PROPAGANDA, OR OTHERWISE ATTEMPTING, TO INFLUENCE LEGISLATION.—As used in paragraph (2) of subsection (a) and in paragraphs (2) and (3) of subsection (b), the phrase 'carrying on propaganda, or otherwise attempting, to influence legislation' shall be subject to the exception set forth in section 501(f)."

SEC. 6. These amendments shall be applicable to taxable years beginning after the date of enactment thereof and to estates of decedents dying after the date of enactment thereof.

RECOMMENDED AMENDMENT

Resolved, That the American Bar Association recommends to the Congress that the Internal Revenue Code of 1954 *be amended to permit organizations which are exempt from taxation under section 501(c)(3)* (e.g., religious, charitable, scientific, and educational organizations) *to engage in direct legislative activity with respect to matters of direct interest without losing their tax exempt status and without loss of tax deductions for contributions made to such organizations;* and

Further Resolved, That the Association proposes that these results be effected by amending sections 170, 501, 2055, 2106 and 2522 of the Internal Revenue Code of 1954; and

Further Resolved, That the Section of Taxation is directed to urge the following amendments, or their equivalent in purpose and effect, upon the proper committees of Congress:

SEC. 1. Section 501 is amended by redesignating subsection (e) as subsection (f) and inserting after subsection (d) the following new subsection (insert new matter in italics):

(c) APPEARANCES, ETC., WITH RESPECT TO LEGISLATION—

(1) None of the following activities by an organization described in subsection (c)(3) shall be deemed "carrying on propaganda, or otherwise attempting, to influence legislation":

(A) Appearances before, submission of statements to, or sending communications to, the committees, or individual members, of Congress or of any legislative body of a State, a possession of the United States, or a political subdivision of any of the foregoing with respect to legislation or proposed legislation of direct interest to the organization.

(B) Communication of information between the organization and its members or contributors with respect to legislation or proposed legislation of direct interest to the organization.

(C) For purposes of this paragraph, matters of direct interest to the organization include—

(i) those directly affecting its exemption under this section;

(ii) those directly affecting the deduction of contributions to such organization under sections 170, 642, 2055, 2106, or 2522;

(iii) those directly affecting any exempt purpose or function for which the organization was organized and is operating, in the case of an organization which normally receives a substantial part of its support (exclusive of income received in the exercise or performance by such organization of its charitable, educational, or other purpose or function constituting the basis for its exemption under this section) from the United States or any State or possession or political subdivision thereof or from direct or indirect contributions from the general public.

(2) Activities described in paragraph (1) shall not include any attempt to influence the general public, or segments thereof, with respect to legislative matters, elections or referendums.

By Mr. HUMPHREY (for himself, Mr. HART, Mr. MATHIAS, Mr. MONDALE, Mr. MUSKIE, and Mr. STEVENS):

S. 1410. A bill to amend the Higher Education Act of 1965 to establish a student internship program to offer students practical political involvement with elected officials on the local, State, and Federal levels of government. Referred to the Committee on Labor and Public Welfare.

INTERNS FOR POLITICAL LEADERSHIP

Mr. HUMPHREY. Mr. President, on behalf of Senators HART, MATHIAS, MONDALE, MUSKIE, STEVENS, and myself, I introduce a bill to amend the Higher Education Act of 1965 to establish a student internship program to offer students practical political involvement with elected officials on the local, State, and Federal levels of government.

Mr. President, this Congress has passed and sent to the States for ratification the 26th amendment to the Constitution of

the United States, which would permit Americans 18 years of age and older to vote in all elections. Last year the Congress extended this right for all Federal elections.

Those who are 16½ years old today will be voting for President of the United States next year and quite possibly all other offices as well.

There will be some 11.2 million young persons eligible to vote for the first time in 1972, thanks to this new law lowering the voting age from 21 to 18.

I am proud to report that the State of Minnesota was the first to ratify the new amendment that will add 221,000 new voters 18, 19, and 20 years old in our State alone.

These new voters will be an unpredictable, unknown, and unmeasurable element. The politician who assumes they will vote as their parents tell them to are in for a rude awakening.

The politician who ignores them is in for defeat.

The politician who hopes to win their support must speak to the future and a vision of a better tomorrow.

Young voters are not going to be satisfied with the old politics of carping criticism and partisan attack.

They are going to want in their candidates people who speak to the ideals of young America—they are going to want men and women who give young people a chance to participate in the building of the America of tomorrow which will be theirs.

The founders of our Nation were not afraid of the young voter—many were young themselves—Thomas Jefferson was 33 when the revolution began and Alexander Hamilton was only 20—and they wanted young people involved in government. That is why our Constitution provides a person can be a Congressman at the age of 25, a Senator at 30, and President of the United States at 35.

In the past few years, the American people have suddenly been reawakened to the very real force which young people in politics can represent.

This irresistible urge to participate is fired by the refusal of the youth of our country to accept the flaws in our society. They want change, and rightly so.

I say to the political leaders of either party who find this development troublesome, and who are alarmed because this generation can neither be bought nor ignored—get with it, or get out of the way.

I say to the young people, if you are to be true to yourself, listen to your own conscience, and then wade in and seek a meaningful experience in practical, real politics and community action.

You cannot change things by standing on the outside shouting about it. You have got to get involved.

It is time we brought students directly into our political life. Not just stuffing envelopes or running mimeograph machines in campaigns, but playing a significant role.

We already have a limited program of congressional fellowships and internships, but we have got to do more, and not just in the Congress but on all levels of government, and in a coordinated manner to give each step continuity and added meaning.

That is why I am introducing today the Interns for Political Leadership Act.

This would be a greatly expanded program of practical political education and participation.

In the first year, about 1,000 college juniors and seniors would be placed in the offices of local and State elected officials and Members of Congress.

They will serve as aides to these officials, participating in the legislative, administrative, and political activities, including behind the scenes, and generally sharing the good and the bad things of public life.

This is for the student who takes seriously the responsibility of being a citizen in a free society and wants to do something about it.

He would start at the proverbial grassroots, working and learning his way up—learning how day-to-day politics work, starting in the precincts and wards, moving on up to city hall and the county courthouse and the statehouse.

Just as a person is a better U.S. Senator if he has first been a city councilman or mayor, governor or legislator, so the staff member, too, can do a better job if he has had experience at other levels of government.

Mr. President, you have to know the system before you can do anything about it.

What I have in mind is a program that will permit college students interested in a political career to learn how the system works firsthand and at the same time to show their leadership potential and examine their creative ideas in a practical atmosphere. The program is a direct response to student alienation of the political process. By familiarizing students with the process, the program would, hopefully, encourage competent young people to stay within the system and pursue politics as a career.

Students participating in the program will handle constituent complaints, review and draft legislation, undertake special projects, attend meetings and, in general, serve as a professional assistant to elected officials.

A similar plan—based on a proposal I made during my 1968 presidential campaign—is being tried successfully on a limited, experimental basis at the local level by eight colleges—Johns Hopkins, Morgan State, Towson State, University of Maryland Baltimore Campus, City University of New York, Tufts, Gaucher, and Emory University.

It started in January and is privately supported.

The 1968 presidential election showed conclusively that college students can be a useful and productive force even when inexperienced and untutored in politics. It also showed how time and talent can be wasted because of the students' unfamiliarity with the structure and function of government at all levels and the practical political consideration that makes it work.

And it demonstrated the need for a graded experience by which students can learn and ultimately put into practice their theoretical knowledge and test their political ideas through which our system might be changed for the better.

In other words, there must be a means which would allow a young person, by a combination of academic study and actual practical experiences, to become a part of American politics and help improve it.

The program I am proposing today would attract only the best qualified, most dedicated students.

I will leave the exact qualifications to the experts, but I will tell them this.

If I were the admissions director, I would pay a lot more attention to commitment than I paid to test scores.

I would be looking for fresh ideas, imagination, social conscience—yes, and dreams—and the determination to make impossible dreams come true.

Both of our political parties would benefit from this program. And the country would benefit.

American politics cannot live on Pablum or Geritol. It needs the continuing nourishment of ideas, dissent, debate, commitment, and participation.

To the serious student, our political system is not sufficiently broadly based. It is not attracting the best talent and not responsive enough to this Nation's deeply felt needs.

The youth of our Nation have articulated and brought to the forefront of the American conscience what many of us have felt for many years.

Our present political structure need not be destroyed to build a better one. But it must be reformed and modernized—change with order, and order with change.

I regret to say that for too many people of all generations, politics is a dirty word.

Maybe that is what is wrong with our country.

But let me tell you something: Politics is just as dirty and just as clean, just as good and just as bad, just as honorable and just as mean as people make it.

The program I am proposing today would help bridge the gap between the college campus and the political process. Participants would get practical political involvement with elected officials in the performance of their duties, and they also would be able to earn academic credit for their work.

The interns would start out at the local level, working with municipal, suburban, and county officeholders, then moving up to the State level and, ultimately, to the congressional level.

Administration of the program will be through a private, nonprofit agency to be known as the National Coordinating Agency. It will carry out its duties through arrangements with colleges and universities and States and local governments as well as with Members of Congress.

It will be financed by 50–50 Federal matching grants for the stipends of State and local interns, and totally federally financed for interns serving with Members of Congress. The bill calls for a $10 million appropriation for the first fiscal year, fiscal year 1972, and for each of the 2 succeeding fiscal years to cover stipends and administrative costs.

Internships would be distributed among the 50 States, Puerto Rico, and the District of Columbia on the basis of their representation in the Congress.

This program will do far more than provide valuable insight and experience for the interns. It will be a fresh, energetic, and enthusiastic source of capable assistance for elected officials at all levels of government, and, hopefully, it will attract some highly talented young people to make politics their profession.

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. 1410

A bill to amend the Higher Education Act of 1965 to establish a student internship program to offer students practical political involvement with elected officials on the local, State and Federal levels of government

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 "Interns for Political Leadership Act of 1971."

SEC. 2. Title IX of the Higher Education Act of 1965 is amended by adding at the end thereof the following new part:

"PART D—INTERNS FOR POLITICAL LEADERSHIP

"PROGRAM GRANTS AND CONTRACTS

"SEC. 931. The Secretary is authorized to enter into a contract or other arrangement with a private nonprofit agency (to be known as the "National Coordinating Agency") under which such Agency will plan, develop and carry out an internship program under which students will be provided practical political involvement with elected officials in the performance of their duties at all levels of government through internships in their offices. Such internship program shall be carried out through arrangements with institutions of high education and State and local governments under which students in their third and fourth years of study at the institution will serve as interns in offices of State and local elected officials, and under which the interns will be assigned duties, which will give them an insight into the problems of the different levels of government, as well as an opoprtunity for research and for involvement in the policymaking process. Such arrangements shall provide for coordination between the on-campus educational programs of the persons selected and their activities as interns, with commensurate credit given for their work and achievement as interns. Such internship program shall also provide opportunities for students who have participated in the internship programs at State and local levels to become interns in the offices of Members of Congress for up to three months during the first year following the receipt of their bachelor's degree. Such internships shall be arranged by the National Coordinating Agency with the Members of Congress who wish to participate.

"SELECTION OF STUDENTS FOR PARTICIPATION

"SEC. 932. The students who are to participate in the internship program provided for in this part shall be selected by the National Coordinating Agency from among students whose names are proposed by participating institutions of higher education. Internships shall be distributed among the States so that insofar as practicable the number for each State bears the same ratio to the total number as the number of Members of Congress from that State bears to the total number of Members of Congress.

"FEDERAL SHARE

"SEC. 933. The amount of Federal payments on account of carrying out the program provided for in this title by providing for internships in the offices of State and local elected officials may not exceed one half of the cost thereof.

"ADMINISTRATION

"SEC. 934. Subject to the terms of the contract or agreement between it and the Secretary, the National Coordinating Agency shall prescribe the stipends to be paid to the interns participating in the program provided for in this part, and the duration and other terms and conditions of such internships. The cost of administration of a program may be paid by such Agency.

"APPROPRIATIONS AUTHORIZED

"SEC. 935. There is authorized to be appropriated to carry out this part, the sum of $10,000,000 for the fiscal year 1972 and for each of the two succeeding fiscal years.

"DEFINITION

"SEC. 936. Notwithstanding section 1201(a) or section 921(a), the term 'State' as used in this part means the fifty States, Puerto Rico, and the District of Columbia. For purposes of the distribution of internships among the States, in determining the number of Members of Congress for purposes of section 932, the Resident Commissioner for Puerto Rico and the Delegate from the District of Columbia shall be considered Members of Congress, and interns in the offices of Members of Congress shall be attributed to the State of the Member in whose office they are serving."

By Mr. KENNEDY (for himself, Mr. BAYH, and Mr. MATHIAS):

S. 1413. A bill to amend section 553, title 5, United States Code, relating to administrative practice and procedure, to remove certain exemptions from the requirement of notice of proposed rulemaking. Referred to the Committee on the Judiciary.

Mr. KENNEDY. Mr. President, "Power to the people" is a phrase that has been gaining currency and, since President Nixon's state of the Union address, has even assumed a bipartisan flavor. If, as the President suggests, "most Americans are simply fed up with government at all levels," a principal cause of such dissatisfaction is the citizen's increasing feeling of powerlessness to influence the course of government activities that affect his daily life. One step that can be taken immediately to reverse this malaise is to expand the opportunities for public participation in the making of governmental decisions having substantial public impact.

The rulemaking provisions of the Administrative Procedure Act—section 553 of title 5, United States Code—afford an avenue for interested persons to participate in the process by which the policies of Federal agencies are formulated. The requirements for public notice and comment on proposed agency rules is not simply a palliative offered the public for letting off steam. To the contrary, these provisions impose upon the Government a duty to be responsive to commonly felt public needs by offering a genuine opportunity for interested persons—who are often in the best position to furnish needed information to administrative officials—to participate in the rulemaking process. Prof. Kenneth Culp Davis, one of the leading authorities on administrative law, has suggested that the APA rulemaking procedure "is probably one of the greatest inventions of modern government." The opportunity accorded persons affected by agency rules to present their views enhances the quality of decisionmaking by government officials and represents an element of our system of participatory democracy.

In the quarter century since the passage of the Administrative Procedure Act this system has worked exceedingly well. Speaking before a plenary session of the Administrative Conference of the United States, Professor Davis succinctly described the salutary features of this procedure:

> It gives people who are affected an opportunity to express themselves in writing. It is an efficient system. It helps the agencies to understand what they are confronted with, and especially it helps them to understand the point of view of those who are affected by what the agency is doing.

Exempted from the APA requirements, however, is all rulemaking related to public property, loans, grants, benefits, or contracts. These exemptions were based originally on the uncritical assumption that the activities excluded were "proprietary matters" wherein the Government is in the position of an individual citizen and is concerned with its own property, funds, or contracts. If that assumption was uncritical and unwarranted when the act was passed in 1946, it is even more so today.

The distinction between proprietary and nonproprietary functions of Government has been discredited both in law and in the public mind. The irrelevancy of the label "proprietary matters" is particularly apparent when we recognize that matters relating to public property, loans, grants, benefits, or contracts represent those very mechanisms most commonly employed by Federal agencies to accomplish their statutory missions. Burgeoning agency programs, involving billions of dollars and affecting millions of citizens, are effectuated through such mechanisms. Obviously these programs have a substantial impact on the public. Similarly, the rules and regulations themselves, developed by the agencies to achieve program objectives, have an enormous effect. Rules prescribing eligibility standards for, or imposing mandatory requirements upon, recipients of loans, grants, or contracts significantly affect substantive private interests and often have an impact beyond the public's choosing.

Today I am introducing a bill that would eliminate the specific exemptions for matters relating to public property, loans, grants, benefits, or contracts from the requirements of the APA rulemaking procedure. This bill will contribute to achieving the objective, enunciated in the state of the Union message, of giving every American a chance "to participate in a system of government where he knows not only his votes but his ideas count."

The Administrative Conference of the United States, at its October 1969 plenary session, strongly recommended the legislation I propose. See CONGRESSIONAL RECORD, volume 115, part 27, page 36178. In its recommendation that rule-

making relating to public property, loans, grants, benefits or contracts should be subjected to usual rulemaking procedures under the Administrative Procedure Act, the conference made an important point. Removing the present statutory exemptions for these kinds of rulemaking would not diminish the power of the agencies to omit the prescribed rulemaking procedures whenever their observances were found to be impracticable, unnecessary, or contrary to the public interest. The conference had the benefit of a detailed research report and analysis of the problem prepared by Prof. Arthur Bonfield at the time it considered the above recommendation. See Bonfield, "Public Participation in Federal Rulemaking Relating to Public Property, Loans, Grants, Benefits, or Contracts," 118 U. Pa. L. Rev. 540 (1970). That report makes a very strong case for the legislation I propose, and contains substantial data and argument to support it.

It should be noted that the Administrative Conference recommendation also noted that—

(W)holly without statutory amendment, agencies already have the authority to utilize the generally applicable procedural methods even when formulating rules of the exempt types now under discussion. They are urged to utilize their existing powers to employ the rulemaking procedures provided by the Administrative Procedure Act, whenever appropriate, without awaiting a legislative command to do so.

I was pleased to learn that two of the largest grant-making executive agencies—the Department of Health, Education, and Welfare and the Department of Housing and Urban Development—have since advised the chairman of the conference of their intentions voluntarily to implement that recommendation. Public notice to that effect has been issued by the Secretary of Health, Education, and Welfare in a policy statement concerning public participation in rulemaking that appeared in the Federal Register on February 5, 1971. A general status report on voluntary implementation by the agencies of the Administrative Conference's recommendation was prepared last month and I ask unanimous consent that the report be printed in the RECORD at the conclusion of my remarks.

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

Mr. KENNEDY. Mr. President, the willingness of several major departments administratively to effectuate the conference's recommendation is encouraging. However, the fact that the recommendation has not been uniformly adopted by all agencies emphasizes the need for the legislation I propose. In the absence of generally applicable legislation, inconsistencies among agency practices regarding public participation in rulemaking are likely to prevail.

The extension of the public notice and comment requirements to the rulemaking of all agencies relating to public property, loans, grants, benefits, or contracts, as contemplated by the proposed legislation, should lead to the elimination of inconsistent or irreconcilable rules and the development of more coherent rules applicable to these functions. A further beneficial byproduct may be a resulting end to the unnecessary proliferation of separate agency rules dealing with the administration of similar functions.

In his extensive study of the need for public participation in rulemaking involving the "proprietary" activities of the Government, Professor Bonfield surveyed the responses of Federal agencies to the prospect of subjecting these activities to the Administrative Procedure Act requirements. He discovered that many of the agencies had not restudied their opposition to modifying APA applicability during the past few years. After a thorough review of the general issue and the arguments on both sides, Professor Bonfield concluded:

The unqualified exemptions from section 553 for all rulemaking relating to "public property, loans, grants, benefits, or contracts" should be repealed. The reasons advanced to justify those exemptions are not sufficient. At most, those justifications dictate the need for a more narrowly tailored exemption from usual rulemaking proceedings than is currently found in section 553(a)(2). The existing "impracticable, unnecessary, or contrary to the public interest" provision found in section 553(b)(B) and the "good cause" exemption found in section 553(d)(3) provide such an exclusion from the requirement of section 553(b)-(d). They would work an adequate accommodation of the competing interests involved, carefully balancing the need for public participation against the need for effective, efficient, expeditious, and inexpensive government administration.

In an excellent article—the most recent on the subject—Mr. John Grossbaum discussed and analyzed in great detail the Government contract rulemaking process. "Administrative Due Process in Public Contracts: The Procurement Regulations," (Va. L. Rev., March 1971). Mr. Grossbaum explored the possible impact elimination of the APA exemption would have on Government contract rules and strongly concluded that the benefits of such elimination—to both the public and the Government—outweigh any possible additional burdens on the agency processes that might be imposed. He observed:

Rather than impede the rulemaking process, public participation in the development of contract rules is likely to make the process itself more effective and responsive.

Added significance to the need for expanding opportunities for public involvement in agency rulemaking has been imparted by recent decisions liberalizing the judicially created tests for standing to sue in the Federal courts over matters involving agency action. The trend is toward enlargement of the class of people who may protest administrative action and, in the words of Mr. Justice Douglas:

The whole drive for enlarging the category of aggrieved persons is symptomatic of that trend.

The bill I propose today is consistent with that trend and complements the direction being charted by the courts. In the area of rulemaking it is unnecessary to enlarge the class of persons who may participate, because the interested persons standard of section 553 is sufficiently broad and extends beyond the confines of aggrieved persons entitled to judicial review. Instead, the effect of the proposed bill will be to enlarge the categories of administrative rulemaking activities in which the public is afforded an opportunity to participate.

Many of the recent decisions expanding the test of standing to sue have involved challenges to agency rules that are exempt from the APA rulemaking procedure. Although enlarging the class of persons entitled to challenge administrative rules in the courts is a salutary development, judicial review of agency rules is not a satisfactory substitute for public involvement during the rulemaking process. To the contrary, public participation in rulemaking is likely to enhance the authoritativeness and acceptability of administrative rules and forestall much subsequent litigation over them. Dissenters would be less likely to protest a rule if they have had an adequate opportunity to present their objections prior to its promulgation.

The bill I am introducing would affect only the specific exemptions relating to public property, loans, grants, benefits, or contracts. It would in no way affect other functions presently exempted from APA rulemaking requirements. Moreover, the bill would not affect the other important safeguards provided by the APA that permit agencies to dispense with the notice and comment procedures when these are found to be impracticable, unnecessary, or contrary to the public interest.

The popular dissatisfaction with the workings of government at all levels, about which we are hearing so much rhetoric lately, will not be dispelled by simply stripping the Federal Government of its powers. The solution lies in enabling Government to be more responsive to the needs of the people. This bill, enlarging opportunities for the citizen to have a voice in the making of administrative decisions that intimately affect him, is directed toward that goal.

EXHIBIT 1

ELIMINATION OF CERTAIN EXEMPTIONS FROM THE APA RULEMAKING REQUIREMENTS

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES,
Washington, D.C., February 26, 1971.

In response to the request of the Chairman of the Administrative Conference for a report on the status of implementation of Conference recommendations, 21 agencies provided responses with respect to Recommendation No. 16. A number noted its inapplicability. There follows a summary of the comments of those agencies most directly affected.

On October 12, 1970, Secretary Richardson of the *Department of Health, Education, and Welfare* directed all agencies and offices of the Department which issue rules and regulations relating to public property, loans, grants benefits or contracts to utilize the public participation procedures of the Administrative Procedure Act, 5 USC 553.

The *Department of Interior* has had a long-standing policy that whenever practicable the public should have an opportunity to participate in rulemaking proceedings even

though such action was not required by statute.

The General Counsel of the *Department of the Treasury* in a memorandum dated November 17, 1969 to the Assistant General Counsels and Chief Counsels called attention to Recommendation No. 16 and advised that rulemaking activity in the Department should, consistent with the public interest, be undertaken in accordance with the Conference recommendation without waiting for amendatory legislation.

The *Department of Defense* follows the Conference recommendation in several areas, for example, public grants under the Federal-aid Airport Act. It is examining the proposal to determine whether notice and public procedures can and should be used in other areas. It opposes the recommendation insofar as it applies to contracts and other proprietary functions.

The *Department of Housing and Urban Development* has adopted a policy which is in full accord with the recommendation. It is being published in the Federal Register and will apply to statements and rules of the Department of general applicability and future effect.

The *Department of Labor* had advised that it strongly endorses Recommendation No. 16 and is proceeding to implement it with respect to its rulemakings in the area of public grants, benefits and contracts.

The *Department of Agriculture* employed informal rule-making procedures in a number of its rulemakings prior to the Conference recommendation. It is reviewing its programs with a view to determine the feasibility of further recourse to informal rulemaking procedures in other areas.

The *Atomic Energy Commission* has sought the views of interest groups in connection with some rule-making in the past. The practice, however, has not been uniform. In the future they propose as a general matter to engage in public rulemaking, notwithstanding the exemption. Among the areas to be included are establishing reasonable sales prices for special nuclear material, source material and by-product material; establishing guaranteed prices for plutonium and source material; and establishing prices to be paid for licensees for material and services, etc.

The Office of Economic Opportunity approves the goals of Recommendation No. 16 but not the specific procedures. Dealing with poverty programs it feels that publication in the Federal Register would have little utility in notifying its clientele. It has established more direct means of securing the views of those affected by its programs and they are considered in the promulgation of rules and regulations of general application.

The views of the *National Aeronautics and Space Administration* are comparable to those of DOT, particularly as to procurement where they feel that existing public rules make adequate provision for notice and participation by interested parties.

By Mr. RIBICOFF:

S. 1414. A bill to amend the Social Security Act by providing for the establishment of a Child Advocacy program. Referred to the Committee on Finance.

NATIONAL CHILD ADVOCACY PROGRAM

Mr. RIBICOFF. Mr. President, at times the United States seems to be a nation obsessed with the idea of youth. Our society is becoming increasingly oriented toward young people, their hopes, values, life-styles, and actions. Yet, paradoxically, we have failed to follow the lead of other countries in making a national commitment to guarantee to all American children certain basic rights.

We extol the virtues of youth but remain oblivious to the fact that in our midst exist large numbers of ill-fed, ill-housed, ill-educated, and discontented youngsters. These potentially useful lives are being lost to society because no one seems to care.

My colleagues may recall the tragic story of Walter Vandermeer, the 12-year-old heroin addict who died just over a year ago in New York City.

Society simply gave up on Walter. The school authorities dropped him in the third grade without seeking help for the child. He was moved from one children's shelter to another and then into a halfway house in Harlem. As each institution gave up on him, he became more a child of the streets. He became addicted to narcotics. Then he died, locked in a bathroom of a slum tenement building.

Walter Vandermeer died because no one was on his side. The system—or nonsystem—of child care we have allowed to develop failed him and his family.

There are many Walter Vandermeer's. Not all are poor, or black, or hooked on drugs, but all of them are headed toward useless existences and will become emotional and economic drains on society.

With proper care these youngsters—the mentally ill, the handicapped, the retarded, the delinquent—can lead productive lives and contribute to the Nation rather than being a continued burden. Unfulfilled lives are doubly expensive to the Nation—first, in the loss of human lives and resources; and second, in the loss of productivity and the economic costs of dependency.

It should be a birthright of all American children to receive care and treatment through facilities which can meet their needs and which keep them as closely as possible within their normal social setting. Regrettably, millions of our youth are not receiving this care.

The National Institute of Mental Health estimated that in 1966 at least 1.4 million young Americans needed psychiatric care, but that only 400,000 received it.

Allowed to go untreated, these youngsters become the problems of tomorrow—young adults for whom care and treatment are most expensive and often ineffective. A system must be developed which can detect and treat the problems of the young early and quickly. The sooner they are discovered the better the chance to cure them and at a minimum cost to society. Preventive care is far less expensive than remedial care. For example, the cost of foster care is one-tenth the cost of institutionalization. The list is endless and the cost figures indisputable. This Nation has paid the price many times over for its indifference and will continue to do so unless substantive and dramatic changes are made.

William Raspberry of the Washington Post has written of one boy the system has abandoned and who will probably cost society a great deal in the long run. Derek, a 12-year-old District of Columbia child, has not been to school for over 3 years. He is emotionally disturbed, but has an above average intelligence and is treatable. Derek's problem is that he does not fit into any of the slots of the local child care system. He is too intelligent for the retarded program and has not caused enough trouble for the social adjustment program.

For a time he received some help in a special class at District of Columbia General Hospital. However, when his family moved to another section of the city he lost his eligibility. Now he just sits at home and life passes him by. One day he may be a ward of the state—of little use to himself or to his country. Both Derek and society are the losers.

Derek needs an advocate—someone who is dedicated to insuring that children in need receive treatment. A child advocate will help those children who now fall through the cracks in the existing systems that deliver needed treatment. He will not be wedded to any specific professional group of theory, but will be interested only in the welfare of all children. These children will be his clients and his task will be to insure that their basic needs are met.

Advocacy is not a new concept. The report of the Joint Commission on the Mental Health of Children stated in 1969 that a child advocacy system could be the first step toward reforming the present chaotic child care system and insuring that no American child lost his chance in life because no one cared about or understood his problem. Last year the White House Conference on Children reiterated this concern and placed an advocacy system high on its list of priorities.

These two groups represent the leaders in the child care field and know better than anyone else the inequities of the present system. They know that the existing apparatus allows many young Americans to go without care and treatment through no fault of their own. They know that some parents cannot adequately provide for their children because of a lack of knowledge of how or where to go to secure care and treatment. They know that the Government and private agencies have become overspecialized and have allowed these youngsters to slip by untreated.

This is where the child advocate steps in. He will become a spokesman for those youngsters whose parents or guardians are unable to secure help.

The role of the child advocate will be a dual one. First, he will be the link between the child in need and the program which fills that need. For example, a mother in the ghetto might come to the child advocate with a daughter who has an unusual hearing problem. The advocate will direct that mother and child to the proper care center, check to see that the service was provided, and follow up later to see how the child is progressing. The child will not be abandoned in the bureaucratic morass of the present system, but will be guided through and helped at every turn.

Most children are lost to society not because of poor care, but rather because they never received care. The advocate will see that they get it and he will be

there to see that those who provide services will be accountable.

The advocate's second role is as overseer of all children's programs. Since he is an independent agent solely concerned with the welfare of his clients, he will be best able to assess the community's children's needs, to evaluate the adequacy of the community's performance and to set the goals and priorities. He will spot inefficiencies and inadequacies in the present system and press for their solution. For example, the same advocate who aided the child mentioned above may come across other children with undetected and untreated hearing problems. As he moves through the community he may discover that the local school has not been conducting the required annual hearing tests and that some children have gone for years with their impairments undiagnosed. The advocate will call attention to the deficiency and ask the local authorities to redress the situation and insure that it is not occurring in other areas as well.

The need for some sort of advocacy system is obvious. The present delivery systems are fragmented and overspecialized. The child care bureaucracy is growing larger and less responsive to the community. In the past, the emphasis has been on the child care institutions, but now it must shift to the children themselves. The delivery systems must be coordinated and designed to meet the needs of the children rather than simply growing of their own accord.

The bill I introduce today can be the initial step in establishing a national child advocacy system by funding 10 to 20 pilot projects across the Nation.

The bill would establish in the Executive Office of the President a Council on Child Development. The Council will collect and analyze information on the needs of the Nation's children and the capabilities of existing programs to meet such needs. It will then develop a national children's policy and recommend legislation to implement this policy. In other words, its goal is to end the gap between the needs of children and the Nation's resources allocated to meet such needs.

There will also be established within the White House an Office of Child Development, headed by a Director, who will serve as an ex-officio member of the President's Council. The Director will be the working arm of the Council, serving as a liaison with Congress and the agencies, providing the expertise needed to develop legislative proposals, and preparing guidelines for the implementation of the national children's policy. He will also establish and administer, under the direction of the President's Council, child advocacy demonstration projects across the Nation by funding selected public or private nonprofit agencies willing to establish a neighborhood office of child advocacy—NOCA.

The group selected to establish the NOCA will also form a neighborhood council of child development which will serve as the governing body of the local NOCA. At least one-half of the members of the Council will be residents of the neighborhood to be served. The neighborhood council will select the Director of the NOCA, establish personnel and fiscal policies, and generally oversee the operations of the NOCA. In addition, it will use the information its members gather to develop a comprehensive plan for providing services to the local children.

The NOCA, composed of child care professionals, will be the local representative of the neighborhood children. These advocates will assist parents and their children in finding the service they might need whether it be legal, psychological, medical, or educational. There will be a small charge—based on a sliding scale according to family income—for this counseling and referral assistance.

If a child comes in with a problem no existing agency can handle, the NOCA will be permitted to contract with another person or institution to provide the necessary service. Such a purchase is not expected to go on indefinitely. The NOCA would be required to review every 6 months the effectiveness of the purchased service and the need for continuation. If it is necessary to continue it, the NOCA will make every effort to have another agency take up the burden.

Any purchase which continues for 12 months must be reported to the President's Council along with a full report of the number of similar problems in the neighborhood and the possibility of State and local authorities establishing a program to treat such problems.

This continuous review of the NOCA's operations is an important function of the President's Council. The advocacy system will not be expected to take the place of existing delivery systems, but rather it is designed to be the catalyst for revamping and modernizing the system.

The President's Council, by reviewing NOCA actions and expenditures, can spot inefficiencies in the local system as well as in the national system. If, for example, several NOCA's report that they have to contract out for aid for undernourished children, it will be evidence to the President's Council that this is an area to be developed.

The NOCA will be doing much the same on the local level. If the local advocate discovers that a significant number of children suffer from a certain disease, it will be clear that something is seriously wrong and should be investigated.

The advocacy system can be of major assistance in redirecting the efforts of our children's agencies back to the needs of the children. It is extremely difficult for existing institutions to analyze their own or their competitors capabilities and resources because of the built-in professional and personal biases. As an independent, imaginative observer of the child care scene, the advocate will be the best choice to analyze the shortcomings of the existing structure and recommend needed changes.

Mr. President, I ask unanimous consent that the text of the bill and a section-by-section analysis of the bill be printed at this point in the RECORD.

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

S. 1414

A bill to amend the Social Security Act by providing for the establishment of a Child Advocacy Program

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the heading to title XI of the Social Security Act is amended by striking out

"TITLE XI—GENERAL PROVISIONS"

and inserting in lieu thereof

"TITLE XI—GENERAL PROVISIONS AND CHILD ADVOCACY PROGRAM

"PART A—GENERAL PROVISIONS"

(b) Title XI of such Act is further amended by adding at the end thereof the following:

"PART B—CHILD ADVOCACY PROGRAM

"SUBPART I—SHORT TITLE AND STATEMENT OF PURPOSE

"SHORT TITLE

"SEC. 1151. This part may be cited as the 'National Child Advocacy Act'.

"STATEMENT OF PURPOSE

"SEC. 1152. It is the purpose of this part, through the conduct of demonstration projects, to explore the feasibility of the establishment of a National Child Advocacy System which will—

"(1) focus the Nation's resources on the healthy development of children, with special attention to very young children;

"(2) strengthen and improve the capabilities of the family unit to insure healthy child development;

"(3) create a focal point of responsibility at every level in the American society to guarantee that children and the families of which children are members receive the services needed to prevent, and to cope with, mental and physical disabilities;

"(4) change or eliminate inefficient programs relating to child development and replace them with more effective means of insuring the healthy growth of children;

"(5) coordinate and consolidate programs relating to child development which are of proven effectiveness so as to achieve the most economic use of funds and manpower;

"(6) evaluate existing programs for children and develop better ways of providing services for children;

"(7) forge a new partnership between elected officials, the general public, civil servants, and the private sector of the economy in the planning and operation of programs affecting children; and

"(8) determine the amount of funding and manpower required to extend proper services for children to every community in the Nation.

"SUBPART II—ADMINISTRATION OF CHILD ADVOCACY PROGRAM

"PRESIDENT'S COUNCIL ON CHILD DEVELOPMENT

"SEC. 1161. (a)(1) There is hereby established in the Executive Office of the President a council to be known as the President's Council on Child Development (hereinafter in this part referred to as the 'President's Council').

"(2) The President's Council shall consist of 15 members to be appointed by and to serve at the pleasure of the President.

"(3) Of the members of the President's Council, not less than 5 shall be representatives of families with children who receive children's services (as defined in section 1185 (c)), and not less than 5 shall be individuals who are recognized for their professional competence in formulating, innovating, planning, assessing, or delivering children's

services. The membership of the President's Council shall include representatives of low income families (as defined in section 1185 (e)), representatives of families of minority groups (as defined in section 1185(f)), and representatives of providers of child care services (as defined in section 1185(d)); and one member who shall be not less than 15 years old and not more than 21 years old.

"(4) The President shall designate one of the members of the President's Council as Chairman and one as Vice Chairman, who shall act as Chairman in the absence of the Chairman.

"(5) Members of the President's Council shall each receive $100 per diem when engaged in the actual performance of duties vested in the President's Council, and shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"(b) It shall be the duty and function of the President's Council to—

"(1) develop and maintain information regarding the developmental needs of the Nation's children and the capabilities of existing programs to meet such needs;

"(2) recommend legislation to eliminate the gap between children's needs and the Nation's resources allocated to meet such needs;

"(3) develop a National Children's Policy which—

"(A) identifies the needs of the Nation's children;

"(B) establishes long-term and short-term goals for meeting such needs; and

"(C) sets priorities for Federal funding and effort aimed at achieving the goals of and the implementation of the National children's policy;

"(4) submit to the President, the Congress, and the Secretary an annual report on the Nation's progress toward achieving its goals for children;

"(5) advise the President, the Congress, the Secretary of each of the executive departments of the Federal Government, the Office of Management and Budget, and the heads of appropriate Federal agencies of the activities undertaken and the progress being made in the implementation of the national children's policy.

"(6) review the budgets of all programs of the Federal Government relating to children and make such recommendations as may be advisable to the President, the Congress, and the heads of the Federal departments, agencies, or instrumentalities responsible for the administration of such programs;

"(7) review, evaluate, and approve the standards imposed under Federal programs relating to children and review and evaluate the manner and extent to which such standards are complied with in the operation of such programs;

"(8) evaluate the operation of demonstration programs carried on pursuant to grants made under subpart III, and make recommendations to the President and the Secretary based on such evaluation as to the future development, continuation, or termination of such programs; and

"(9) evaluate other Federal child service programs and make appropriate recommendations for the consolidation, expansion, or termination of such programs to the President, the Congress, and the heads of the various departments, agencies, and instrumentalities of the Federal Government responsible for the administration of such programs.

"OFFICE OF CHILD DEVELOPMENT

"SEC. 1162. (a) (1) There is hereby established in the Executive Office of the President an Office of Child Development (hereinafter in this subpart referred to as the 'Office').

"(2) The Office shall be headed by a Director (hereinafter in this part referred to as the 'Director') who shall be appointed by the President. The Office is authorized to employ such staff as is necessary to enable it to carry out its duties and functions.

"(3) The Director of the Office shall serve as an ex-officio member of the President's Council, but shall not be regarded as a member of such Council for purposes of voting or determining a quorum, nor shall he receive additional compensation on account of his services as a member of such Council.

"(b) (1) It shall be the duty and function of the Director of the Office to—

"(A) provide the information and expertise necessary for the President's Council to fulfill its duties and obligations under section 1161(6).

"(B) consult with the President's Council, the Congress, and heads of departments and agencies of the Federal Government regarding, and prepare and publicize guidelines for the implementation of, the National Children's Policy;

"(C) at the direction of the President's Council, to take appropriate measures to coordinate the activities of Federal departments and agencies serving children as specified in the National Children's Policy;

"(D) assist the President's Council in recommendations to Congress on all Federal budgetary matters involving programs for children and assist the Office of Management and Budget in formulating those parts of the President's proposed annual budget which relate to programs for children;

"(E) coordinate the child-serving activities of all Federal departments and agencies and shall establish such interdepartmental advisory committees as may be necessary to provide for the coordination of such activities;

"(F) establish and administer, under the direction of the President's Council, subpart III, child advocacy demonstration projects to demonstrate a National Child Advocacy System; and

"(G) establish and administer, under the direction of the President's Council, subject to paragraph (2), demonstration projects in connection with existing Federal programs for children.

"(2) (A) The Director shall not establish any demonstration project pursuant to the authority contained in paragraph (1) (F) unless he determines that such program is needed and that the Federal agency or agencies responsible for the children's program or programs with respect to which the demonstration project is to be conducted are unable properly to establish, operate, or evaluate such project.

"(B) Any demonstration project established under authority contained in paragraph (1) (F) with respect to any Federal program or programs for children shall be established and conducted for the purpose of ascertaining the effectiveness of such program or programs in achieving the objectives for which such program or programs were established.

"(C) No such demonstration project shall be operated by the Director for more than 5 years.

"(D) Whenever the Director determines that any such demonstration project is effectively achieving the objectives of the Federal program or programs with respect to which such project is established, he shall make appropriate recommendations to cause such project to be transferred to an appropriate Federal agency for continued operation.

"SUBPART III—NATIONAL CHILD ADVOCACY SYSTEM DEMONSTRATION PROJECTS

"DEMONSTRATION GRANTS

"SEC. 1171. (a) (1) In order to carry out the purposes of this part, the Director, with the approval of the President's Council, is authorized, in accordance with the provisions of this part, to make grants for the establishment and operation of not more than 20 Neighborhood Offices of Child Advocacy to provide a means of gathering data to evaluate the cost-effectiveness of all programs affecting children as a basis for reordering National and local priorities, and to test new types of remedial programs and service delivery systems.

"(2) The Director shall also evaluate the effectiveness of such Offices in providing a simple and convenient focal point of responsibility and referral to assist children and their families and of assuring continuity of attention to the developmental problems of children.

"(3) Not later than five years after the date of enactment of this part, the Director shall submit a report to the President and the Congress containing the Director's evaluation of the effectiveness of the Neighborhood Offices of Child Advocacy established pursuant to this part and the Director's recommendations for the termination of such Offices or for the transferral of such Offices to an appropriate Federal agency for continued operation.

"(b) Neighborhood Offices of Child Advocacy established under this part shall be distributed in such manner as to assure, to the maximum extent feasible, that such an Office will be located in each of the various geographic areas of the United States and that the persons served by such Offices will be representative of the various racial, ethnic, and economic groups in the United States. If more than seven such Offices are established, at least one shall be on an Indian Reservation, and at least two shall be in rural areas.

"PLANNING ASSISTANCE

"SEC. 1172. The Director, with the approval of the President's Council, is authorized to make planning grants to, and otherwise assist, through technical advice and otherwise, any public or nonprofit private agency and organization which desires to establish a Neighborhood Office of Child Advocacy.

"DUTIES AND FUNCTIONS OF NEIGHBORING OFFICES OF CHILD ADVOCACY

"SEC. 1173. (a) It shall be the duty and function of each Neighborhood Office of Child Advocacy to—

"(1) provide an assessment of the needs of children who reside in the neighborhood served by such Office;

"(2) publicize its services to all residents of the neighborhood served by the Office and to all professionals providing services affecting children in such neighborhood;

"(3) provide counseling to any family with children residing within the neighborhood served by such Office which desires counseling assistance;

"(4) provide to any such family referral and purchasing of services when determined to be necessary or proper after assessment of needs and counseling;

"(5) collect data and maintain current records regarding its activities and the services provided by it; and

"(6) provide training services.

"(b) (1) The assessment of Neighborhood Offices of Child Advocacy shall include, but not be limited to, evaluations of nutritional, medical, psychological, social, educational, recreational, vocational, and economic needs of the families served by any such Office.

"(2) (A) The counseling function of Neighborhood Offices of Child Advocacy shall include the provision by any such Office of advice and guidance to any family residing in the neighborhood served by such Office which desires assistance in locating and using appropriate services to meet their needs, including, but not limited to, the fol-

lowing: nutrition; family income supplementation; housing; transportation; sanitation; recreation; adult education; disease prevention; education; medical care; employment; day care and preschool programs; family planning and birth control services; genetic counseling; prenatal care and homemaker services; budget planning; youth employment services; vocational training; rehabilitation; consumer education; special education; residential care; specialized foster homes; group homes and institutional services; family, marital, and premarital counseling; protective services; legal services; and inpatient and outpatient mental health treatment services.

"(B) Such counseling function shall also include assistance to families in dealing with other agencies which have a responsibility with respect to the developmental needs of children. Any Neighborhood Office of Child Advocacy, in providing such assistance, may advise families as to various courses of action available to them, may accompany them in their contact with such other agencies, and may assist them in preparing correspondence or taking such other actions as may be lawful and proper to secure appropriate services for their children.

"(3) (A) The referral and purchasing services function of Neighborhood Offices of Child Advocacy may be provided to a family with children residing in the neighborhood served by any such Office only after the assessment and counseling functions of such Office have been provided to such family. Such referral and purchasing services shall be designed to assist a family with children in securing any services required to assure the healthy development of the child or children of such family or remedial assistance regarding a problem of such a child.

"(B) Such referral function includes, but is not limited to, the following:

"(i) informing the family of available services;

"(ii) making appointments with providers of needed services on the family's behalf;

"(iii) discussing the child's problem with the appropriate provider of services;

"(iv) appraising the outcome of referrals;

"(v) arranging for personal escort and transportation when necessary.

"(C) (i) The referral function shall be considered complete when the agency or individual to whom a family has been referred by such an Office accepts responsibility for providing the services necessary to meet the problem giving rise to the referral.

"(ii) Whenever any Neighborhood Office of Child Advocacy has completed referral of any child, such Office shall maintain surveillance of such child's progress and shall have responsibility to re-refer such child if such child's progress is inadequate.

"(D) (i) In carrying out its referral function, each Neighborhood Office of Child Advocacy shall maintain a current and comprehensive file of all community services, both public and private, available in the neighborhood served by such Office.

"(ii) In carrying out such function, each such Office shall maintain records of—

"(I) all agreements currently in effect between such Office and agencies or individuals accepting referrals from such Office; and

"(II) evaluations of the results of referrals previously made by such Office.

"(4) (A) In the event that the services required by a child are inadequate, unavailable, or beyond the financial capability of the family of such child, a Neighborhood Office of Child Advocacy may, if it deems appropriate act as purchasing agent to assist the family of such child in securing and paying for the services needed by such child.

"(B) A neighorhood Office of Child Advocacy may not expend funds for the purchase of services for any child unless—

"(i) such Office has made an assessment of such child's needs and, as a result of such assessment, such Office has determined that such child needs such services;

"(ii) the family or guardian of such child has been involved in the decision of such Office to seek such services and agrees with the services chosen by the Office to meet such child's needs;

"(iii) the services required are either unavailable in the community in which such child resides, or the services available to such child under other programs are inadequate to meet such child's needs; and

"(iv) the Office has, after full investigation, determined that funds for the purchase of such services are not available to such child through sources other than the Office.

"(C) Any such Office shall, in purchasing services for any child, obtain such services from agencies in accordance with the following priorities—

"(i) first, from public or private nonprofit agencies which presently provide the required service in an effective and efficient manner;

"(ii) second, from public or private nonprofit agencies which do not presently provide the required service, but is willing and capable of expanding its functions to meet the needs of such child;

"(iii) third, from any provider of service which presently provides the required service in an effective and efficient manner;

"(iv) fourth, from a provider of service which does not presently provide the required service, but is willing and capable of expanding its functions to meet the needs of such child; and

"(v) fifth, by creating (through the making of a demonstration grant to an appropriate public or private nonprofit agency for such purpose) a new program to provide the required services.

"(D) Services provided by any Neighborhood of Child Advocates may be provided through contract, purchase, or the creation of new programs, but shall not be provided directly by such Office.

"(5) (A) Each Neighborhood Office of Child Advocacy shall maintain current records regarding all services provided by and all expenditures made by it, in accordance with requirements of this part and regulations of the Director, and shall provide a continuing record of each child who receives services provided by such Office.

"(B) Such records shall include such demographic information, such information respecting services provided by such Office, as the Secretary shall by regulations prescribe, and an evaluation by such Office of the effectiveness of the various providers of services (in the community served by such Office) determined, among other factors, on the experience that clients of such Office have had with such providers.

"(C) Separate records shall be kept on the amount of funds allotted by the Office for individual families served by it and for each category of service provided by such Office.

"(D) Whenever a family moves from a neighborhood served by any Neighborhood Office of Child Advocacy to any other neighborhood served by any such Office, such Office serving the neighborhood from which such family moves shall, upon the request of such family, transfer its records pertaining to such family, to the Neighborhood Office of Child Advocacy serving the area to which such family moves.

"(6) All purchases of services under this section shall be reviewed every six months to determine the effect of the service and need for continuation of the service.

"(B) Any service which is purchased for more than 12 months shall be reported directly to the President's Council.

"(C) Such report shall state, but shall not be limited to,

(i) why the purchase was originally necessary;

(ii) how many persons in the neighborhood need similar services;

(iii) how many persons in the neighborhood receive similar services;

(iv) what steps are being taken by the state and local authorities to relieve the need for such purchase.

"(7) (A) Each Neighborhood Office of Child Advocacy shall, whenever possible, develop and maintain relationships with public and private educational and training institutions under which such Office will be utilized, whenever appropriate, by such institutions as a training resource for the training of para-professional and professional personnel.

"(B) Each such Office shall, in carrying out its functions, utilize to the maximum extent feasible the services of para-professional personnel and appropriate individuals who are residents of the area served by such Office as 'Neighborhood Health Representatives'.

"(C) With the approval of the Director, any such Office may provide services through individuals not licensed to provide such services, if such Office determines that utilization of such individuals to provide such services is necessary to facilitate the utilization and training by such Office of personnel needed to perform such services.

"(D) Each such Office shall make maximum use of volunteer workers and shall attempt to assure the utilization of young people and the aged in carrying out its functions with respect to children (or the families of children) who are in need of services provided by such Office.

"APPLICATIONS FOR GRANTS

"SEC. 1174. (a) (1) Grants under section 1171 may be made only upon application therefor by one or more sponsors each of which is a private nonprofit agency or organization.

"(2) Grants under section 1171 shall be in such amounts, on such terms and conditions, and paid at such time or times, and in such manner as the Director shall prescribe in order most effectively to carry out the purposes of this part and protect the financial interests of the United States.

"(b) The Director shall not approve any application for a grant under section 1171 unless such application contains or is supported by—

"(1) assurances satisfactory to the Director that the Neighborhood Office of Child Advocacy with respect to which such application is submitted will be governed by a Neighborhood Council on Child Development which meets the requirements and other criteria contained in section 1175;

"(2) reasonable assurances that Federal funds paid pursuant to any such grant will be used only for the purposes for which paid and in accordance with applicable provisions of this part and regulations promulgated thereunder;

"(3) reasonable assurances that the applicant will provide for such fiscal control and fund accounting procedures as are required by the Director to assure proper disbursement of and accounting for such Federal funds;

"(4) reasonable assurances that the applicant will make such reports, in such form and manner and containing such information as the Director may from time to time reasonably require, and will keep such records and afford such access thereto as the Director may find necessary to assure the correctness and verification of such reports;

"(5) reasonable assurances that the Neighborhood Office of Child Advocacy with respect to which much grant is requested will undertake to cooperate with, and whenever appropriate enter into cooperative agreements with, other public and private agencies providing services for children in the

area to be served by such Office, including, but not limited to, community planning councils, local school districts, family service agencies, community mental health centers, mental health and public health departments and agencies, welfare agencies, community action councils, Model Cities' Boards, and local consumer organizations; and

"(6) indications of, and support for, the Office from the Chief Executive of the political subdivision in which Office is to be located and local private and public agencies serving the area to be served by such Office.

"NEIGHBORHOOD COUNCILS ON CHILD DEVELOPMENT

"SEC. 1175. (a) (1) The agency or organization designated to plan the NOCA shall form a Neighborhood Council on Child Development serving as the governing body of any Neighborhood Office of Child Advocacy shall be composed of not less than nine or more than twenty-one members.

"(2) At least one-half of the members of any such Council shall be individuals representing residents of the neighborhood served by the Neighborhood Office of Child Advocacy governed by such Council; and one member shall be such an individual who has not attained age twenty-one, but who has attained age fifteen.

"(3) Members of any such Council may be elected, or appointed, or some may be elected and some appointed.

"(4) The term of office of members of any such Council shall not exceed three years.

"(b) The duties and responsibilities of any such Council shall include—

"(1) the selection and employment of an individual to serve as Director of the Neighborhood Office of Child Advocacy governed by such Council, which Director shall have authority to secure through employment or under contract such additional personnel as may be necessary, subject to budgetary limitations, to carry out the duties of such Office;

"(2) the development, for the neighborhood served by such Office, of a comprehensive plan to provide services for the children of such neighborhood designed to meet, in accordance with priorities contained in the plan, the needs of such children, and to develop new and improve existing services to meet the needs of such children;

"(3) the maintenance of the fiscal responsibility of the Office which it governs;

"(4) the establishment of personnel policies;

"(5) acting as an appeals body for parents who are dissatisfied with services provided for their children by the Neighborhood Office of Child Advocacy governed by such Council;

"(6) the assumption of responsibility for coordinating and encouraging the development of services for children;

"(7) the development of effective and continuing liaison with the Governor's Council (if any) for the State in which such Council serves and with officials of the political subdivision in which is located the Neighborhood Office of Child Advocacy governed by such Council;

"(8) the preparation of the annual budget for the Neighborhood Office of Child Advocacy governed by such Council, and the submission periodically of reports to State and Federal Councils on Child Development on the conduct of the programs operated by the Neighborhood Office of Child Advocacy governed by such Council, results of evaluations by the Council of services rendered by such Office, and the projected needs of such Office;

"(9) whenever it deems the same to be desirable and feasible, to develop and submit to the Director applications for demonstration programs under section 1176; and

"(10) otherwise to take such action as may be appropriate to comply with the assurances provided or required to be provided under section 1174(b).

"EXPERIMENTAL PROGRAMS FOR COMPREHENSIVE CHILD CARE

"SEC. 1176. (a) The Director, with the approval of the President's Council, is authorized, in accordance with the provisions of this section, to make to any Neighborhood Office of Child Advocacy which has received a grant under section 1171 a special demonstration grant for the purpose of enabling such Office to establish new experimental programs of comprehensive child care.

"(b) No application for a grant under this section shall be considered by the Director if such application is submitted with respect to a Neighborhood Office of Child Advocacy which first received a grant under section 1171 more than 6 months prior to the date such application is submitted to the Director.

"(c) Any application for a grant under this section must include—

"(1) reasonable assurances that the demonstration program with respect to which such grant is requested will be carried out in the neighborhood served by the Neighborhood Office of Child Advocacy with respect to which such grant is requested by a public or nonprofit private agency or organization;

"(2) reasonable assurances that such program will be consistent with the comprehensive plan developed for such Office pursuant to section 1175(b)(2) by the Neighborhood Council Development governing such Office;

"(3) reasonable assurances that not less than 30 per centum of the cost of such program will be furnished from non-Federal funds; and

"(4) reasonable assurances that there will be collected and submitted with respect to the operation of such program such data and information as the Director may prescribe to enable him and the President's Council to evaluate the effectiveness of such program;

"(d) The Director shall, upon receipt by him of any application for a grant under this section—

"(1) submit copies of such application to

"(A) the President's Council; and

"(B) the Governor's Council (if any) of the State wherein is located the Neighborhood Office of Child Advocacy with respect to which such grant is requested;

for comment and approval; and

"(2) review the possibility, in the event such application meets the conditions for approval for a grant under this section, of funding the program with respect to which such grant is requested from funds available for Federal programs (other than the program established by this part).

"(e) No grant under this section may be made unless the application therefor is approved by the President's Council, and, in the event that there is a Governor's Council in the State wherein is located the Neighborhood Office of Child Advocacy with respect to which such grant is requested, by such Governor's Council.

"GOVERNOR'S COUNCILS ON CHILD DEVELOPMENT

"SEC. 1177. (a) (1) The President's Council shall take steps to encourage the establishment in each State (in accordance with the laws of such State) of a Governor's Council on Child Development (in this part referred to as a 'Governor's Council').

"(2) (A) The President's Council is authorized to provide such technical assistance as may be necessary or appropriate to assist a State in establishing a Governor's Council in such State.

"(B) The President's Council shall develop and maintain close liaison with and shall otherwise cooperate with each Governor's Council.

"(3) The Governor's Council of any State shall serve as the State Child Advocate for such State.

"(b) (1) The duties and responsibilities of any Governor's Council shall include, but not be limited to—

"(A) developing a State Comprehensive Plan for Children's Services;

"(B) conducting a survey of the State's services for families with children;

"(C) making an assessment of the needs of families with children in the State;

"(D) formulating plans to coordinate State programs affecting children; and

"(E) advising the Governor, heads of State agencies, and the State legislature regarding the implementation of the State Comprehensive Plan for Children's Services; and the preparation and submission, not less often than once each year, to the Governor, heads of State agencies, and the State legislature of a full and complete report regarding the implementation of such Plan, together with its recommendations for legislation designed to implement such Plan.

"(2) It shall also be the duty of each Governor's Council to cooperate with and assist any Neighborhood Office of Child Advocacy which is located in the State served by such Council with a view consolidating and improving child care services in the State.

"(c) (1) (A) Any Governor's Council shall be composed of 15 members.

"(B) At least 10 of such members shall be representatives of consumers of children's and families' services, who live in the State served by such council.

"(C) Not more than 7 of such members shall be professionals with recognized competence in formulating, innovating, planning, assessing, or delivering children's services.

"(D) Members of legislative bodies shall be ineligible for membership in such Council.

"(d) (1) Upon the request of any State, the Director is authorized to make grants to such State for the purpose of assisting such State in meeting the reasonable and necessary costs of—

"(A) operating the Governor's Council in such State;

"(B) preparation by the Governor's Council of the State Comprehensive Plan for Children's Services;

"(C) preparation by the Governor's Council of its annual progress report;

"(D) the conduct, by the Governor's Council of its data collection and program evaluation activities; and

"(E) carrying on such other activities as may be required under this part or by regulations of the Director.

"(2) No grant to a State under this subsection shall exceed 75 per centum of the costs with respect to which the grant is made.

"(3) In considering applications for grants under this subsection, the Director shall give priority to applications from States in which there is located one or more Neighborhood Offices of Child Advocacy.

"ESTABLISHMENT OF ADDITIONAL COUNCILS ON CHILD DEVELOPMENT

"SEC. 1178. (a) In addition to the Councils authorized to be established by the preceding provisions of this part, the Director is authorized to make grants to assist in the establishment and operation of such additional Councils at appropriate levels in the Federal and in State governments as he determines to be necessary to carry out the purposes of this part.

"(b) Grants under this section shall be in such amounts, made on such terms and conditions, and paid at such time or times, and in such manner as the Director shall pre-

scribe most effectively to carry out the purposes of this part and protect the financial interests of the United States.

"SUBPART IV—APPROPRIATIONS; GENERAL PROVISIONS; AND DEFINITIONS OF "AUTHORIZATION OF APPROPRIATIONS

"SEC. 1181. For the purpose of carrying out the provisions of this part there are authorized to be appropriated for each fiscal year, commencing with the fiscal year ending June 30, 1972, such amounts as may be necessary.

"ACCEPTANCE OF SERVICES TO BE ON VOLUNTARY BASIS

"SEC. 1182. No Neighborhood Office of Child Advocacy shall coerce any family to accept services provided by such Office, but each such Office shall actively encourage all eligible residents of the neighborhood served by such Office to accept the services provided by the Office and all residents of such neighborhood to participate as volunteer workers in carrying out the activities of the Office.

"CONFIDENTIALITY OF RECORDS

"SEC. 1183. (a) (1) Each Neighborhood Office of Child Advocacy shall treat all records pertaining to children and families who are receiving or have received services provided by such Office as confidential and shall maintain such records in such manner as to protect such records of individuals with respect to whom such records pertain.

"(2) Such records pertaining to any child shall be available for inspection and review by the parents or guardian of such child and information contained therein may be made available to other persons (including any public or private agency or individual) authorized by the Neighborhood Office of Child Advocacy to receive such information, but only if the parent or guardian of such child agrees in writing that such information may be made available to any such other person.

"(b) If any individual divulges, in contravention of the provisions of subsection (a), information referred to in such subsection pertaining to any persons, such person may (without regard to the amount in controversy) bring in the appropriate district court of the United States an action against such individual for the recovery of whichever of the following amounts is the greater—

"(1) $500, or

"(2) an amount equal to three times the actual damages (if any) sustained by such person by reason of the action of such individual in divulging such information.

"(c) Whenever any person has reasonable cause to believe that any individual is preparing to take any action which would, in contravention of the provisions of subsection (a), divulge information referred to in such subsection pertaining to such person, such person may bring a civil suit in the appropriate district court of the United States to enjoin such individual from taking such action.

"FEES FOR SERVICES

"SEC. 1184. (a) Each Neighborhood Office of Child Advocacy shall, except as otherwise provided in this section, impose fees for services provided for children or families with children by such Office. The amount of the fee imposed for any service shall be related to the ability to pay (as determined under regulations of the Director) of the family of the person receiving such service.

"(b) Any family with an income below the level of income determined to be required, for families of the same size as such family and living in the same region (as established by the Bureau of Labor Statistics) as such family, to maintain a moderate living standard shall be regarded as unable to pay any fee for services provided by any Neighborhood Office of Child Advocacy.

"(c) The ability of any family with an income above that referred to in subsection (b) shall be determined on the basis of the income of such family as related to the level of income of other families of the same size and living in the same region (as established by the Bureau of Labor Statistics).

"(d) Persons unable to pay in cash the amount of any fee imposed for services received by them or by members of their families may be permitted by any such Office to pay such fee by contributing personal services needed by such Office.

"(e) No fee shall be charged to any person by any Neighborhood Office of Child Advocacy for or on account of any assessment of need or counseling services provided by such Office.

"(f) In no event shall the fee charged by any such Office for any service provided by it exceed the cost of such service to such Office.

"DEFINITIONS

"SEC. 1185. For purposes of this part—

"(a) The term 'neighborhood' as used in connection with the area served by any Neighborhood Office of Child Advocacy, means an area in which there resides not less than 2,000 and not more than 10,000 children, and wherever possible should coincide with the jurisdictions served by the other Federal child-serving programs.

"(b) The term 'child' means an individual who has not attained age 18.

"(c) The term 'children's services' means those programs which provide the educational, social, health and mental health, nutritional, and physical services needed for children to achieve their full potential.

"(d) The term 'provider of children's services' means any public or private agency or institution which as part of its mission provides directly or indirectly services to children and/or their families to aid or improve the children's personal development and to protect their welfare including health and mental health, educational, and social services and any similar or related program.

"(e) The term 'low income family' shall be determined by regulation in a manner consistent with the definition used by other related Federal programs as established by the Bureau of Labor Statistics.

SECTION BY SECTION ANALYSIS

SEC. 1152. States that the purpose of the act is to explore the feasibility of a national child advocacy system to focus the Nation's resource on the needs of our children, to coordinate, consolidate and evaluate existing programs and to propose new programs and methods to insure the healthy development of our children.

SEC. 1161. (a) Establish a President's Council on Child Development to: develop a national children's policy; recommend legislation; establish priorities for Federal agencies concerned with children; review the budgets of such agencies; and evaluate demonstration projects and other Federal child service programs.

SEC. 1162. (a) Establishes an Office of Child Development in the Executive Office of the President.

(b) Under the direction of the President's Council, the Director of the Office of Child Development shall; assist the President's Council; help coordinate Federal children's program; assist in developing legislation and budgetary proposals; establish and administer child advocacy demonstration projects; and establish and administer demonstration projects in connection with existing Federal programs.

SEC. 1171. (a) Gives the Director, with the President's Council's approval, authority to establish and fund not more than 20 Neighborhood Offices of Child Advocacy (NOCA) to determine the cost-effectiveness of present programs and to test experimental programs.

The Director shall: evaluate the effectiveness of such Offices in assisting and referring children to the appropriate services; and submit after 5 years, an evaluation report to the President's Council and a recommendation for the termination of such offices or for the transfer to an appropriate Federal agency for continued operation.

(b) Directs that the NOCA's be established in various geographic regions and that persons served by such offices be representative of diverse racial and socio-economic groups.

SEC. 1172. Authorizes the Director to make planning grants to public or private nonprofit agencies or organizations desirous of establishing a Neighborhood Office of Child Advocacy.

SEC. 1173. (a) Describes duties and functions of each Neighborhood Office of Child Advocacy (NOCA) including responsibility to: assess the needs of neighborhood children; publicize NOCA's existence and services; counsel families with children needing assistance; refer such families to appropriate agencies; purchase services, if necessary; and provide training facilities for interested professionals and para-professionals.

(b) The NOCA assessment shall include the nutritional, medical, psychological, social, educational, recreational, vocational and economic needs of neighborhood children. The counseling and referral function shall include determination of a family's needs, explaining what programs are available and directing families to these programs. The NOCA shall keep note of a child's progress and maintain adequate records of all its cases.

(b) (4) (5) If indeed services are unavailable and it is determined that the family cannot afford such services, the NOCA is authorized to purchase the services for the child. Accurate records of any such purchase must be maintained by the NOCA.

(b) (6) Any purchase shall be reviewed every six months to determine the effect of the service and its continued need. Any service purchased for more than 12 months shall be reported to the President's Council detailing the reason for the original purchase, how many persons need and receive similar services, and what steps are being taken by state and local authorities to relieve the need for such purchase.

SEC. 1174. Details the procedure for applying for NOCA grants.

SEC. 1175. (a) The agency which establishes a NOCA shall also form a Neighborhood Council on Child Development composed of neighborhood residents and qualified professionals which shall be the governing body of the NOCA.

(b) The Neighborhood Council shall select the Director of the NOCA; establish appropriate personnel policies; develop a comprehensive plan for neighborhood child services; prepare the annual budget; and act as an appeals body for parents dissatisfied with services provided by NOCA.

SEC. 1176. Authorizes the Director of the Office of Child Development, with the approval of the President's Council, to give to any NOCA a special demonstration grant to allow such NOCA to establish experimental programs of comprehensive child care.

SEC. 1177. States that the President's Council shall encourage the establishment in each state of a Governor's Council on Child Development which shall survey the needs of the state's children, serve as the state's child advocate for its children, develop a state plan for meeting the needs of its children, review action taken by appropriate state agencies, and assist NOCA's located within the state.

SEC. 1178. Authorizes the Director of the Office of Child Development to make grants to any additional Councils at appropriate levels of state and federal government as may be needed to carry out the purposes of this Act.

SEC. 1181. Authorizes the necessary appropriations.

SEC. 1182. States that the NOCA shall encourage neighborhood families to avail themselves of its service, but shall exert no coercion on them to use the facilities.

SEC. 1183. All records of the NOCA shall remain confidential and shall be open only to the concerned family and can be made available to a service agency only with the consent of the family.

SEC. 1184. Each NOCA shall impose fees for its services except simple assessment and counseling services. Such fees shall be based on an "ability to pay" schedule determined by the NOCA Director. Persons unable to pay may contribute personal services to the NOCA. No fee shall exceed the cost of the service provided.

By Mr. PEARSON:

S. 1415. A bill to amend the Interstate Commerce Act in order to provide for the rail transportation of freight for the Department of Defense in general purpose boxcars owned by the United States. Referred to the Committee on Commerce.

Mr. PEARSON. Mr. President, I am introducing today a bill to meet the basic cause of the critical boxcar shortage which persists today, not only in my region, but across the Nation. Repeating the statement I made when I introduced this legislation in the last Congress, "There simply are not enough boxcars."

This bill would enlarge our Nation's overall boxcar fleet by arranging for the construction and purchase of boxcars sufficient for the needs of the Department of Defense, thereby releasing those cars presently in use by DOD. This measure is vitally needed, Mr. President, because the Department of Defense is holding cars at many shipping points across the country and paying quite substantial demurrage charges on them; while at the same time, grain is overflowing the elevators and spoiling on the ground in the Midwest, while coal, perishables, and other products are also waiting to be transported from points across the Nation.

Mr. President, national defense purposes undoubtedly require at times that cars be held at various shipping points. This is understandable and justifiable. This bill would provide adequate cars for such purposes, would ease their administrative burdens while also saving taxpayers' money. Not only would this represent a wiser expenditure of Government funds, but it could ultimately produce a net savings in the national budget.

The important thing, however, is that funds will be spent in a positive way—in an effort to alleviate the critical boxcar shortage rather than for continued payment of excessive charges in the nature of parking fines on cars which are so desperately needed, but which are sitting idle at various places throughout the Nation.

This bill, Mr. President, is not intended to prejudice any current efforts within the Congress or the Executive which are directed at other aspects of the boxcar shortage problem. There is a pressing need to establish proper rates, demurrage charges, penalties, and other regulations to increase boxcar utilization. But this proposal, which has received support from east and west, deals with the basic problem of inadequate boxcar supply.

Mr. President, within a few months, combines and harvest crews will be moving into the Kansas wheatfields; but as farmers and grain dealers across the Midwest are well aware, it will be a long time before this new crop reaches the market.

Unfortunately, however, this is no new problem to the people of the Midwest. The first case to be held before the Interstate Commerce Commission—Docket No. 1–1887—was a petition by farmers in the Dakota territory complaining of inadequate boxcar supply.

In my State today, it has been estimated that the economic loss due to the boxcar shortage runs in the neighborhood of $100 million per year.

But Mr. President, the problem is no longer sectional; it is a national problem of awesome complexity which affects not only market price structures, but international trade as well. The problem today is no longer seasonal; it is year-round.

I would particularly note, Mr. President, that the harvest was transported more expeditiously last year than it has been in several years, for which the Interstate Commerce Commission, the Commodity Credit Corporation, railroads, and grain dealers alike are to be commended. Through cooperation of this type, many of the problems now plaguing this entire area of commodity transportation can be, I am convinced, satisfactorily resolved.

As I have stated in the past, it is simply unrealistic to expect the railroads alone—given their present financial condition—to be able to build or purchase adequate numbers of boxcars sufficient for the transportation of the essential commodities of this Nation. Moreover, it is an unfortunate fact that millions of dollars in the Federal Treasury may be wasted by the military paying the unnecessary demurrage charges.

Therefore, Mr. President, I urge that the Senate redirect the Government's vital resources to the improvement of the grave situation. It is unfortunate that this act is necessary, but we simply must face the facts. Accordingly, I urge the Senate to give due consideration to this proposal.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD at the conclusion of my remarks.

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

S. 1415

A bill to amend the Interstate Commerce Act in order to provide for the rail transportation of freight for the Department of Defense in general purpose box cars owned by the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Part I of the Interstate Commerce Act (49 U.S.C. 1, et seq.), is amended by redesignating section 26 as section 27 and by inserting before such section a new section as follows:

"NATIONAL DEFENSE FREIGHT CARS

"SEC. 26. (a) The Secretary of Defense (1) shall arrange for the construction and purchase of such number of general purpose box cars (not less than 10,000) as may be necessary to provide for the transportation of all freight tendered to railroads subject to this Part by the Department of Defense and suitable for transportation in such cars, in general purpose box cars owned by the United States or in general purpose box cars provided in exchange for such cars owned by the United States, (2) may enter into such agreements with such railroads as are necessary to provide for the maintenance and most efficient use of such cars owned by the United States, including exchange agreements, and to provide for necessary rate adjustments in order to recognize the United States' capital investment in such cars.

(b) There is authorized to be appropriated for the purpose of section (a)(1) the sum of $120 million, such funds to remain available until expended."

By Mr. GRAVEL:

S. 1420. A bill to amend the Internal Revenue Code of 1954 to provide that the sale of firearms to law enforcement officers who are required to purchase their own firearms for service use shall be exempt from excise tax. Referred to the Committee on Finance.

Mr. GRAVEL. Mr. President, today I am introducing a bill to amend the Internal Revenue Code to provide that pistols and revolvers purchased by law enforcement officers with their own funds, for exclusive use in their duties as officers, shall be exempt from manufacturers' excise tax.

The purpose of my amendment is to rectify an inequality in the law which provides for the excise tax exemption when the sale of firearms is to State or local governments for law-enforcement purposes, but refuses this exemption to the individual officer when he is required to purchase his own firearms.

In a number of our cities and towns in Alaska police officers are required to purchase their own pistols or revolvers, and this may well be a common practice in other States as well. I hope that my colleagues will join me in an effort to rectify this inequity in the tax law.

By Mr. JAVITS:

S. 1422. A bill to establish a National Emergency Price Stabilization Board to protect the public interest in price stability and the control of inflation. Referred to the Committee on Banking, Housing and Urban Affairs.

NATIONAL EMERGENCY PRICE STABILIZATION BOARD

Mr. JAVITS. Mr. President, I introduce today a bill to establish an Emergency Price Stabilization Board in order to restrain inflationary wage and price increases and so to hasten our economic recovery. This Board stems from my belief that the prime practical economic policy move which the administration can take this year is to institute an effective incomes policy, and it is also the outgrowth of recommendations from business and banking leaders throughout the country and of recommendations from Government officials as well.

Mr. President, I have noticed with the greatest of interest that the President has imposed guidelines on the construction industry. I believe that while the construction industry has been a particularly serious offender in terms of the

economy generally, many service and other aspects of industry leave very much to be desired.

This administration has found it very hard to grasp the nettle, having begun its term with so many fiscal restrictions as we have experienced up to now, largely attributable to the effort to sweep the consequences of the Vietnam war under the rug. We simply have to face the consequences and have some broad-scale machinery for dealing with inflationary prices and wages.

The Emergency Price Stabilization Board, which would be established on a temporary basis by the bill would consist of three Presidential appointees from private life, and would be charged with developing systematic and comprehensive approach to the price stabilization problem as it exists today.

The Board would have subpena power to examine records and witnesses and hold hearings as its principal authority. Thus it could direct public attention to the course of wage-price decisions. Although independent from the executive, it would recommend action to the President in individual cases. It could also recommend legislation or other Government action to deal with structural bottlenecks affecting prices. The power of this Board would rest primarily upon its ability to give the public reliable information on the mechanics of wage and price decisions, thereby stimulating public concern against inflationary decisions; and also upon its power of persuasion in the executive branch and the legislative branch.

In several other respects the Board will go substantially beyond the administration's present policies. For example, it would, to use the language of the bill, "prepare and publish standards and criteria by which decisions with respect to wages and prices of all kinds can be measured in terms of their inflationary impact on the economy." This mandate, while similar to the 3.2-percent guidepost approach of the 1960–66 period, differs from those guideposts in one important respect; it would be more flexible, applying different standards to different industries according to differences in productivity, supply conditions, and marketing factors.

Another important difference between my bill and the thrust of the administration's present policies is the implicit emphasis on the role of the consumer. The consumer today has no voice in wage-price disputes; however, it is he who ultimately bears the brunt of any such dispute which results in inflationary conditions. By requiring quarterly reports to Congress, by enabling the Board to hold public hearings, and by concentrating wage-price recommendations in a fully staffed and independent agency, my bill would pinpoint to the consumer the ramifications of wage-price decisions free of political overtones.

Because the Board would not possess coercive powers to regulate individual wage and price decisions, it is important that the policies of the Board be made in an atmosphere of mutual cooperation with business and labor. Therefore, my bill requires the President to convene a conference for leaders from all sectors of the economy in order to secure this cooperation.

The bill is based upon the clear emergency which confronts us today: A prolonged inflation which prevents us from operating effectively to stimulate the economy and reduce unemployment and which weakens the balance of payments position of the United States. Therefore, the bill contains a congressional declaration of emergency. It also provides for the expiration of the Board when the emergency has been found to have ended, or by the end of 1972, whichever is sooner. The temporary nature of the Board has two reasons: First, most observers agree that a voluntary wage-price mechanism is most effective over relatively short periods of time. Second, the same observers generally agree as well that the administration has already laid the groundwork for dampening inflation, by eliminating excess demand. An incomes policy can be particularly effective in a slack economy when excess demand has been eliminated.

Mr. President, notwithstanding the clear responsibility which previous administrations bear for our present inflationary problems, the time is clearly over when the President can use these past mistakes as an excuse for not coming to grips with the problem of inflation on a comprehensive basis. The time is also clearly over when we can afford to be doctrinnaire and inflexible about the permissible means at our disposal for coping with inflation.

Over the course of the past 2 years, we have seen the administration come a long way in developing ways to meet inflationary price or wage actions or bottleneck situations on an individual basis. The testimony of the Council of Economic Advisers before the Joint Economic Committee this year lists several steps the administration has taken when it felt the free market economy could be strengthened by such actions. Two of these—the publication of periodic Inflation Alerts and the appointment of a Purchasing and Regulations Review Board—stem directly from recommendations made by Joint Economic Committee Republicans last year. The concept underlying the administration's actions is that the free market economy is the best allocator of resources and price levels we have, but that restraining action is necessary where price and wage decisions are made while insulated from the effects of free market forces.

In testimony this year, the CEA remarked that it was considering ways to make the elements of its wage and price policies "more systematic and comprehensive, and to provide more adequately for their management." "What is called for," the CEA continued, "is a policy of doing what can effectively be done, whenever it can be done, and not pretending to do more."

My bill is offered in the spirit of accomplishing exactly what the Council of Economic Advisers intended.

In some respects it will parallel the work of the CEA. For example, the Board's quarterly reports to the President and the Congress will touch upon many of the issues covered by the current system of inflation alerts. However, the independent status of the Board will enable it to take a more objective stand on wage and price developments than the Council of Economic Advisers could be expected to take. The Board will also examine the same kinds of structural economic inefficiencies—such as we find in the construction and oil industries—as do the CEA and other executive branch departments. However, the CEA itself admits that it is poorly staffed to do a comprehensive job in this regard; and in addition, neither the CEA nor other executive branch agencies have the power to conduct hearings, subpena witnesses and records, and publicize findings and recommendations, which the Board would be particularly well suited to do.

My bill holds the most promise in its potential for developing an informed, nonpartisan consensus that noninflationary wage-price behavior is the best course in the long run. There are of course proposals which would go further than this, to impose a wage-price freeze or direct wage-price controls. Aside from the obvious logistical problems in enforcing direct controls or a freeze, these measures involve an infringement on private decisionmaking which invites both inequity and inefficiency. This is not to say that they should never be used, but I believe they are not warranted at the present time.

On the other hand, a Price Stabilization Board can have a measurable effect over relatively short periods of time in dampening inflationary pressures. For this reason, I am convinced that a Board is essential at this particular time, when the conditions have already been established for making headway against inflation. Coming at this time, a temporary Board can help ensure that our goal of expanding the economy and reducing unemployment will not at the same time unleash new inflationary forces. I urge my colleagues in the Senate to give this proposal their serious and sympathetic consideration.

By Mr. KENNEDY.

S. 1423. A bill to amend title 5, United States Code, to provide for the establishment of a Public Counsel Corporation to insure full participation by and on behalf of unrepresented citizens in administrative rulemaking proceedings. Referred to the Committee on the Judiciary.

PUBLIC COUNSEL CORPORATION ACT

Mr. KENNEDY. Mr. President, the opportunity of the public to participate in the Federal administrative processes is fundamental to the entire notion of fairness and equity in those processes. Notice and the chance to participate are the very foundations of the Administrative Procedure Act passed by Congress almost 25 years ago now. It is clear, however, that this act is but an imperfect guarantee that agency decisionmaking will be in the best interest of the public. Large economic blocs know full well how to use the administrative processes to gain favor and protection for their special interests. The public does not. And in the end, the public is left behind.

The Federal administrative processes reach almost every activity of every American. Children attend federally assisted schools; laborers work on Federal or federally assisted construction projects or in industries regulated by the Government; the Indian, the farmer the disabled veteran, the widow, often rely heavily on Government assistance. The tax system is administered through

regulations of the Internal Revenue Service; the meat we eat has been inspected pursuant to Department of Agriculture regulations; the products we buy are all manufactured and distributed within the framework of rules and regulations worked out within agencies of the Federal Government.

Yet how many of our citizens know about, much less participate, in the determination of those rules and regulations that so vitally affect them? Who is their advocate in the governmental decisionmaking process? In fact, until now, they have been unrepresented.

Much of the administrative process works in an adversary manner, even when rulemaking is involved. But too often the adversaries all represent a class of special interests vying for a favored position in the marketplace and in the halls of Government. The interests of big business are never forgotten in proceedings affecting their interests; the Washington lawyer sees to that, perennially subjecting the agencies to lopsided pressures. The large economic blocks in our society can afford to hire agents who keep tabs on agency activities and are alerted usually before actions affecting their interests are initiated. Whether over cocktails or at lunch, or through the Federal Register or trade journals, industry's representatives stands ready to do battle. At hearings they appear with an army of engineers, economists, and other experts—in quadruplicate—to persuade the agency that the public interest or the public convenience and necessity coincide with their position. Yet all the while the voice of the consumer, the taxpayer, the poor, are drowned out by competition of more particularized interests.

Why should not those who pay exorbitant prices for drugs and who rely on them for their daily well-being be represented as well as drug manufacturers?

Why should not the purchasers and viewers of television sets be heard as well as the spokesmen for the networks and station owners?

Why should not those who breathe polluted air, who are displaced by freeways, and who buy and drive automobiles be spoken for as well as the automobile manufacturers and the concrete industry?

Why should not airline, bus, and railway passengers be heard as well as the airlines, bus companies, and railways?

It is no secret that particularized interests have found effective representation within the structure of the Federal Government. Hardly a day goes by without the newspapers carrying further evidence that the agencies have become captives of the industries they regulate. The Department of Agriculture represents the farmer. The Department of Commerce represents businessmen. The Interstate Commerce Commission represents the carriers. As Clifford Durr, former Federal Communications Commissioner, described it:

> In time the vision of the larger and more distant public tends to grow dim.

Thus, in day to day matters involving product safety, Federal contracting, the setting of standards, the granting of licenses, the little man goes unheard and unnoticed. Louis Brandeis observed in a speech at Harvard in 1905 that the public interest is served by the adversary system in litigation, where a lawyer's vigorous advocacy is balanced by that of his opponent. But, as Brandeis suggested—referring to dealings with the legislature, but equally applicable to proceedings before Federal agencies—"a very different condition is presented—a condition of great unfairness to the public," when the only voices heard are those of highly capable lawyers representing private interest, "while the public is often inadequately represented or wholly unrepresented." This continues to describe most administrative proceedings today.

Two years ago the Subcommittee on Administrative Practice and Procedure published a compilation of responses from members of major regulatory agencies to a questionnaire I sent them on citizen involvement and responsive agency decisionmaking. The same echoes on page after page. The Chairman of the Civil Aeronautics Board observed that "ordinarily, the Board does not specifically seek out the views of persons who would not otherwise be likely to present their views to the Board." That is a shorthand way of saying that only commercial interests regulated or directly affected are involved in the administrative process. Commissioner Johnson, who is with us this morning, observed that "citizen participation in the Federal Communications Commission process is virtually nonexistent." Former Chairman Lee White, of the Federal Power Commission, wrote:

> On the whole, I believe meaningful citizen involvement in the administrative process is sorely lacking.

Even the courts have recognized that the absence of public involvement in administrative decisionmaking is crucial and that agencies cannot be relied on to uphold the public interest on their own. As the court of appeals observed of the Federal Communications Commission in the United Church of Christ case:

> The theory that the Commission can always effectively represent the listener interests . . . without the aid and participation of legitimate listener representatives fulfilling the role of private attorneys general is one of those assumptions we collectively try to work with so long as they are reasonably adequate. When it becomes clear, as it does to us now, that it is no longer a valid assumption which stands up under the realities of actual experience neither we nor the Commission can continue to rely on it.

The condition is not limited to the independent regulatory agencies. A recent study completed for the National Product Safety Commission analyzed the scope and adequacy of the automobile safety, flammable fabrics, toys, and hazardous substances programs of the Department of Transportation, Commerce, and Health, Education, and Welfare. That study concluded:

> Continual communications with lobbyists and representatives of the regulated industries causes agency preoccupation with the economic burdens and dislocations that specific safety standards would impose. . . . In sum, the consumer safety regulatory process in fact has too often been a dialog between Government and industry, with informal communication not open to public scrutiny.

As a recommendation, the report has this to say:

> To counter industry arguments and institutional constraints limiting vigorous agency action, an independent voice speaking for the generalized consumer interest should be intruded into the administrative process. That voice should be heard in the critical phases of standard setting before specific proposals are published, and later, when formal proposals have been formulated. The ubiquitous presence of the consumer spokesman should stiffen the spine of the most timid official.

After numerous hearings and extensive investigations into the administration of Federal programs affecting public safety, the Product Safety Commission issued its report just a few weeks ago. In that report it observed that while it is generally assumed that a Federal agency itself invariably defends the public interest, "most agency decisions represent a compromise among contending factions. When such a contest develops, the weakest voice is often that of the unorganized and unrepresented consumer." The Commission concludes:

> Quite as private enterprise requires counsel to represent its interest in dealings with agencies of Government, the public requires an Advocate who will defend consumer safety against exploitation, excess, or neglect.

The poor people of this country, quite apart from their role as consumers, have special problems confronting them with the special Federal programs designed for their assistance. And a large number of Federal programs affect them directly and intimately. The Department of Health, Education, and Welfare adopts rules relating to old age assistance, aid to the blind, medicare, and aid to families with dependent children. The Department of Agriculture administers the food stamp program and the commodity surplus distribution program. The Labor Department promulgates rules relating to programs for the chronically unemployed and for welfare recipients. The list is almost endless.

Yet in a recent study undertaken for the Administrative Conference of the United States, Prof. Arthur Bonfield observed that a number of agencies did not even recognize that programs they administered had a substantial impact on the poor, and that even when agencies recognize this impact, they usually do not seek out the views of those affected by the programs. Even the Department of Justice has recently acknowledged that poor people as a class are not effectively represented before agencies with respect to many proposed rules having a significant impact on the poor.

Consumers, the poor, the elderly, taxpayers, debtors, tenants—the list of the unrepresented in an agency proceedings goes on and on. At last count over 43 separate bills were introduced before the last Congress to provide, in some manner, representation for the consuming public—often broadly defined—before Federal agencies. All of these would, among other things, give the unrepresented public a vehicle through which their interests could be translated into effective

representation and channeled through the proper administrative channels to reach Government decisionmakers. Proposed legislation would place this public advocate in a Cabinet-level agency, in an independent agency, in the Executive Office, in the Justice Department, or in an independent public corporation. Each approach has its advantages and disadvantages, and many of these have been brought out and will continue to come out in hearings on the bills. We no longer question the need for effective representation of the public interest in the agencies of the Government. We are now searching for the means for more of such representation.

I do not believe, if we are to learn from history, that the Public Counsel should be within the traditional framework of Government. As a full-time employee of the U.S. Government the Public Counsel is more likely than not to become a captive of the establishment and out of touch with his real constituency. Thus, considering the need so widely recognized, I have opted for an independent Public Counsel Corporation with a primary responsibility for advocacy in representing the views of the public in Federal administrative proceedings, with an emphasis on rulemaking proceedings.

The Public Counsel Corporation I propose in the bill I am introducing today would be a nonprofit corporation modeled after the Public Broadcasting Corporation, funded by the Federal Government and directed by a board of Presidential appointees. The Corporation would be authorized to represent directly or by contract the interests of the unrepresented public in agency proceedings, either on its own initiative or by request of the agency. It could initiate rulemaking proceedings and could seek judicial review or consideration of administrative actions or inactions where the issues involved substantially affect the interests of the unrepresented public.

The Corporation would also serve a clearinghouse function of collecting and disseminating information concerning rulemaking affecting the unrepresented public.

The term "unrepresented public" is generally defined in the bill as "persons or groups of persons whose collective interests are not likely to be adequately represented in regulatory agencies of the United States, because such persons lack resources or organization necessary to provide such representation." I believe that the Board of the Corporation can determine the precise substantive areas of involvement based on input from presently existing public interest organizations and on a study of areas where the public is not at present adequately represented by any groups of organizations.

Last summer my Subcommittee on Administrative Practice and Procedure held hearings on the public counsel bill introduced last session (S. 3434). Mr. Ralph Nader and FCC Commissioner Nicholas Johnson—two men who have over the period of recent years devoted as much energy to pressing for recognition of the public interest in administrative decisionmaking as anyone here in Washington—strongly and clearly made the case for this type of legislation. Eight public interest lawyers participated in a roundtable hearing on the bill, their experiences and problems in trying to initiate or participate in proceedings before various agencies stand as strong testimony for the need for Government support of public interest advocacy.

We will soon be continuing our hearings on the bill I am introducing today—which has been modified based upon suggestions at last year's hearings. I hope that through hearings on the Public Counsel Corporation bill and Senate consideration of the legislation we can make the agencies and departments of Government more mindful of the needs and interests of the public, and that we can begin to reverse the average citizen's feeling of powerlessness to influence the course of Government activities affecting his daily life.

By Mr. McGEE:

S. 1424. A bill to amend chapter 89 of title 5, United States Code, to provide improved health benefits for Federal employees. Referred to the Committee on Post Office and Civil Service.

Mr. McGEE. Mr. President, I introduce for appropriate reference a bill to provide the Federal employee, for the first time in history, with a truly comprehensive health benefits program. This measure, built upon our experience over 11 years with the provisions of the Federal Employees Health Benefits of 1959, is a logical next step to assure that Federal officers and employees have the kind of health insurance they need and deserve in this era of inflated medical costs.

The 1959 act, bringing the Federal Government into the field of health insurance at a date far later than private industry had entered it, was initially intended to make the Federal Government competitive as an employer by the addition of this important fringe benefit. This landmark measure which was moved into operation speedily and effectively by the Civil Service Commission, achieved that goal. But over the years, the Government's contribution, established by law as a fixed dollar amount, diminished as a percentage of the total as costs spiraled. In 1970, it had dropped to 28 percent of the high option premium. And only then did Congress act to increase that percentage to 40 percent. For years, employees contributed far more than was envisioned in 1959. Additionally, gaps in coverage became apparent. Studies showed that the multiplicity of plans available was confusing to many who had to make a selection. And the difficult paperwork involved in filing claims raised the question whether some insured employees actually were getting what was coming to them.

The bill I introduce today amends the Federal Employees Health Benefits Act of 1959. The purpose of this bill is threefold.

First, it broadens coverage to include legitimate medical expenses not covered by any of the insurance underwriters who contract with the Civil Service Commission to provide health benefits under existing law. There are currently 40 different plans operating under the Health Benefits Act of 1959. The new comprehensive plan to be authorized by this bill would not involve any insurance carriers. The new plan would be financed and administered by the Civil Service Commission.

Second, the bill would vest in the Civil Service Commission the authority to establish fee schedules for medical, surgical, and hospital services. These schedules, which could be determined after consultation with representatives of the medical profession, would become generally accepted as appropriate fees to be charged for the kinds of services rendered in the community.

Third, the bill provides for an increase in the amount the Government pays for the cost of the program from the present level of 40 percent of the average high option premium to 75 percent, effective 3 years from enactment.

I view this program as being vitally important to Federal employees and to the Government itself—important because it views the imperatives of health care in terms of today's health costs and needs, not those of 11 years ago. Present health insurance coverage in many cases is totally inadequate for our employees' needs.

Consider the areas of medical care that are not currently covered. Existing legislation ignores the cost of routine dental attention or even dental disease. Dental care is covered only if the treatment is for traumatic injury. If an employee's child is "lucky" enough to have his teeth knocked out in an accident, his treatment is covered. Otherwise the cost of dental treatment comes out of the employee's pocket. And who today views orthodontal treatment—the straightening of teeth, which becomes more expensive every year—as somehow off the beaten path of medical expenses? Such treatment is not covered. Present-day legislation also excludes the not unusual expenses of eyeglasses and hearing aids.

A Federal employee who pays $350 a year for health insurance under the present health benefits program must, in almost all cases, pay all of his dental bills, all of the bills for the routine care of his children, all of the bills for eyeglasses or hearing aids, plus a deductible, plus 20 or 25 percent of all other expenses incurred in a year. It is really not uncommon for an employee to pay $500 or $600 a year for health insurance and medical expenses and not get a single dime's worth of rebate from his plan.

I do not mean to be unduly critical of the present program. It is among the best available. Last year, the Federal program paid out $1,180 million in benefits for 8 million employees and family members. But despite that magnificent achievement, the 1959 program is simply not adequate. This bill not only offers the employee broader coverage, it vests in the Civil Service Commission administrative and enforcement powers. It thus enables the Commission to serve as a servant of the employee, assuring that his rights under law will be protected, assuring that neither redtape nor a lack of

understanding of the employee's various entitlements will stand between him and his due.

Public hearings will be scheduled before the Post Office and Civil Service Committee on this legislation after the Easter recess. I invite my colleagues, the administration officers of the Civil Service Commission and individuals in the health insurance business, as well as our millions of Federal employees to review my proposal and make whatever suggestions they deem constructive so that the goal of excellent health insurance protection can be rapidly achieved.

By Mr. JAVITS (for himself and Mr. HUGHES):

S. 1425. A bill to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 to provide an increase in the appropriations authorizations for the Commission on Marihuana and Drug Abuse. Referred to the Committee on Labor and Public Welfare, and ordered to be held at the desk until the next session of the Senate.

Mr. JAVITS. Mr. President, I introduce on behalf of myself and the Senator from Iowa (Mr. HUGHES), for appropriate reference, a bill to increase the authorization for the Commission on Marihuana and Drug Abuse from $1 million to $4 million.

The Commission on Marihuana and Drug Abuse was established by Public Law 91–513 of October 27, 1970, to conduct a comprehensive study of drug abuse and the use of marihuana in the United States. The study of marihuana will include the extent and nature of use of marihuana in the United States, an evaluation of the efficacy of existing laws on marihuana and international control of marihuana. The Commission will also investigate the physical and psychological effects of marihuana and the relationship of its use to drug addiction and to aggressive behavior and crime. A report on the findings of the Commission relating to marihuana is required within 1 year after the date funds become available for the study.

The Commission will also conduct a comprehensive study and investigation of the causes of drug abuse and their relative significance. If advisable, they will submit interim reports to the President and the Congress and within 2 years after the date funds become available, they will make a final report of their findings and conclusions. The Commission will terminate 60 days after the submission of the report.

Since the Commission's formation, an indepth review of its congressional mandates has been undertaken. It is becoming evident that the present $1 million authorization will be insufficient for the Commission to fulfill its responsibilities to the President and the Congress over the next 2 years.

A $4 million authorization would insure the ability of the Commission to hire the staff necessary to handle its daily affairs and the staff and consultants necessary to undertake special projects relating to the extent, scope, and avenues of approach to the marihuana and drug problem. Increased funding will also enable the Commission to contract for special services, such as a comprehensive literature compilation and evaluation, special research projects, and feasibility studies. This contracting capability is exceedingly important in light of the fact that the Commission has only 1 year within which to complete its marihuana investigation and the remaining year to complete its general drug abuse study.

Mr. President, I ask unanimous consent that this particular measure, because it is so important within our compass, be referred to the Committee on Labor and Public Welfare; and I also ask unanimous consent that the reference be held at the desk for 1 day, or until the next session of the Senate, so that if there is any objection from any committee, it may be recorded. We believe, however, that it has been cleared, but we just want to be sure.

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

By Mr. JAVITS (for himself and Mr. BUCKLEY):

S. 1426. A bill to establish the Van Buren-Lindenwald Historic Site at Kinderhook, N.Y. and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. JAVITS. Mr. President, I introduce today on behalf of myself and my colleague, Senator BUCKLEY, a bill to establish the Van Buren-Lindenwald Historic Site at Kinderhook, N.Y. The proposed Lindenwald National Historic Site would preserve and protect the property of President Martin Van Buren whose public career touched every aspect of government. Adequate facilities in existing structures on the site will allow the public to have great use and enjoyment of the historic property. Historians would be encouraged to study the site and the proposed collection of Van Buren memorabilia. Comprehensive planning will be coordinated with the appropriate State agencies to assure protection of the setting of Lindenwald.

The property was purchased by Van Buren in 1839 and consisted of a house and 130 acres of land. The original house on the property was built in 1797. The present property consists of approximately 13 acres.

There have been previous efforts to preserve Lindenwald and the National Park Service has evaluated the site as to its possibilities for management as a national historic site. They have determined that Lindenwald is of national significance as the only surviving structure closely associated with President Van Buren. The only thing that remains is for action to be taken to effectively set up the machinery for preserving this historic property.

Bills on this subject have been previously introduced in both Houses of Congress including a bill which I have previously introduced. In this session, Congressman FISH of New York has introduced this bill in the House and I am hopeful that we will finally take action to preserve this historic property.

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. 1426

A bill to establish the Van Buren-Lindenwald Historic Site at Kinderhook, New York, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of preserving for the education and inspiration of present and future generations the former residence (from 1841 until 1862) and only remaining structure intimately associated with Martin Van Buren, eighth President of the United States, the Secretary of the Interior shall acquire, on behalf of the United States, by gift, exchange, or purchase (with donated or appropriated funds) the real property and improvements thereon known as Lindenwald and located at Kinderhook, New York, together with such adjacent or related lands and interests therein as the Secretary determines are necessary for the establishment of a national historic site. The property so acquired shall be known and designated as the Van Buren-Lindenwald National Historical Site. The Secretary may also acquire personal property used or to be used in connection with the administration and interpretation of the national historic site.

SEC. 2. The National Park Service, under the direction of the Secretary of the Interior, shall administer, protect, and develop the Van Buren-Lindenwald National Historic Site, subject to the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (16 U.S.C., sec. 1 and others), and the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes", approved August 21, 1935 (16 U.S.C., sec. 461 and others).

SEC. 3. There are authorized to be appropriated from time to time such sums as may be necessary to carry out the provisions of this Act.

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

S. 1427. A bill to amend the Disaster Relief Act of 1970 to provide additional authority for the cancellation of disaster and emergency loans. Referred to the Committee on Public Works.

Mr. TUNNEY. Mr. President, I introduce today for appropriate reference legislation to expand the Federal aid available to homeowners and businesses for reconstruction following the tragic California earthquake of February 9.

This legislation is proposed as an amendment to the Disaster Relief Act of 1970, enacted last year under the leadership of Senator BAYH. I am therefore especially pleased to be joined by Senator BAYH as well as by my fellow Californian, Senator CRANSTON, in introducing this legislation.

The Disaster Relief Act presently provides for full Federal grants to repair and reconstruct damaged or destroyed public facilities under this authority. The Office of Emergency Preparedness has announced that it will provide approximately $232 million in grant aid. This vital help will be used to replace damaged roads, schools, sewers and water mains, and other public property.

For private property owners, the Disaster Relief Act provides relief which, in

my judgment, has been shown by the recent earthquake to be less effective. The Small Business Administration and the Farmers Home Administration, where applicable, are authorized to extend disaster or emergency loans on special terms when a major disaster has occurred.

The Small Business Administration has been the active lending agency in California, due to the location of the areas hardest hit by the earthquake. Under its program, loans are made to homeowners and businessmen to the extent loss or damage or injury is not compensated for by insurance or otherwise. After the first $500 the SBA is directed to cancel $2,500 of the principal of any such loan, if the loan is made to cover losses and damage and injury resulting from major disasters as determined by the President. Moreover, the SBA may in its discretion defer interest payments or principal payments, or both, in whole or in part, on any such loan during the first 3 years of the loan term.

Special provisions of present legislation now allow these loans to be made without regard to whether the required financial assistance is available from private sources.

Further, present law provides that the SBA, and the FHA under its analogous authority, may also refinance all existing mortgages or other liens where a house or business concern is totally destroyed or substantially damaged. This additional refinancing is limited so that the amount refinanced shall not exceed the amount of the principal loss actually sustained. And such refinancing is subject to the provisions for forgiveness of $2,500 of the principal, and for not requiring proof that aid was unavailable from other sources.

Mr. President, this present legislation was fully considered by committees of both the Senate and the House, and builds on our past experience with other tragic disasters. I seek to preserve the carefully drawn basic structure of the provisions for the SBA and FHA loan programs.

I do feel, however, that further aid within those programs is urgently needed. The legislation I introduce today would accomplish this by a straightforward and minor change in the language of those sections. Under this legislation, the benefits and limits of the present law would be preserved, except as to the amount of loan principal which could be forgiven. Under the new bill, the homeowner or businessman suffering under a major disaster would still have $2,500 of the first $3,000 of his loan forgiven. Thereafter, however, he would under the new bill have 50 percent of the additional loan forgiven up to a total forgiven amount of $20,000. Under this provision, a homeowner or businessman who suffered a loss requiring a $38,000 loan would receive $20,000 by way of forgiven principal. I suggest this 50-percent Federal forgiveness is entirely fair because it encourages, but does not require, matching State aid. Senators will recall that a Federal-State matching-grant program was used after the Alaskan earthquake, and that the Federal share was set at 50 percent in that case.

Moreover, I firmly believe this extension of Federal aid is vitally needed in any community which suffers, as did those in southern California, vast damage to private homes and businesses. Realities require that we reorganize the crushing burden imposed by disaster on homeowners already struggling with a heavy debt load, to maintain their own house or business. We must now move to extend the aid currently available by extending it to levels realistically adequate to meet the needs of the more than 20,000 homeowners and businessmen who have applied for help since the earthquake struck on February 9.

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. 1427

A bill to amend the Disaster Relief Act of 1970 to provide additional authority for the cancellation of disaster and emergency loans

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 231(1) of the Disaster Relief Act of 1970 is amended to read as follows:

"(1) to the extent such loss or damage or injury is not compensated for by insurance or otherwise, (A) shall, in the case of any loan in a principal amount of not less than $500 or more than $3,000, cancel that part of the loan which is in excess of $500, and, in the case of any loan in a principal amount of more than $3,000, cancel $2,500 of the principal amount of the loan plus 50 per centum of that part of the loan which is in excess of $3,000; except that the total amount canceled under this clause (A) shall not exceed $20,000, and the authority conferred by this clause (A) shall be exercised only with respect to loans made to cover losses and damage and injury resulting from major disasters as determined by the President, and (B) may defer interest payments or principal payments, or both, in whole or in part, on any loan made under this section during the first three years of the term of the loan except that any such deferred payments shall bear interest at the rate determined under section 234 of this Act.

(b) Section 232(1) of such Act is amended to read as follows:

"(1) to the extent such loss or damage is not compensated for by insurance or otherwise, (A) shall, in the case of any loan in a principal amount of not less than $500 or more than $3,000, cancel that part of the loan which is in excess of $500, and, in the case of any loan in a principal amount of more than $3,000, cancel $2,500 of the principal amount of the loan plus 50 per centum of that part of the loan which is in excess of $3,000; except that the total amount canceled under this clause (A) shall not exceed $20,000, and the authority conferred by this clause (A) shall be exercised only with respect to loans made to cover losses and damage resulting from major disasters as determined by the President, and (B) may defer interest payments or principal payments, or both, in whole or in part, on any loan made under this section during the first three years of the term of the loan except that any such deferred payments shall bear interest at the rate determined under section 234 of this Act."

SEC. 2. The amendments made by the first section of this Act shall be effective on and after January 1, 1971.

By Mr. PERCY (for himself, Mr. BAYH, Mr. HART, Mr. HUMPHREY, Mr. JAVITS, Mr. MATHIAS, Mr. STEVENSON, Mr. HATFIELD, Mr. TUNNEY, Mr. TAFT, Mr. MCGEE, Mr. RANDOLPH, Mr. WILLIAMS, Mr. CANNON, Mr. PASTORE, and Mr. ROTH):

S. 1428. A bill to amend title of the United States Code by adding a new chapter 404 to establish an Institute for Continuing Studies of Juvenile Justice. Referred to the Committee on the Judiciary.

Mr. PERCY. Mr. President, I am today reintroducing with the cosponsorship of the Senator from Indiana (Mr. BAYH), the Senator from Michigan (Mr. HART), the Senator from Minnesota (Mr. HUMPHREY), the Senator from New York (Mr. JAVITS), the Senator from Maryland (Mr. MATHIAS), and the Senator from Illinois (Mr. STEVENSON), a bill to establish an Institute for the Continuing Studies of Juvenile Justice. Many of my colleagues may be aware that this bill was introduced in the House by Congressmen TOM RAILSBACK, ABNER MIKVA, and EDWARD BIESTER and that it has strong bipartisan support from over 100 cosponsors. Last year both Congressman RAILSBACK and I testified before the House Judiciary Committee on this proposal. I am pleased to commend Representative RAILSBACK for his creativity, his initiative, and his deep understanding of this problem as well as his devotion to finding a solution to it. I am hopeful that, in light of the recent report to Congress by the Youth Development and Juvenile Delinquency Prevention Administration and heightened congressional interest in the problem of juvenile delinquency, we can move favorably toward implementing such an institute.

The subject of juvenile crime has been thoroughly studied and documented in the last few years. Yet if the reiteration of the statistical facts helps us focus our attention toward constructive action, then they do bear repeating.

Juvenile court statistics for 1969, soon to be published by the National Center for Social Sciences of the Department of Health, Education, and Welfare, reveal that almost 1 million juvenile delinquency cases were handled by juvenile courts in 1969, representing a 10 percent increase over the previous year. Young people involved in court action constitute 2.7 percent of all children between the ages of 10 and 17.

For the period 1960–69, juvenile arrests increased by 90 percent, compared to an overall 71 percent increase in total arrests. Even more alarming is the fact that juvenile arrests for violent crimes rose by 148 percent during the same period, according to FBI accounts. Not only are youths becoming increasingly involved in all antisocial behavior, but they are participating to greater degrees in the serious crimes of murder, forcible rape, robbery, and aggravated assault. When serious crimes are considered, persons under the age of 15 make up 22 percent of all arrests and those under 18 almost one-half. We are forced to ask ourselves what conditions in our society and judicial system give rise to such

increases and cause more than 75 percent of those juveniles in detention to one day reenter the correction process.

What chance does a juvenile have to be rehabilitated, when over 39 percent of our Nation's juvenile courts have no provisions for separate juvenile facilities? Young people are often tossed into jails and prisons along with derelicts and hardened criminals. Of those States that do have juvenile detention homes, more than half of them do not offer any diagnostic services or studies. Only a few States have gone so far as to develop regional detention facilities that can provide more direct attention to the juvenile's personal reasons for being there. I am pleased to say that Illinois is currently moving toward a regionalization of correctional treatment centers and improving its facilities along the goal of community-based institutions.

There is no question but that the special problems of youth and the techniques and procedures we utilize for handling delinquents in juvenile courts require flexibility, significantly more understanding and greater expertise by all personnel who work with juvenile offenders. The ultimate goal of our juvenile program must be to prevent youths from establishing a pattern of deviant behavior and serious crime that will eventually bring them back into our prisons and jails. Such a goal requires community support, for our institutions must be community based for optimum effectiveness. These programs will require a new leadership and coordination from the Federal level, both of which have been seriously lacking.

In the annual report of the Youth Development and Delinquency Prevention Administration, submitted to Congress by the President last week, the case for national leadership and coordination is well presented. The summary of major findings reports the following:

> There is little coherent national planning or established priority structure among the major programs dealing with the problems of youth development and delinquency prevention. . . . There is a strong indication that although bits and pieces of the Federal response to the problems of youth and delinquency may be achieving their discrete objectives, the whole, in terms of the overall effectiveness of Federal efforts, may be less than the sum of its parts . . . There is a lack of effective national leadership dealing with all youth including delinquents. . . . State planning has been spasmodic and ineffective. . . . No model systems for the prevention of delinquency or the rehabilitation of delinquent youth that have been developed or implemented.

The report recommends a new national program strategy and a concentration of emphasis on new knowledge and techniques into a model system for guiding State and local agencies.

The Institute for the Continuing Studies of Juvenile Justice which would be created under the legislation I am proposing today offers the unification and Federal leadership that is called for. The purpose of the Institute is to serve as an information bank for the systematic collection of data obtained from studies and research by public and private agencies on juvenile delinquency, including, but not limited to, programs for the prevention of juvenile delinquency, training of youth corrections personnel, and rehabilitation and treatment of juvenile offenders. Aside from the packaging of a vast amount of data on delinquent behavior, the center would provide short-term training for corrections personnel and would assist State and local agencies in developing technical training programs within the States.

The Institute is to function independently of any other Federal agency, although it will coordinate its efforts with those of the Department of Justice and the Department of Health, Education, and Welfare. A director is to be appointed by the President with the consent of the Senate and will serve as administrator and coordinator of the Institute's personnel for a term of 4 years. Policy and planning for the Institute will be the responsibility of an Advisory Commission, consisting of the Attorney General, the Secretary of Health, Education, and Welfare, the Director of the U.S. Judicial Center, the Director of the National Institute of Mental Health, and 14 other members who have training and experience in the area of juvenile delinquency.

The value of a national institute for juvenile justice has been clearly pointed out in the hearings held in the House by both the Judiciary Committee and the Select Committee on Crime last year and in testimony before the Senate Subcommittee To Investigate Juvenile Delinquency.

The cost of our continued inaction may be greater than we think. We can no longer afford to ignore one of the most serious social problems confronting our society.

I believe that our juvenile corrections personnel should be fully prepared to handle the special problems of the young offender, and that they should have the latest, most comprehensive information and training possible. To deny this would mean an agreement to let yet another generation of our youth experience a further increase in delinquent behavior. This can only mean wasted and useless lives. I do not believe that we should tolerate this further human destruction. Why should we willingly accept the fact of juvenile crime when passage of the legislation I am introducing today would mean a difference that we could all see within our own time?

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 221

Mr. KENNEDY. Mr. President, I ask unanimous consent that the following Senators be listed as cosponsors of S. 221, the Fisheries Development Act of 1971: Senators PASTORE, STEVENS, MUSKIE, PELL, BROOKE, GRAVEL, FONG, INOUYE.

Mr. President, I want to emphasize the urgency of congressional action on legislation for the development of the American fishing industry. Recent headlines concerning the harassment and seizure of fishing vessels in the waters of South America and the controversy over mercury contents of fish products are symptomatic of grave problems facing the fishing industry.

The American fishing industry—which, for decades, led the world in productivity and prosperity—today is experiencing serious economic decline.

Since 1945, domestic catch has remained static at 4 to 6 billion pounds while world hauls have tripled from 43 billion pounds to 123 billion pounds.

There has been a steadily growing influx of imported seafood. More than $700 billion worth of foreign seafood products are now consumed annually in the United States. In 1959, 61 percent of U.S. fish consumption was produced by the domestic industry; in 1969, the U.S. fishing industry supplied only 39 percent of the seafood consumed by the American public.

The plight of our fishermen is even more serious because it represents a failure to realize our tremendous potential: in domestic demand, and in an available supply easily accessible to U.S. fishermen.

Public demand for seafood has almost tripled since World War II—from 5.3 billion pounds in 1945 to 14.2 billion in 1967—yet domestic output has not significantly increased. By the year 2000 U.S. demand is expected to double again to more than 31 billion pounds.

However, instead of growing to meet the new demand, the U.S. fishing industry has actually shown a major decline—a decline that has dropped the United States from second to sixth among the nations of the world in a single decade.

Several factors have contributed to this decline: they are overlapping and contradictory Federal, State and local regulations; depletion of species through overconcentration; prohibitive costs of building, equipping and insuring vessels; and outdated fleets and techniques competing with subsidized modern foreign vessels.

The current profile of the American fishing industry is dismal—but it is not without hope. A growing and vital fishing industry could stimulate economic development at home and abroad; develop new tools for dealing with hunger and malnutrition here and in developing nations; improve our balance of payments; increase our technical and research capabilities for tapping the vast marine resources; enhance our position as a world maritime leader and confirm that the American economy can and does adapt to changing conditions. If the fishing industry is to be revitalized, the Federal Government must play a key role in providing the fishing industry with adequate support and assistance.

The Fisheries Development Act of 1971 proposes in eight-step program to meet the immediate needs of this emergency situation and to insure continued health and vitality for this industry:

First, the creation of a fisherman's extension service to centralize and systematize now fragmented information and assistance;

Second, establishment of a program of technical assistance grants to enable fishermen to take advantage of modern equipment and methods to increase their productivity;

Third, encouragement of expansion into new species;

Fourth, establishment of a comprehensive study of existing regulations at all levels of government;

Fifth, a thorough and continuing review of the fish import situation;

Sixth, research into fish protein concentrate as a significant dietary supplement;

Seventh, grants to fishermen's cooperative associations which can coordinate efforts in regional areas; and

Eighth, authorization and assistance in the formation of fisheries marketing agreements to facilitate group efforts to market products, promote the development of new products, and conduct marketing research.

In addition, I shall shortly introduce supplementary legislation to deal specifically with the fishing industry's requirements for an adequate source of insurance. Premiums both for hull insurance and for personal liability insurance for the fishing industry have skyrocketed and American insurance companies have been increasingly reluctant to provide insurance at any cost.

Mr. President, I have known and talked with fishermen from the great ports at New Bedford, Gloucester, and Boston all my life. I have known their courage; their strength; their humor; their traditions and folklore; and their pride in lives spent at sea.

But now, speaking with these same men I hear of frustration; of fear; of despair; of a ghost that once was the pride of all New England and all the Nation.

The urgency of the situation is clear and the need for action is immediate. My proposal is not a panacea, but a step in the right direction. We must restore to the fisherman and his family their livelihood. A firm commitment today will save the industry for tomorrow.

Thus I am encouraged by the decision of the Senators who have joined me in this measure which can bring urgently needed relief to the U.S. fishing industry.

S. 635

At the request of Mr. ALLIOTT, the Senator from Idaho (Mr. JORDAN) and the Senator from Arizona (Mr. FANNIN) were added as cosponsors of S. 635, a bill to amend the Mining and Minerals Policy Act of 1970.

S. 664

At the request of Mr. COOK, the Senator from Tennessee (Mr. BAKER), the Senator from Nebraska (Mr. CURTIS), the Senator from Kansas (Mr. DOLE), the Senator from North Carolina (Mr. ERVIN), the Senator from Alaska (Mr. STEVENS), the Senator from South Carolina (Mr. THURMOND), the Senator from Kansas (Mr. PEARSON), and the Senator from Wyoming (Mr. HANSEN) were added as cosponsors of S. 664, the Daylight Saving Time bill.

S. 731

At the request of Mr. JAVITS, the Senator from New Jersey (Mr. WILLIAMS) was added as a cosponsor of S. 731, to make rules respecting military hostilities in the absence of a declaration of war.

S. 1030

At the request of Mr. Randolph, the Senator from Oklahoma (Mr. BELLMON) was added as a cosponsor of S. 1030, a bill to amend the Vocational Rehabilitation Act in order to assure rehabilitation services to older blind persons, and for other purposes.

S. 1071

At the request of Mr. BOGGS, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1071, a bill to clarify the status of funds of the Treasury deposited with the States under the act of June 23, 1936.

S. 1085

At the request of Mr. HANSEN, the Senator from Kansas (Mr. PEARSON) was added as a cosponsor of S. 1085, a bill to amend the Federal Meat Inspection Act.

S. 1173

At the request of Mr. METCALF, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1173, to redefine disability for purposes of social security benefits.

S. 1209 AND S. 1251

At the request of Mr. HANSEN, the Senator from Kansas (Mr. PEARSON), the Senator from Arizona (Mr. FANNIN), the Senator from Nebraska (Mr. CURTIS), the Senator from North Dakota (Mr. YOUNG), the Senator from Utah (Mr. Moss), the Senator from Utah (Mr. BENNETT), and the Senator from Colorado (Mr. DOMINICK) were added as cosponsors of S. 1209, a bill relating to the control of noxious plants on Federal lands; and the Senator from North Dakota (Mr. YOUNG), the Senator from Arizona (Mr. FANNIN), the Senator from Utah (Mr. BENNETT), the Senator from Nebraska (Mr. CURTIS), the Senator from Mississippi (Mr. EASTLAND), the Senator from New Mexico (Mr. ANDERSON), and the Senator from Florida (Mr. GURNEY) were added as cosponsors of S. 1251, a bill relating to quotas on certain meat and meat products.

S. 1298

At the request of Mr. GURNEY, the Senator from Wyoming (Mr. HANSEN), the Senator from Utah (Mr. BENNETT), the Senator from Oklahoma (Mr. HARRIS), the Senator from California (Mr. CRANSTON), and the Senator from Oregon (Mr. HATFIELD) were added as cosponsors of S. 1298, a bill to prescribe regulations requiring certain modes of public transportation in interstate commerce to reserve some seating capacity for passengers who do not smoke.

S. 1307

At the request of Mr. RANDOLPH, the Senator from Iowa (Mr. MILLER) was added as a cosponsor of S. 1307, a bill to provide increased employment opportunities for middle-aged and older workers, and for other purposes.

SENATE JOINT RESOLUTION 4

At the request of Mr. JAVITS, the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S.J. Res. 4, a joint resolution to authorize and request the President to proclaim the period April 19, 1971, through April 23, 1971, as "School Bus Safety Week."

SENATE CONCURRENT RESOLUTION 13—SUBMISSION OF A CONCURRENT RESOLUTION TO ESTABLISH A JOINT CONGRESSIONAL COMMITTEE ON EXECUTIVE IMPOUNDMENT OF FUNDS

Mr. ERVIN. Mr. President, I submit for appropriate reference a concurrent resolution which would establish a Joint Congressional Committee on Executive Impoundment of Funds. My distinguished colleague in the other body, Mr. BENNETT of Florida, is today introducing an identical measure in the House of Representatives.

While I do not look with favor upon creating new congressional committees, I feel that the constitutional questions presented by the ever-increasing impoundment of congressionally appropriated funds by the executive branch is serious enough to warrant the establishment of a joint committee to oversee the executive branch in this regard. This measure would simply establish a joint committee which would report to the Congress on instances of impoundment by the executive branch, and make recommendations for congressional action.

As I mentioned on the floor of the Senate yesterday in my colloquy with the distinguished chairman of the Senate Appropriations Committee, Mr. ELLENDER, the Senate Subcommittee on Separation of Powers, of which I am chairman, conducted 3 days of hearings beginning on March 23 through 25 on the question of impoundment of funds by the Executive. During the hearings it became apparent that this administration, as well as others preceding it, has utilized the impoundment process to thwart the will of Congress. The current level of impoundment, according to the Office of Management and Budget, exceeds $12 billion, a sum which is not to be taken lightly, especially in view of the fact that we have not eradicated the age-old scourge of cancer, and in view of the fact that many of our Nation's veterans are unable to be admitted to VA hospitals because of a lack of space.

Mr. President, the Constitution grants all legislative power to the Congress, and this includes the power to appropriate money. When the President is allowed to impound funds to effectuate policy in direct contravention of congressional will, we no longer have a "government under law" and the separation-of-powers doctrine is nothing more than a sham.

As I mentioned yesterday on the floor of the Senate, the subcommittee is studying a proposed measure which would require the President to report to Congress when he impounds funds appropriated by Congress for a specific project, whereupon the Congress will have an opportunity to veto his action within a certain number of days or his action will die. I shall have more to say about this proposal in the near future.

Mr. President, the measure I am submitting today is a step in the right direction toward returning to Congress its power over the purse. The matter of impoundment of funds by the executive branch of the Government is indeed serious and requires prompt remedial action

by the Congress if it is to carry out its constitutional mandate.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point the text of the concurrent resolution.

The ACTING PRESIDENT pro tempore. The concurrent resolution will be received and appropriately referred; and, without objection, will be printed in the RECORD.

The concurrent resolution (S. Con. Res. 13), which reads as follows, was referred to the Committee on Government Operations:

S. CON. RES. 13

Resolved by the Senate (the House of Representatives concurring), That (a) there is established a joint congressional committee which shall be known as the Joint Committee on Impoundment of Funds (hereafter in this concurrent resolution referred to as the "committee") consisting of five Members of the Senate to be appointed by the President pro tempore of the Senate, and five Members of the House of Representatives to be appointed by the Speaker of the House of Representatives. Of the five Members of the Senate appointed under this subsection, three Members shall be from the majority party, and two Members shall be from the minority party. Of the five Members of the House of Representatives appointed under this subsection, three Members shall be from the majority party, and two Members shall be from the minority party.

(b) The committee shall expire at the close of the 2d session of the 92d Congress.

(c) The committee shall select a chairman and a vice chairman from among its members. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman. The chairmanship shall alternate between the Senate and House of Representatives and the chairman shall be selected by Members from the body entitled to the chairmanship. The vice chairman shall be chosen from the other body.

(d) Vacancies in the membership of the committee shall not affect the authority of the remaining members to execute the functions of the committee. Vacancies shall be filled in the same manner as original appointments are made.

(e) A majority of the members of the committee shall constitute a quorum thereof for the transaction of business, except that the committee may fix a lesser number as a quorum for the purpose of taking testimony.

(f) The committee shall keep a complete record of all committee actions, including a record of the votes on any question on which a record vote is demanded. All committee records, data, charts, and files shall be the property of the committee and shall be kept in the offices of the committee or such other places as the committee may direct.

(g) No legislative measure shall be referred to the committee, and it shall have no authority to report any such measure to the Senate or to the House of Representatives.

SEC. 2. (a) It shall be the duty of the committee to conduct a continuing comprehensive study and review of the President's constitutional power to terminate authorized Federal projects for which appropriations have been made or to withhold funds for same and to report to the Congress its findings in a final report before the close of the 92d Congress. The committee may make such interim reports to the appropriate standing committees of the Congress as it deems advisable.

(b) In carrying out its functions and duties the committee shall avoid unnecessary duplication with any investigation undertaken by any other joint committee, or by any standing committee of the Senate or of the House of Representatives.

SEC. 3(a) For the purpose of this concurrent resolution, the committee is authorized, as it deems advisable (1) to make such expenditures; (2) to hold such hearings; (3) to sit and act at such times and places during the sessions, recesses, and adjournment periods of the Senate and of the House of Representatives; and (4) to employ and fix the compensation of technical, clerical, and other assistants and consultants. Persons employed under authority of this subsection shall be employed without regard to political affiliations and solely on the basis of fitness to perform the duties for which employed.

(b) The committee may (1) utilize the services, information, and facilities of the General Accounting Office or any department or agency in the executive branch of the Government, and (2) employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable. With the consent of any other committee of the Congress, or any subcommittee thereof, the committee may utilize the facilities and the services of the staff of such other committee or subcommittee whenever the chairman of the committee determines that such action is necessary and appropriate.

SEC. 4. To enable the committee to exercise its powers, functions, and duties under this concurrent resolution, there are authorized to be appropriated for each fiscal year such sums as may be necessary to be disbursed by the Clerk of the House of Representatives and the Secretary of the Senate on vouchers signed by the chairman or vice chairman of the committee.

SENATE CONCURRENT RESOLUTION 14—SUBMISSION OF A CONCURRENT RESOLUTION TO PRINT REPORT ON "CONTROL OF HAZARDOUS POLLUTING SUBSTANCES"

Mr. RANDOLPH submitted a concurrent resolution (S. Con. Res. 14) to print as a Senate document the report of the Secretary of Transportation on "Control of Hazardous Polluting Substances," which reads as follows, and was referred to the Committee on Rules and Administration:

Resolved by the Senate (the House of Representatives concurring), That there be printed as a Senate document, the report of the Secretary of Transportation, entitled "Control of Hazardous Polluting Substances", submitted to Congress in accordance with Section 12(g) of the Federal Water Pollution Control Act as amended, and that there be printed two thousand five hundred additional copies for the use of the Committee on Public Works.

SENATE RESOLUTION 88—SUBMISSION OF A RESOLUTION AUTHORIZING THE PRINTING OF REPORT ENTITLED "PROGRESS IN THE PREVENTION AND CONTROL OF AIR POLLUTION"

Mr. RANDOLPH submitted a resolution (S. Res. 88) authorizing the printing of the report entitled "Progress in the Prevention and Control of Air Pollution" as a Senate document, which reads as follows, and was referred to the Committee on Rules and Administration:

Resolved, That the annual report of the Administrator of the Environmental Protection Agency to the Congress of the United States (in Compliance with Public Law 90-148, The Clean Air Act, as amended) entitled "Progress in the Prevention and Control of Air Pollution", be printed as a Senate Document.

SEC. 2. There shall be printed two thousand five hundred additional copies of such document for the use of the Committee on Public Works.

SENATE RESOLUTION 89—ORIGINAL RESOLUTION REPORTED RELATING TO PROMPT REMOVAL OF DISCRIMINATORY PREFERENCES ON CITRUS FRUITS GRANTED BY THE EUROPEAN ECONOMIC COMMUNITY

Mr. LONG, from the Committee on Finance, reported an original resolution (S. Res. 89) expressing the sense of the Senate with respect to the prompt removal of discriminatory preferences on citrus fruits granted by the European Economic Community, and action to be taken by the United States if such discriminatory preferences are not promptly removed, and submitted a report thereon, which resolution was placed on the calendar, and the report was ordered to be printed.

NOTICE OF HEARINGS ON NURSING HOMES

Mr. MOSS. Mr. President, on April 2 and 3, my Subcommittee on Long-Term Care of the U.S. Senate Special Committee on Aging will continue its study into "Trends in Long-Term Care" with hearings scheduled in Chicago, Ill.

These hearings will be held at the University of Illinois circle campus, room 250, Behavior Science Building, Morgan and Harrison Streets, Chicago, Ill., beginning at 9:30 a.m.

These hearings, Mr. Chairman, were prompted by a recent newspaper series which reflect the result of a study of Chicago area nursing homes by the Chicago Tribune investigative task force in conjunction with the Better Government Association. The series asserted that widespread irregularities exist in inspection procedures and that nursing home residents in general are receiving very poor care.

The series in the Chicago Tribune is another example of the expanded public interest in the operation of nursing homes. The Tribune series joins previous investigations by the Associated Press, the New York Times, the St. Petersburg, Fla., Times, and the Baltimore Evening Sun, and so forth, each calling for new legislation as well as better enforcement of existing statutes.

Congressman DAVID PRYOR of Arkansas continues to detail problems in the nursing home field as he pushes his bill for the creation of a Committee on Aging in the House of Representatives. I am pleased to note that the Congressman now has some 231 cosponsors for his bill, and I am hopeful that the bill will be passed.

The Subcommittee on Long-Term Care of which I have been chairman since 1963 has conducted hearings on these problems in 1963, 1964, 1965, 1967, 1969, and 1970. In 1970 we conducted 10 hearings including investigations into

the Baltimore salmonella epidemic and the Marietta, Ohio, nursing home fire. It is my intent to issue a report to the Congress based upon these hearings and suggest what needs to be done on the Federal level.

Perhaps it is unfortunate that we must always focus on problems when we talk about nursing homes. There are many examples of good nursing homes and there are innovations which serve the public as well as the patient. Once such example is provided by the Nampa Drug Co., in Nampa, Idaho. Although I have not seen this system personally, the description of the program which seeks to control the flow of drugs going to nursing home patients is most interesting. I am grateful to Senator CHURCH, chairman of the committee, for calling it to my attention.

I submit herewith the information supplied to me by Mr. John Rawlings about this program along with an excellent article on nursing homes found in the March edition of the AFL–CIO Federationist.

I ask unanimous consent that the letter and articles be printed at this point in the RECORD.

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

NAMPA DRUG,
Nampa, Idaho, January 26, 1971.

Hon. FRANK E. MOSS,
Chairman, Subcommittee on Long-Term Care, Special Committee on Aging, U.S. Senate, Washington, D.C.

DEAR SENATOR MOSS: Thank you for your recent letter and for the copy of the testimony given at the hearing before your subcommittee. It is encouraging to note that attention is being given to conditions existing in nursing homes.

Such interest was bound to result when Medicare made it possible for nursing home beds to increase more rapidly than hospital beds. The nursing home business has burgeoned at an astounding rate, and the related health professions have actually been unable to keep pace.

Our interest in nursing home patient care arose out of the fact that we were providing many patients with prescription drugs, and once the prescription was delivered to the nursing home, we had no knowledge of its administration or disposal. We were also concerned with the amount of drug waste resulting when patients died, were removed to a hospital or a home, or medication orders were discontinued. We recognized another very real problem: nursing homes have trouble attracting competent personnel, and this situation inevitably leads to extensive drug misuse and abuse.

Realizing these problems, we did a good deal of research into the concept of hospital pharmacy known as "unit dose," where every single dose of any medication is accounted for, and accountability becomes the joint responsibility of the prescribing physician, the pharmacist and the medication nurse. Documented studies abound of how unit dose has cut down drug abuse and waste in conventional hospitals. We felt that the same care and precision could and should be applied to medication distribution in nursing homes.

Accordingly, we worked out a system to provide pharmacy service to first one, and then all three, of our local nursing homes. This system is described in the enclosed reprint of an article from a trade magazine. Since we first instituted the system in June, 1969, we have assisted pharmacies in neighboring cities, across the state, and soon in Utah, in implementing similar programs. Signally, monetary kickbacks to the nursing homes (unfortunately commonplace in many drug supply setups) have been eliminated from the systems implemented locally. We might say here that while at least one pharmacist, in Ohio, has developed a controlled distribution system that is being marketed throughout the United States, we have not "sold" our program to anyone, although dozens of pharmacists from neighboring states have come to see the system or have inquired about it. We feel that we have a highly professional program that can benefit nursing homes and pharmacies, and have shared our experience on that basis.

You may not be interested in reading this entire article, so I might summarize the advantages of the unit dose system over the conventional prescription system where medication was sent to nursing home patients in 30-day supplies:

1. The cost per-dose per-patient is a fraction higher as compared to a conventional system, but because patients do not pay for medications they do not consume, the net cost is actually no more; the savings more than balance the increment.

2. Because of the system of keeping the patient medication records, the servicing pharmacy knows *all* the medications any patient is receiving, and we have had numerous cases where this knowledge helped avoid drug interactions which could have been serious.

3. The series of checks established from the doctor's order through the pharmacy and through the medication nurse has reduced drug administration errors to less than 1%. This figure is significantly low; hospitals average 6% errors, according to a study made by Dr. Kenneth Barker of the University of Mississippi.

4. The emergency board described in the article has saved numerous patients trips to the hospital for treatment of respiratory, coronary or diabetic trauma.

We like to think that this effort reflects the deep concern of responsible professionals for what is a real social phenomenon, one which will proliferate still more in the future. As we have indicated, hospitals are finding unit dose drug distribution systems to be the answer to many drug headaches. It is our firm belief that unit dose offers at least one solution to the drug problems inherent in most nursing homes and will become standard procedure in the better-operated institutions. Nursing homes are in greater need of such systems than hospitals.

We thank you for your interest.

Very truly yours,
JOHN L. RAWLINGS, *Pharmacist Manager.*

UNIT-DOSE PACKAGING SPURS OPTIMUM THERAPY IN "PROJECT ECF"

(By John L. Rawlings, R. Ph. and Donald R. Mathieson, R. Ph., Nampa Drug, Nampa, Idaho)

Nampa Drug is a community pharmacy located in the Owyhee Shopping Center in Nampa, Idaho (population 20,000). Prior to June, 1969, Nampa Drug was one of 5 community pharmacies supplying drug services to 3 nursing homes in Nampa. This study deals with the implementation of a unit-dose system—based on principles designed in hospitals—to deliver rational drug therapy to patients of Parkview Manor Nursing Home—a 100-bed extended care facility located in our area.*

To establish this system, Nampa Drug had to become the sole supplier of the drug elements of health care to Parkview. In addition, it was essential to have the system approved by the Idaho State Board of Pharmacy and the Licensing Division of the Idaho State Board of Health. Another vitally interested party was the Department of Public Assistance, County Welfare Department. Finally, the success or failure of the entire project depended on full participation by members of the patient-care team at Parkview Manor.

"Project ECF" is the story of a cooperative venture in health care by professionals deeply concerned with better care for elderly patients.

Can the consultant or community pharmacist provide rational drug therapy for the ever-increasing number of patients in the nation's nursing homes? This question is being asked by the consultant pharmacist himself who recognizes his moral and legal responsibility to upgrade his professional practices and procedures. It is on the lips of those in private and government sectors who are demanding better health care for the elderly. Finally, there are those health care professionals who feel that the consultant pharmacist lacks the experience and expertise to develop better delivery methods for the drug elements of health care to the nation's nursing homes.

Without going into the many and varied relationships that can exist between the community pharmacy and the nursing home certain factors should be considered when discussing the general plight of the community pharmacist.

The "choice of vendor" concept which permits patient or nursing home to select many suppliers for medication needs is questionable—in light of modern demands. The entrance of government and other third party payees into the health care field has meant that great numbers of elderly patients who would have been hospitalized in the past are now in nursing homes. They require the type of sophisticated care, including drug therapy, normally provided in hospitals.

MANY SUPPLIERS: LOSS OF CONTROL

Where the pharmacist is one of many suppliers, he loses control of the medication at the moment of delivery to the nursing home. It is fairly common to find different pharmacies supplying prescriptions for the same patient.

The traditional system whereby the community pharmacy delivers prescriptions to the nursing home has inherent shortcomings. In this system, a 15- to 30-day supply of medication is placed on the drug room shelf of the nursing home. The nurse must select a drug from as many as 500 to 600 assorted bottles (based on 100 beds). This creates a massive storage problem at nursing stations. Not only does this increase the possibilities for medication errors (a rate that may run as high as 15%), but often nurses are burdened with the inconvenience of ordering from multiple drug sources. There has to be a better way.

Before Project ECF, the situation at Parkview Manor was typical of the arrangement many retail pharmacies have made with many nursing homes. Through no one's neglect, but rather due to the rapid increase in nursing home beds in recent years, a drug supply situation had developed which was less than ideal. Nampa Drug supplied individual prescriptions to a number of patients in the home—patients whose prescriptions and refills required deliveries to be made almost daily. Once delivery of the drug was made to the nursing home, the pharmacy no longer had control over the medication or knowledge of its disposition. Thus, Nampa Drug was in the position of sharing the legal and moral responsibility for a distribution system which was beyond its control. In some instances, Nampa Drug was not the only retail pharmacy supplying medications to the same patient. The possibilities for errors and drug interactions that exist in such a situation have been well documented in the literature. In addition, shrinkage of patients' drug supplies due to waste has to be extensive in this

* Project ECF began at Parkview. It was soon extended to include two other nursing homes (an additional 140 patients).

type of operation. It was estimated that discard medication—arising from discontinued orders, transfer, or demise of the patient—cost the average Parkview resident an estimated $3.55 per month.

UNIT DOSE OFFERS A SOLUTION

The desire to effect change led to an examination of various systems. This search led to unit dose. If the unit-dose concept was being utilized successfully in hospitals, why wouldn't it be adaptable for use in nursing homes? The accepted benefits of unit dose systems seemed to hold the answers to many of the thorny problems that confronted us. Unit dose promised:

To reduce the possibility of medication errors;

To provide nurses with more time for patient care;

To reduce preparations and dispensing time;

To avoid loss or waste of unused doses;

To permit more accurate and equitable medication charges; and

To facilitate a justifiable unit charge.

Of particular interest was the work done by Donald Beste at Providence Hospital in Seattle.[1] This system called for a duplicate copy of the physician's order to be received by the pharmacy. Medications in this system were packed in a single-unit form, and transported to the nursing station in cabinets with individualized drawers for each patient. It also called for the nurse to record the medication on a medication administration record in the patent's chart at administration time. We were convinced that ths system could be modfied to apply to nursing home needs.

EVERY 24 HOURS

Parkview Manor, a progressive extended care facility, was sufficiently impressed with the advantages of the unit-dose concept that it considered and accepted the Nampa Drug challenge. For its part, Nampa Drug promised delivery of unit-dose medications for Parkview residents every 24 hours. We prepared an area in the pharmacy for single-unit packaging and made the necessary capital investment to insure implementation of the system. We were determined that it would be a total system—one that could serve every patient.

Prior to the establishment of the unit-dose system at Parkview, the program was presented formally to the patient-care team at Parkview to assure them that it would enhance their value to their patients and greatly simplify their medication procedures. A similar presentation was made to members of the staff at Mercy Hospital in Nampa, because physicians from the hospital treat the residents of all the nursing homes in the area. Their reactions were generally favorable.

From the inception of our unit-dose approach, we were in the market for single-unit packages for our oral medications—both liquid and solid. For injectable items, we used prefilled cartridge-needle units Tubex and—where prefilled units were not available—we used disposable single-use, empty cartridge-needle units.

Unfortunately, we were not able to purchase single-unit packages or oral solid and liquid medications in varieties wide enough to fill all our needs. This meant that we had to package those items *not* available commercially. To get into the production of single-unit packages, we purchased an Autobag packager for oral solids and for liquids—a Universal Capsolut made in Denmark for Owens-Illinois. The Capsolut caps 15- and 30-cc. Unipak vials for liquids. These packagers, while easy to operate, required the services of a technician. Working under the supervision of a pharmacist, the technician can package 450 tables or capsules per hour on the Autobag packager. Single-unit vials for liquids can be filled at the rate of 100 per hour.

At the time of packaging, the lot number is recorded, and a pharmacist checks to see that the proper medication is going into the package. This identification is checked again when the prepackaged unit doses are placed in alphabetically-arranged boxes which line the unit-dose packaging area in the pharmacy. Originally, this was done in the main pharmacy lab of the drug store. But having added two more nursing homes to the initial program, we have arranged a place in the pharmacy where the technician and pharmacist can work without interruption. Finally, using a Graphotype (purchased secondhand), we made plates for labeling drugs in the packages, patient-labels for medication drawers, patient profile sheets, and monthly bills.

PATIENT PROFILE AND PHYSICIAN'S ORDER

It was determined that a patient profile sheet would be made for each patient, showing medications he was receiving. The work-up of the patient profile was very revealing. The average patient was using at least 6 different medications, some of them more. Nurses had been putting up nearly 800 doses daily from 500 to 600 individual prescription bottles. We could get to know the patients' names and something of their medical history. It was clear, too, that the profile offered the opportunity to detect possible drug interactions, because some patients were being treated by more than one physician. In addition, the pharmacy fills the patient drug order from a patient profile. The profile has been prepared previously by the pharmacist—from a direct copy of the medication order as written or dictated by the physician. If the medication order is phoned to the pharmacy, the copy of the order is picked up at the nursing home by the pharmacist or his representative on the next visit to the nursing home. This must be accomplished within 24 hours after the order is received by the pharmacy. The profile sheet printed on self-duplicating paper has undergone many improvements since we began. The latest revision not only has spaces for daily medications dispensed and returned, but also has space for occasional medications and sundry items so that the duplicate profile can be used, effectively, as the monthly bill.

HOW THE SYSTEM WORKS

Medications are provided to the nursing home facility in 20-drawer cabinets. Drawers are divided into 5 sections—each section representing the hour of the day at which the dose is to be given. There is also a section at the back of the drawer for "prn" medications. Because the drawers are filled by a pharmacist from orders called off by a technician from the profile sheet, we found it best to designate each section with unrelated letters, i.e., A—8 p.m.; N—1 p.m.; P—5 p.m.; H—bedtime; X—prn.

At the same time the drawers are filled, any unused doses are noted on the profile sheet. Filling a drawer with enough medication for one patient and maintaining his profile for 24 hours takes about one minute per patient.

Two sets of cabinets are used in this system. The filled cabinets are delivered to the nursing home once a day. At this time, the empty cabinets are returned to the pharmacy for filling. The cabinets are taken directly to the ward nursing stations where they are checked for accuracy by the nurses against the patient's medication charts. After the crawers have been checked, the cabinets are placed on utility carts ready for the next "med" time. Because the medication is not removed from the unit-dose package until the drug is administered, there is no loss of drug identity in a souffle cup or medication cup. This system of double checking has greatly reduced the possibility for medication errors. At the same time the cabinets are delivered, orders for new medications are picked up and delivered to the pharmacy.

SPECIAL PROCEDURES

Narcotics are provided in patient drug cabinets as ordered. The pharmacy accepts the order of the physician to the nursing home as his authority for dispensing the narcotic. A copy of this order is placed on file at the pharmacy. In addition, the nurse's written order is used as authorization for the dispensing of "prn" doses. This system has the approval of the State Board of Pharmacy and the Licensing Division of the Board of Health because there is less chance of misappropriation of drugs than there is under a traditional system of dispensing narcotics for a given period of time.

Automatic stop orders are in effect for all medications. Adverse drug reactions are reported immediately to the director of nursing who informs the physician.

One of the most important responsibilities of the consultant pharmacist—relative to the nursing homes he serves—is the establishment of an emergency drug supply. Nampa Drug set up an Emergency Board in the nursing homes it services. Attached to this board—which is kept in a locked cabinet in the home—are individual plastic packages which contain all the injectable elements necessary for cardiac, respiratory, diabetic, and other common emergencies. A list of these medications by name and action (heart stimulant, sedative, etc.) is affixed to the inside of the cabinet door, so that the nurse can inform the doctor what is immediately available for emergency use. Emergency injectables are supplied in Tubex sterile cartridge-needle units. Where medication must be reconstituted from a vial, a sterile cartridge-needle unit containing water for injection is supplied. Medications used from this board are replaced the next day. These emergency drugs are the property of Nampa Drug—until used.

The implementation of the unit-dose system at Parkview Manor Nursing Home and other homes availing themselves of Nampa Drug Project ECF program has resulted in the realization of our initial objectives. The various state agencies and the State Board of Pharmacy are satisfied that the Nampa plan—which they approved—has helped assure rational drug therapy for patients in these nursing homes. At present, a study is underway that will demonstrate the cost factors for the State Department of Welfare in Idaho.

A CHALLENGE

It is the conviction of the professionals associated with the Nampa project that this system can work to the benefit of all interested parties. Admittedly, this type of total pharmaceutical service means longer hours in the pharmacy, more night calls, and emergency deliveries. However, the challenge to practice this type of clinical pharmacy and the knowledge that it results in better patient care is both rewarding and stimulating.

[From AFL–CIO American Federation, March 1971]

THE CRY FOR ADEQUATE NURSING HOMES

(By Vaughn Ball)

An increasing number of older Americans are living out their years in one of the nation's 24,000 nursing homes.

For some, the nursing home represents a brief transitional period between hospitalization and full recovery. But for many, it is the final home, reflecting the changing nature of American society and family life.

When a family is unable to take care of an elderly parent, when a once-active person is bedridden or incapacitated, when special care

[1] *Beste, D. F., Jr., "An Integrated Pharmacist-Nurse Approach to the Unit-Dose Concept,' Am. J. Hosp. Pharm. 25:397 (Aug.) 1968.*

or special diets are needed, the nursing home is often called on to fill the need.

For the fortunate few, there are luxurious establishments—with prices to match the decor. But even a handsome building and charges that strain the budget are no assurance against neglect or even inhumane, demeaning standards of care.

The quality of nursing home care is of real concern to all Americans, not just those directly affected.

Certainly, it is the concern of the trade union movement. For labor has battled over the years to establish the principle that workers have a right to share in the fruits of their labor at every stage of their lives.

At its February 1971 meeting, the AFL–CIO Executive Council noted that unions "have fought with some success for the right of children to grow and learn in health, for the right of workers to provide decently for their families and for the right of aging Americans, when their years of labor are over, to live out their lives in dignity and comfort."

But do the great majority of America's nursing homes provide that essential "dignity and comfort?"

The nursing home industry is big business. Last year, Americans paid out nearly $3 billion to nursing home operators. Charges of $500 a month or more are common.

All credit to those homes that provide the services they promise—decent accommodations and attentive care.

But the shortcomings in this expanding industry have been revealed periodically—and these revelations have included some shocking scandals.

There have been reports of helpless patients left to rot in untended beds; about patients kept in a drugged stupor so that they will be easier to manage; about doctors making huge profits—often from government-financed programs—by walking through a nursing home, glancing at medical charts and charging big fees for the care of each patient.

In the worst establishments, careless food handling and violations of fire codes present hazards to life.

State and local inspection programs are often hopelessly understaffed and underfinanced. When violations are reported, enforcement too often is lax.

The federal government has made scarcely any effort to establish and maintain humane standards or to police the expenditures of millions of dollars in federal funds paid to private nursing homes on behalf of patients covered by Medicaid, which provide medical care for the poor. Shamefully, the U.S. Department of Health, Education and Welfare has only a single employe, working part time, to enforce Medicaid regulations concerning nursing homes.

Although the Medicare program for the elderly is more carefully regulated by the federal government, it too has its shortcomings.

Medicare payments are given only for short-term, post-hospital treatment requiring skilled nursing care and standards are considerably higher.

Nevertheless, only about one-third of all homes approved for Medicare fully meet federal standards. The Social Security Administration still allows institutions that are in "substantial" compliance to continue to receive federal funds. The staff of the Senate Finance Committee has recommended that only homes fully meeting standards be allowed to participate.

Seldom does any authority—state, local or federal—check on reports of nursing home patients being used as guinea pigs by doctors and drug companies testing new drugs.

Wages paid in nursing homes in many parts of the nation are often too low to attract competent employees and new workers seldom receive adequate training for their important tasks. The labor turnover is the highest of any industry.

Increasingly, nursing homes are run as a big business with a chain of institutions controlled by a single individual or corporation.

The demand on the manager of each institution is to return a profit to the owners. Too often, this is accomplished by cutting down on services and quality of food.

These abuses are not, of course, universal. But they are common enough to demand federally-enforced remedial action.

Any program that spends nearly $2 billion of public funds must be controlled and decent standards must be enforced to insure that patients will receive adequate care.

The AFL–CIO has called on the Administration and Congress to take the following eight steps as the minimum required:

Encourage nonprofit institutions providing nursing home care by including them in all programs, gradually phasing out public financing of institutions motivated by profit.

Develop alternatives, such as home health aides and homemaker programs, to enable patients to remain at home unless compelled for medical reasons to enter a nursing home.

Require nursing homes to provide planned programs of rehabilitation, in cooperation with qualified hospitals, for all patients who can benefit from them.

Provide adequate inspection programs to assure vigorous law enforcement. Inspections should be frequent and unannounced and nursing homes that fail to remedy defects promptly should be closed.

Instruct HEW to promulgate minimum standards for operating a nursing home, uniform for both Medicare and Medicaid.

Require licensing under federal standards of all nursing home administrators, vesting responsibility for licensure in a board controlled by persons with no financial interest in any nursing home. Licensure should aim at raising standards for qualification to a level that will insure that only trained and qualified persons will operate nursing homes.

Close immediately every nursing home that fails to meet adequate fire and safety standards. Require preparation of emergency escape procedures and instruction of both staff and residents in carrying out such procedures.

Upgrade the quality of service in nursing homes by providing decent wage levels and good working conditions, as well as adequate training programs for nursing home personnel. Government programs in this area should incorporate and strengthen the training and upgrading efforts already put in effect by unions of workers in the health-care field.

The ills that these eight steps are designed to cure outline what is wrong with the nursing homes of America. The root of the problem lies partially in the nature of a changing nation. At once more populous and more mobile, the nation finds its old ways no longer sufficient.

Care for the elderly was formerly a family function, most often on the family farm, which sustained everyone from grandparents through infants. But the rapid urbanization of recent decades has drastically altered that picture. Demands for living space and job opportunity scattered the members far from the family unit.

Today's population aged 65 and over was born in the early 20th century, in years when America's population soared at a phenomenal rate—from 60 million in the 1890s to 91 million by 1910. In those days, only 4.5 percent of all Americans were aged 65 or over while today almost 10 percent are over 65. And with a 1970 population of over 200 million, there are not only more elderly, but more Americans of every age, with consequent social needs which must be met.

The needs of the elderly, like so many other functions of society, have passed by necessity from the hands of the family to the hands of society as a whole. Social Security, Medicare and many other social programs have evolved from that necessity.

Nursing home care is one need that has not been adequately met. Of the 20 million Americans aged 65 and over today, some 1 million, or a full 5 percent, are in nursing homes. And in the few years since 1965, the number of people in nursing homes has doubled.

This growing segment of the population is cared for in several types of institutions which are popularly referred to as nursing homes. The institution designated by Medicare to provide post-hospital care for patients is called an extended care facility. Contrary to this name, it doesn't extend care for a long period of time. Its main purpose is to provide a less expensive bed during the recuperating period in which the intensive services of a hospital are no longer needed. A limit of 100 days is placed on the payment for this facility by Medicare.

Another facility called a nursing home by the general public is the skilled nursing home as identified in the Medicaid law. But since it is a joint federal-state effort, it is actually 50 different programs. This facility should very closely resemble the extended care facility under Medicare, but the standards have been somewhat lower in most states.

Other facilities often called nursing homes are those custodial homes that provide a certain amount of personal care service to individuals unable to care for themselves to one degree or another.

All of these facilities can be of use to the patients and to the community under the general title of nursing home.

These institutions—and their shortcomings—have come under periodic scrutiny from the news media, from congressional committees and from concerned public officials. The problems, in short, have been cited, but the kind of comprehensive action needed for a remedy has not been undertaken.

Several of the groups which have conducted investigations, including the Senate Special Committee on Aging, the National Council of Senior Citizens, Rep. David Pryor (D-Ark.) and others, have exposed some of the terrible abuses. Besides the careless food handling, fire hazards and "gang visits" by doctors, there have been revelations of unscrupulous officials collecting federal money by continuing to carry the names of patients who have died and "double" collecting under both the Medicare and Medicaid programs. Individuals have had their public assistance money confiscated or have signed "life-time" contracts in exchange for their estates.

While providing the needed criteria for change, these revelations have also served to increase the fear of nursing homes and thus add to the trauma of an elderly person facing the necessity of going to one. This trauma is often shared by a family, most likely a middle-aged couple with the growing responsibilities of teen-aged or college-aged children.

Although the decision to send an elderly parent to a nursing home may be absolutely unavoidable, still the family is guilt-ridden by forcing the issue—and simultaneously stunned by the $300 to $700 monthly costs that are now prevalent.

Only a wholesale correction of the impact of "living in anursing home" can ease this experience. At the root of the needed correction is the question of who is responsible for the state of the nation's nursing homes.

Responsibility would seem to lie with the owner of the nursing home. But the owner is often a corporation, formed to take advantage of available federal money for construction and patient care. Or the owner is simply an investor, attracted because nursing home securities have been referred to as

"the hottest stock on Wall Street." With 90 percent of the nation's nursing homes run for profit, it is a good bet that the owner will not be physically present at any one home.

The owners' organization—The American Nursing Home Association—represents them well, with three main themes running through all of its arguments before public bodies: 1) increase the amount of money to be paid to the nursing homes for patient care; 2) maintain standards at least at the present level, since it is insisted that a shortage of available personnel prevents the meeting of higher standards.

Some responsibility would seem to lie with the physician. But in most cases no one doctor serves as a "medical director" totally responsible for the quality of medical care at the home. One doctor may be designated "principal physician," but the term may be meaningless. In the investigation into the salmonella epidemic at the Gould Convalescarium in Baltimore in the summer of 1970, the doctor who bore the title "principal physician" explained that it meant simply that he treated the 39 patients who had no personal physician, it did not mean that he was responsible for the total medical care of the home.

Some responsibility would seem to lie with the administrator, and indeed in the homes that are well-run an efficient, capable administrator is invariably present. But more often, the administrator is guided by the demands to cut costs in order to return a higher profit. And he is faced with the inefficiency or outright neglect of an undertrained, underpaid staff. Nursing home aides are among the lowest paid of any American workers. And like his staff, the administrator is apt to be ill-prepared for his job. One developer of a chain of nursing homes claims his best administrator is a former bakery foreman. And an investigative reporter for the Chicago Tribune found himself named administrator within 72 hours after he applied for work as a handyman.

The vacuum created by this abdication of responsibility must be filled by the general public through its various forms of government. The present situation in many nursing homes testifies to the fact that the responsibility has not been adequately assumed by government. The Medicaid program especially illustrates how state and local governments carry out only the minimal regulations that HEW has set for their participation in the program.

The first step to improvement is to phase out the profit motive. Inhumane conditions cannot help but result from the inhumane policy of allowing one man to make a profit from another man's infirmity.

Yet today, not only are 90 percent of the nation's nursing homes run for profit, but over 50 percent of them are owned by corporations or by individuals who own a number of homes.

The federal government helps to maintain this 90 percent figure by heavily favoring the financing of institutions operated for profit. The Small Business Administration lends money only to such institutions. Similarly, more than 95 percent of the funds under one section of the FHA program go to the operation of profitmaking institutions.

A nursing home operator can build or improve a facility with an FHA-guaranteed loan, then go back into the public treasury to pay it off by taking patients under the Medicare and Medicaid programs. Once this loan is repaid, he is under no obligation to take public patients.

The net result of such programs is that tax dollars are widely used to support profitmaking enterprises.

When stockholders or a balance sheet must be answered to, there is no alternative but to cut costs—and cut services, at the expense of the dietary, medical or other needs of the patient. The well-being of the patient, not the bank balance of the owner, should be the guiding motive behind the home.

Alternatives to the nursing home are a direct way to relieve the strain of overcrowding. Many of current patients do not have to be—and should not be—confined to a nursing home, because they are not medically in need. They could take care of themselves, if supportive services such as homemaker's aids and home health aids were available.

Rehabilitation is a necessity if the nursing home is ever to be more than a place to spend one's last days. Proper rehabilitative care can be provided only when the home is affiliated with a qualified hospital.

It takes a skilled person to handle rehabilitation, but the mere effort can provide a form of self-fulfilling achievement—that someone cares enough to work with you and help you improve can be a powerful force in instilling the desire to improve.

Inspection of nursing homes has a long way to go to become adequate. When the home is alerted to the inspector's impending visit, the very definition of inspection is so undermined as to be laughable.

Any hint of conflict of interest must be removed from the inspection process. And inspection should be broadened to mean not just the physical facilities but also the auditing of financial records and the like.

State and local agencies are supposed to be responsible for inspecting nursing homes. In most cases, their inspection programs are understaffed and underfunded. Inspectors who do find defects are often powerless and violators are hardly ever prosecuted.

Inspection should mean not only surveillance on a regular schedule, but also an atmosphere of openness, including availability to press, public and families, within reasonable limits.

The minimum standards for nursing homes under the Medicare program while not fully enforced at present provide a model. These requirements include:

—transfer arrangements among institutions;

—a nursing home utilization review committee;

—restorative services if so ordered by a physician;

—laboratory diagnostic services;

—a physician or group of physicians to advise on medical care patient policy;

—dental and social services.

A nursing home will be allowed to operate in 36 of the 50 states however without meeting standards such as those outlined for Medicare.

Where licensing boards are set up to license nursing home administrators the majority are controlled by the nursing home industry. If the Nursing Home Association controls the licensing board of the state, it will generally insist on low standards for licensure of administrators. Similarly, in many states these associations can exert pressure on health departments and other agencies responsible for standards.

Licensure boards set up in the states to license nursing home administrators must be constructed so that a majority of the board will not be representatives of or have a financial interest in the nursing home industry. The HEW regulations in this area need to be changed to allow for consumer participation.

The question of safety rarely comes up except in the aftermath of a tragic fire or other catastrophe. The example of the fire at Marietta, Ohio, early last year brought a delayed reaction on the part of the Social Security Administration, which finally published regulations on Sept. 2, 1970, which include the Life Safety Code—the best measure developed to date as a guideline to patient safety.

Fire is always an increased danger when patients are bedfast. Many nursing homes do not have organized fire prevention systems or methods of dealing with a fire so that all involved know exactly how to react in case of a fire. In the absence of better methods, a sprinkler system is the bare minimum needed to protect bedfast patients.

The people who work in these institutions are often paid the lowest wages and are usually given no training for their important tasks. It follows logically that the turnover of the labor force in nursing homes would be the highest of any kind of employment.

The importance of the nurse's aides cannot be overemphasized. Since they are the ones in everyday contact with the patient, their skill in relating to the patients is extremely important.

Because the pay is low and the work is physically strenuous, the job carries a very low status. As a result, many people who work as aides have personality problems of their own and shouldn't be working with frail old people. The aides take out their frustration with aggressive action, both physical and verbal, toward patients.

The aging Americans whose labor has helped make this nation great have a right to decent treatment and a right to protection from exploitation in the years of their retirement.

The workers who care for them have a right to decent wages and working conditions.

And every American taxpayer has a right to receive full value on his tax money.

Health care problems in America are frightening—to the patient, who must pay ever larger portions of his family budget for medical care, and to the medical professional, who must try to care for the health of his patients hindered by an outmoded delivery system.

What America needs as the heart of its medical care philosophy is a single primary goal—good health for all its peoples. The profit-making philosophy of the market place—to make money for those who provide and finance medical services—is not an acceptable philosophy for medical care.

The AFL-CIO believes that the National Health Security Bill is the only truly comprehensive program of national health insurance that meets the challenges of care, financing, costs, development and reform. Indeed, the goal of Health Security is health.

America has the best available medical talent—but available to only part of the society.

Consider the plight of non-white Americans who live in poverty in city ghettos and rural shacks: Their men and women can expect seven fewer years of life than more affluent Americans; their babies have as much chance of surviving as infants in Ecuador; their young mothers have about the same chance of surviving childbirth as the women of Costa Rica.

Health care is not equally provided for all Americans. It is a myth that private insurance is doing—or can do—the job. More than 20 percent of the population under 65 is not covered against the most costly aspects of medical care—hospital and surgical services. More than half have no coverage for physician home and office visits. A miniscule number have coverage for dental costs.

Under National Health Security, every resident of the United States will be eligible to receive virtually the entire range of personal health care services without deductibles or coinsurance.

Financing of medical care today is a patchwork effort of personal, private, state, local and federal funds. Medical bills are paid part by private insurance, part out of work-

ers' pockets, part out of welfare funds, part out of Medicare.

For example, state and local governments are burdened with a $2.5 billion a year expenditure for health care, plus approximately $500 million a year to provide private health insurance for their employes.

National Health Security will be financed by taxes on employers, employes, and self-employed and unearned individual income and from general revenues.

The workers' share—1 percent of wages and unearned income up to a total of $15,000—represents no new tax. Workers are now paying almost that amount toward Medicare. Further, National Health Security would significantly reduce workers' out-of-pocket, non-reimbursed medical expenses with the added bonus of better and more complete medical care.

Self-employed persons would be taxed at a 2.5 percent rate up to $15,000.

The employer's contribution—3.5 percent on payrolls—is about what many employers now pay for inadequate private health insurance for their employes. Some pay much more; some pay less; some pay none.

General tax revenues would account for the remainder of the Health Security Trust Fund—approximately 50 percent of the total. This is not all new money. Medicaid, Medicare and other medical costs already constitute a significant and growing portion of the federal budget. Health Security would absorb these costs.

The program would also result in a direct form of revenue sharing by relieving state and local governments of much of their present health care burdens. Additionally, state and local government employes health delivery systems. And their family physicians, in turn, will be free to refer patients to specialists. Patients will be freed from financial worries and will be able to seek medical care before it is too late.

An essential feature of National Health Security is the Health Resources Development Fund which will be used for health manpower education and training, group practice development and other means to expand and improve personnel, facilities and services.

Enactment of the Health Security program will create increased expectations and demands for services. The Health Resources Development Fund will come into operation two years before benefits begin. It will help insure that as people need medical care, the care will be there.

At present, health care is fragmented, disorganized, inadequate and spotty. It is a non-system—a haphazard collection of isolated and uncoordinated institutions.

The result is that care is often received at the most expensive location—hospitals—because that is where doctors are assured of being paid, when the doctor could treat the patient just as well and sometimes better in his office. Doctors and hospitals now are only paid when patients are ill; preventive medicine and early treatment are not practiced to the degree that will reduce illness and shorten hospital stays.

National Health Security has built-in financial, professional and other incentives to encourage organized arrangements for patient care and to encourage prevention and early diagnosis and treatment of disease.

Private insurance companies are unwilling or incapable of dealing with increased costs. They have acted simply as a pass-through mechanism, paying for whatever care was offered, good or bad, needed or unneeded, efficient or inefficient. Their rates go up not only to pay for increased medical costs of policyholders, but also to maintain profit margins and pay high operating expenses.

National Health Security will have effective fiscal controls by contracting with hospitals and other institutional providers on the basis of an approved budget and by maximum emphasis on pre-payment to contracting groups, such as medical and dental societies.

The program will not constrict individual liberty. Doctors will be free to choose whether or not they will participate. Doctors can be paid by all present methods. There will be no lay interference with their professional judgment. Doctors will be freed from choosing treatment and services on the basis of a patient's ability to pay. Doctors will be freed from the time-consuming paperwork of billing patients.

Patients will be free to choose their physicians and would receive comprehensive benefits at no cost to the governmental units.

The explosion in medical costs is playing havoc with budgets—personal and governmental.

Last year, the average worker spent $324 on medical care for himself—$324 for his wife and $324 for each of his children—that is 10 percent more than 1969 per individual. Medical care costs have been rising at least twice as fast as the general cost of living. Blue Cross premiums have more than doubled, on the average, since the late 1950s.

Union bargaining committees are faced with the dilemma of rising medical costs at every negotiation session. Reasonable wage gains are sacrificed for improvements in health insurance, only to find that their members' medical expenses increase faster than the increase in coverage.

Hospitals will be encouraged to increase efficiency; to cooperate in planning, purchase and utilization of new equipment and to eliminate unnecessary, wasteful and duplicative expenditures. Doctors will be given a financial stake in keeping their patients well. Care will be provided at the best—not the most expensive—location.

National Health Security is the proper program to provide quality health care for all Americans. The AFL–CIO is proud to endorse it.

We arrived at our decision after careful examination of other proposals—some substantive and some merely crude attempts to avoid needed reforms in the present system of delivering health care.

The American Medical Association's "medicredit" plan and the private insurance carriers' "Healthcare" proposal are thinly disguised efforts to protect vested interested and insurance company profits. They are bandaids, where surgery is required.

There are other proposals—such as the bills introduced by Senators Jacob Javits (R-N.Y.) and Claiborne Pell (D-R.I.) and the proposal of the American Hospital Association—which are much more substantive.

But generally, all of the proposals, except National Health Security, lack at least one of the following: equal access to health care for all people; comprehensive coverage; restructuring of the health care system; effective incentives for quality and efficiency or controls on costs; or they depend on inadequate private insurance as carriers or intermediaries or both.

It has been nearly a year since President Nixon declared there is a "massive crisis" in the area of health care and a threat of a "breakdown" in the medical care system. In that time, he has met that crisis by vetoing a hospital construction bill and a measure to provide for the training of more family doctors and he threatened to close down vitally-needed Public Health Service hospitals.

After taking one action after another to forestall urgently needed health care measures, the President has at long last delivered a health message. The President's proposals, though lengthy, are nevertheless devoid of many essential details. One or two constructive features are noteworthy, such as the President's belated recognition that pre-paid group practice can deliver better medical care at less cost and his proposal to eliminate the onerous Medicare premium the elderly must now pay.

But it is evident that the President's approach, taken as a whole, is both piecemeal and inadequate. It places main reliance on discredited private insurance which has been largely responsible for the high cost, low quality medical care we have today. Under the President's proposals, there is no indication that either the private insurance organizations or the providers of medical care would be subject to effective cost controls or quality incentives.

His proposals fall far short of meeting the "massive crisis" in health care the President has himself recognized.

The AFL–CIO urges the Congress to enact the bipartisan National Health Security Program during this session so that it will be able to go into operation in 1974. Further, we pledge our unstinting efforts to that goal. It is and will remain our No. 1 legislative goal until victory has been won.

ADDITIONAL STATEMENTS

PROTECTION AND RECOVERY OF ARCHEOLOGICAL DATA

Mr. GRAVEL. Mr. President, I am happy to support S. 1245, to extend the Federal statute which provides for the protection and recovery of archeological data. It is an excellent measure, giving long overdue clarification of what have been some pretty murky areas of Federal responsibility.

In one way or another, I have been concerned with these matters in Alaska for years. We were successful in 1959 in prevailing upon the Atomic Energy Commission to provide for archeological salvage at Cape Thompson. However, it took a bit of doing, and, when finally acceded to, it had more the aura of a favor granted than a public obligation met. There have been other occasions, like the underground test site at Amchitka, in the Aleutian chains, and the pace of these occurrences will quicken in the next few years.

S. 1245 would well serve the public interest; it is especially significant for our State, with so much land under Federal stewardship. Accordingly, I am pleased to join the Senator from Utah (Mr. Moss) in sponsoring the bill. I cannot imagine any circumstances in which passage of this legislation would be viewed with disfavor. The proposed law seems to me to be essentially apolitical, simply spelling out Federal responsibility in an area where there has for years been acknowledged Federal authority.

The one minor addition I would hope the bill's sponsor would accept would be to have line 14 on page 3, of S. 1245 amended in committee to read:

Shall notify the Secretary *and the Governor of the State in which the discovery or activity takes place,* in writing, etc."

THE PRESIDENT'S REORGANIZATION PROPOSALS

Mr. SCOTT. Mr. President, on Monday, March 29, the lead editorial in the New York Times praised President Nixon's proposed reorganization of seven cabinet level departments into four new departments. The Times stated:

It is the most ambitious reform of the Federal Government attempted since the unification of the armed services and the creation of the Defense Department in 1957.

The editorial goes on to say:

The dominant theme of the reorganization is that existing departments which serve specific constituencies—such as Agriculture and the farmers, Labor and the unionized workers—should be regrouped in terms of broad missions.

Republicans long have felt that the bureaucracy of big government has grown increasingly unresponsive to the needs of the people. For far too long, they have been poorly served by the institutions of their Federal Government.

They have been crying for an improvement in the jungle which has grown up about them. Here is a recommendation aimed at streamlining the process. At the same time, it carefully protects all those of our citizens who have made the operation of Federal machinery their lives' work. There is no need to fear the reorganization. It will not harm any individual or group. The civil service is not going to be destroyed.

Yet it is already freely predicted that the proposed reorganization will run into rocks and shoals. Opposition will be mounted partly by groups fearing their own personal situation will be disadvantaged, partly by political groups seeking partisan advantage from the reluctance of people to change a known condition—even though faulty—for an unknown.

Mr. President, because support from the New York Times is so important to the President's program, and is, therefore, so welcome, I recommend this editorial to the Senate and ask unanimous consent that it be printed in the RECORD.

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

TO REORGANIZE THE GOVERNMENT

It is not necessary to accept President Nixon's sweeping indictment of the failure of the Federal Government in order to agree with him that any big organization can occasionally benefit from a thorough overhaul. His plan, spelled out in complex legislation submitted to Congress last week, would reorganize and consolidate seven of the Cabinet-level departments into four new departments. It is the most ambitious reform of the Federal Government attempted since the unification of the armed services and the creation of the Defense Department in 1947.

The departments affected employ nearly a half million people, spend approximately $50 billion a year and administer hundreds of grant-in-aid programs. The dominant theme of the reorganization is that existing departments which serve specific constituencies—such as Agriculture and the farmers, Labor and the unionized workers—should instead be regrouped in terms of broad missions. These missions are self-evident in the names of the four proposed new departments—Natural Resources, Human Resources, Community Development and Economic Affairs.

The Department of Natural Resources, on which we have previously commented in detail, involves the least change because it is essentially a strengthening of the existing Interior Department. It would gain the Forest Service from Agriculture and policy control of the water programs of the Army Corps of Engineers. Both changes are highly desirable and have long been advocated by experts in natural resources management.

The Department of Human Resources is the Department of Health, Education and Welfare with a still broader mandate. It would acquire manpower training programs as well as the Women's Bureau from the Labor Department. This rearrangement makes excellent sense. Manpower training logically relates to the vocational, adult, and technical education programs now in H.E.W., while women's programs belong with the other social services provided by that department.

Labor and Commerce have long been the two weak sisters among the Cabinet departments. Labor's responsibilities have not been broad enough, while those of Commerce have been incoherent. President Johnson urged a merger of the two, but his recommendation foundered on the opposition of the trade unions. In the proposed reorganization, Mr. Nixon assigns most of their functions as well as many from Agriculture and Transportation to the new Department of Economic Affairs. To attempt to sweep these agencies off the bureaucratic checkerboard is easily President Nixon's boldest stroke. The resistance in Congress and the special-interest lobbies is sure to be strong, but the reasons for reform are compelling.

The new Department of Community Development would be created around the nucleus of the existing Department of Housing and Urban Development. In short whatever contributed to the strengthening of an old community or the development of a new community, whether rural or urban, would be sheltered under a single departmental roof.

Unquestionably, the committees of Congress and interested public groups will argue the merits of specific changes. In any reorganization of this magnitude, there are gray areas where the choices are hard and the decision could easily have gone the other way. Nevertheless, the President's plan moves in the right direction and the detailed reasoning behind most specific changes is persuasive. Even if it did not achieve the broader philosophical objectives which he envisages, President Nixon's reorganization plan would produce tangible gains in efficiency and in improved delivery of services to the ordinary citizen.

THE WINDWARD OCEANOGRAPHY INSTITUTE

Mr. RIBICOFF. Mr. President, the 1970's may well be remembered as the beginning of the age of ecology. All of us are beginning to recognize how delicate the balance of nature is and how easily our everyday activities can damage it.

Future environmental control will depend upon increased public awareness. If our children today develop a concern for the environment, the earth may some day return to a healthy state.

To accomplish this, schools across the Nation have initiated projects for ecological research and education. The Windward Oceanography Institute, of Rowayton, Conn., has been a pioneer in environmental education. The institute is designed, according to its director, Dr. Howard Weiss, to develop "an awareness in young people of the educational opportunities and excitement in this field, which is receiving so much attention all over the world today."

The institute's programs have caught the public's eye as its students try to understand and solve the problems facing Long Island, which is rapidly becoming an ecological disaster area.

I ask unanimous consent that an article outlining the institute's programs and progress, written by Charles Friedman, and published in the New York Times of March 28, be printed in the RECORD.

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

MARINE ECOLOGY, RATHER THAN SUMMER CAMP, IS WHAT'S TURNING YOUTH ON

(By Charles Friedman)

ROWAYTON, CONN.—Somewhat to the surprise of parents, many youngsters here aren't thinking about camp or the usual recreational hijinks when summer comes. For instance, one 10-year-old set off vibrations at home when he announced:

"Say, I guess I'll take up some marine ecology."

The new, universal awareness of water pollution and the dangers of upsetting the ecological balance has not bypassed this little community on Long Island Sound and its surrounding area. Children and adults are becoming increasingly involved, thanks to the Windward Oceanography Institute, which was organized a year ago as an offshoot of the Windward Sailing School here.

"Our boys and girls are finding that the wonders of the space world are matched by the wonders of the world of water," said Dr. Howard Weiss, the 28-year-old director of the institute, a marine ecologist, as he worked to fit out the "floating lab" that will be a second home to youngsters during July and August.

First of all, he emphasized, the institute is not just a sounding board for promulgating facts about the ocean.

"We are delving into problems of marine biology that need solving," he explained. "We hope to develop an awareness in young people of the educational opportunities and excitement in this field, which is receiving so much attention all over the world today."

That his program may be "getting through" is attested to by the increase in applications for enrolling in the institute. Last year tuition was $475, but Weiss is hoping that funds from a foundation set up by Herman Shepherd, a Connecticut businessman who founded the institute, will be sufficient to reduce the cost this summer.

The institute has become a sort of postgraduate adjunct to the sailing school, which is older and regarded as first-rate by expert observers. But the floating lab is drawing considerable interest. Students are brought in by buses and are on the water from 9 A.M. to 3 P.M. five days a week. On board are marine educators and scientists who help expose them to real-life situations. The students must bring bathing suits, towels and lunches, but all equipment is provided by the institute.

Courses are varied and include fishing, diving, exploration of submarine life, scientific experiments and field trips to shore areas linked to oceanographic interest, including visits to marine-oriented industries.

By now the institute's boats are familar as they ply the waters around Rowayton, Norwalk and the Norwalk Islands. When the weather is bad, land activities are set up at waterfront properties and buildings owned by the institute.

As they sail out to Long Island Sound, which experts have labeled an "ecological disaster" because of the sewage and industry waste that is poured into it, the youngsters get busy with nets and dredges. A team analyzes the Sound's chemical properties at various depths and distances from the mouth of the noisome Norfolk River. Others measure currents, collect plankton and other

floating organisms and trawl the bottom for shellfish and sludge.

Later, they confer on the findings. "I never used to give it thought," said one youth, "but now I can't stand to see anybody throw a beer can overboard."

Weiss is constantly surprised and delighted at how his pupils, who range from elementary school to college age and include some adults, grasp and go about tackling the projects. Their enthusiasm has led the institute to start a cooperative program with public schools in Fairfield County to supplement the schools' science studies.

In addition, it is expanding facilities to handle teacher-training and research for city, state and Federal agencies.

But the main focus is on the youngsters—the scientists and planners of tomorrow. It is through them, moreover, that parents are showing concern over environmental affairs, according to Weiss.

"In our house, ecology is no longer a foreign word," one parent wrote the institute. "We've learned quite a few things from our children."

The institute operates on a nonprofit basis. Last year it was limited to 53 students, but Weiss expects to be able to accommodate more this summer.

"It's a fast-changing world for kids," he says. "Most schools in the country are years behind. They don't teach about the environment. They just teach facts."

What is especially exciting about the institute, he adds, is that youngsters are learning "by helping us learn."

Shepherd, whose business is aerosol packaging, gets satisfaction from watching boys working with scientists. As a boy in Brooklyn, he spent considerable time at the Botancial Garden and became friendly with the botanists there. It was an experience he always remembered and it led him to set up the institute.

BENEFITS OF FREE TRADE

Mr. FANNIN. Mr. President, we hear much theory these days about the benefits of free trade. Economists dealing with figures, charts, and graphs speak glibly of the shift of industries from nation to nation.

What is often ignored in our abstract discussions of industries and trade is the fact that people are involved in all of our decisions.

It is wonderful that a consumer in Massachusetts can purchase an imported garment for a few cents less than he might pay for American-made clothing. But as a result of this circumstance, some textile worker in a southern city may be out of work and his family may be placed in desperate straits.

It is difficult not only for individuals, but for communities and even small cities, as well, to adjust to the hardships being caused by the increased foreign competition.

Sunday's New York Times contained an article which provides a good illustration of what I am talking about. I ask unanimous consent that it be printed in the RECORD.

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

TWILIGHT OF A TEXTILE TOWN

(By Ray Jenkins)

ROANOKE, ALA.—While the United States and Japan debate the complex issues of trade quota agreements, this Alabama city of 5,000 is feeling the economic squeeze on the American textile industry in more dramatic and human terms.

Roanoke's second largest industry, the Rolane Manufacturing Company, will cease production of women's panty hose at the end of this month. A total of 440 workers will be out of jobs.

Rolane's closing comes only a few months after an even more devastating blow struck Roanoke, which is in east-central Alabama near the Georgia line. Last November, Handley Mills, Inc., which had been the town's leading industry for 70 years, went bankrupt and put 844 textile workers out of work.

One source estimated that 62 per cent of all jobs in Roanoke had been eliminated by the double blow. And many of the Rolane workers were the wives of men who worked at Handley.

Handley and Rolane are among 50 textile plants in the South that have shut down since 1969 because of bad market conditions, higher prices, high interest, but, above all, competition from foreign textile producers. The Department of Labor has estimated that 27,200 Southern textile workers lost their jobs in 1970 alone.

"And a hundred more plants will close next year if something isn't done," a Handley executive predicted.

Clyde Hartley, manager of the local state employment service, predicts that when Rolane is shut down, the joblessness rate may go above 25 per cent here.

Clyde Pike, 56 years old, is typical of Roanoke's unemployed, except that his situation is complicated by illness. Mr. Pike went to work at Handley Mills in 1930 at the age of 16. At the time the mill closed he was a "slubber tender"—mill jargon for a worker who tends a machine in the yarn-making process.

Mr. Pike was paid according to his output, earning about $18 a day. For almost two years he had worked seven days a week. "I didn't take off but four Sundays in 20 months," he said.

As did many of his fellow workers, he sought employment in a mill in a nearby textile town. But it was discovered that he was suffering from a hernia, and had to have surgery. As a result, he lost his $50-a-week unemployment compensation because he was no longer available for work. His savings are now down to about $100. He thinks his two sons—both of whom have moved from Roanoke—will help out if it becomes necessary.

As do many of his fellow employes, Mr. Pike lives in a small white frame house that was once owned by the mill. He bought the house in 1954 and since then he and his wife have added two rooms, working in their spare time.

Since 1920, financial control of Handley Mills has been in New York. Its last owner was Frank B. Cavanagh, who acquired the mill in the early nineteen-sixties and began to modernize its machinery and marketing policies.

In 1966 Mr. Cavanagh brought James R. Eichelberger to Handley as general manager. Mr. Eichelberger, whose parents had worked in the mill, went to Auburn University, where he earned a degree in textile engineering.

Mr. Cavanagh spent $6.5 million over a six-year period upgrading the mill's antiquated machinery. At times the interest cost was as high as $800,000 a year.

"We did real well in 1966 and 1967," Mr. Eichelberger said. "But we began to hurt in 1968. It was always a struggle to stay a jump ahead of the import competition. Then in 1969 the bottom sort of fell out. We took a real bath."

Last October the bank notified Handley Mills that no more money would be advanced. The corporation went into bankruptcy in New York, listing debts of $8,440,188 and assets of $4,996,328. Mr. Cavanagh, the company president, also filed personal bankruptcy, having put up some $3.5-million of his own to guarantee the obligations of the mill.

As Prof. Cleveland L. Adams, head of the department of textile engineering at Auburn, see it: "Our mill owners are trapped. If they don't modernize, they can't compete. If they do modernize, they can't bear the high interest rates of short-term loans."

Mr. Eichelberger said he felt Handley had "turned the corner" and was on its way back to prosperity when the closing came. "But I guess everybody just sort of lost faith." And he added a rueful footnote: "We were just getting ready to move the corporate headquarters down from New York. It would have been the first time in fifty years that control of the mill would have been in the hands of the people living in Roanoke."

The import situation is blamed for the closing of both plants. "Indian imports put us out of business," a Handley executive said. "There was one big mill in India putting out the same duck [a heavy cotton fabric similar to canvas] that we were making—the duck used in tennis shoes and sneakers. And it's beautiful duck, better even than we made. It's made with better cotton. Our Government gives them the cotton, by the way."

"I predicted nine months ago that Rolane would close," the Hanley executive continued, "because I knew Germany was getting into the panty hose production in a big way."

Recently Jonathan Logan Company announced it would open a plant in Roanoke to manufacture women's wear, but it will employ less than 300 and will not be in operation for another three months.

As the expiration of unemployment compensation in May approaches, anxiety is growing. "If I walk downtown to get a haircut, it takes me two hours to get back," said Roy Reeves, president of the City Bank of Roanoke. "Everybody's asking, 'What can we do? When will the mill reopen?' I tell them we're doing everything we can."

Almost every institution has felt the economic disaster. Church collections are down; savings accounts are rapidly being depleted; city revenues are short, and some businesses are closing.

Churches in neighboring towns have organized a "Samaritan Fund," which now stands at more than $3,000, to handle emergencies among Roanoke's unemployed. Alabama has no general welfare assistance for such people. Moreover, Roanoke has no food stamp program, but does distribute surplus commodities.

Among the mill people one finds a calm, austere fortitude and a stubborn faith that the mill will somehow run again.

One such man is Lumos Looser, who spent his life in Handley Mills. He went to work there in 1918 at the age of 14. His pay was around $9 a week for 60 hours, "and you never really did know when you were going to get paid," he said.

"Sometimes we had to go to the office two or three times a week to get our pay," he recalled. Mr. Looser was among those working at Handley when the mill closed for 13 months in 1920. Although his own future is now secure because he draws Social Security, he shares the faith that the mill will reopen soon. I just don't believe the mill will be closed as long as it was in '20," he said. "I just got that feeling."

The Rev. Ralph Worley, whose Congregational Christian Church is made up largely of unemployed mill workers, thinks the experience "has drawn people closer together." He said: "In all this crisis the greater concern has been for the other person. It seemed like everybody was concerned about somebody else. Of course there has been anxiety, but there hasn't been any despondency. It caused people to become more spiritually minded.

"You know, it might not be a bad experience for the whole country. I don't mean a depression, mind you. But just a little reminder that we can become too dependent upon material things."

CORPORATE INITIATIVE AND THE ENVIRONMENT

Mr. RIBICOFF. Mr. President, there is a growing realization on the part of all Americans that governmental action alone cannot solve the environmental problems we face. Industry also has a major role to play if we are to provide coming generations a decent world in which to live.

The call has gone out for corporate initiative, but the reaction has been limited. A major corporation in Connecticut has, however, demonstrated its concern. The Southern New England Telephone Co. used recycled paper in its 1970 annual report, thereby saving 306 trees and reducing the air pollution which would have resulted from burning the otherwise unused waste.

By itself, this is only a small savings. But consider the impact if every corporation took similar action. The air would be cleaner and thousands of acres of forests would be saved.

In addition, the use of recycled paper is only a beginning. Imaginative leadership from our corporations will enable them to take other steps to lessen the strain on our environment.

The Southern New England Telephone Co. is to be congratulated for taking the initiative and setting an example for other companies to follow.

ANDEAN CODE ON FOREIGN INVESTMENT

Mr. JAVITS. Mr. President, on February 1, in a speech in New York, I pointed out that the Andean Code governing private foreign investment could work in reverse and have adverse effects on the aspirations of the Andean people's need for development through private foreign capital inflows to the detriment of the economies of those nations adhering to the code.

The Council of the Americas, a U.S. business association of 210 corporations which represent some 85 percent of U.S. private investment in Latin America and are therefore vital to Andean development has now made a clause-by-clause analysis of the proposed, new code after polling executives of the following industries active in the Andean bloc: automotive industry, banking, the drug industry, insurance, manufacturing, mining and petroleum. The Council's analysis of the Andean Code brings out three principal reasons why the code is unattractive to foreign investors.

First, the code embodies the "fade-out" theory, under which foreigners have to sell a majority interest in their investment to private investors or to the governments of the Andean countries within 15 to 20 years, if they want to enjoy the benefits of the Andean Common Market. The Council analysis points out that investors do not invest in order to go out of business, that the terms of such "fade-out" cannot be equitably arranged in advance because market conditions change and that foreign investors are likely to neglect enterprises in which they have a declining interest.

Second, the code may create such a number of bureaucratic requirements that foreign investors will be reluctant to cope with them. The code contains many requirements for prior official authorization of what are normally routine business decisions.

Third, the code is unclear on a number of important points. In addition to its provisions restricting foreign investment, it contains many loopholes, escape clauses, and provisions for possible exceptional treatment of investment. It is therefore difficult for foreign investors to know where they stand and what they may expect.

Concerning the effects of the code, if it is indeed applied, the point must also be made that because of the limited private capital markets of the Andean-bloc countries, only governments would be capable of mobilizing the required financial resources to carry out a divestiture policy. The question arises whether these limited resources could be better spent on housing, health, education, and other badly needed infrastructure projects rather than by buying out healthy, ongoing enterprises only because they are foreign owned or foreign controlled. A forced divestiture policy would not promote accelerated economic growth but it could abort the vital task of increasing the rate of capital formation that is so necessary for the Andean countries.

Mr. President, I ask unanimous consent that a memorandum of comment on the Andean Code, which has been prepared by the Council of the Americas, be printed in the RECORD.

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

THE COMMON REGIME TREATMENT OF FOREIGN CAPITAL IN ANDEAN BLOC

The ultimate objectives of the proposed Andean Code are highly amenable. The strengthening of domestic investment and technology in the Andean countries is very desirable for the purpose, among others, of enabling nationals to participate more fully and more effectively in the ownership and control of the countries' industries. Likewise, the preamble of the Code commendably declares that "the investment of foreign capital and the transfer of foreign technology constitute a necessary contribution for the development of the Member Countries and 'must receive guarantees of stability in the measure in which they really constitute a positive contribution.'"

However, certain provisions of the proposed Code would prevent, rather than facilitate, the achievement of these laudable objectives. Adoption of those provisions would lead to a sharp curtailment of the inflow of new foreign investment and new foreign technology into the Andean countries; would reduce the contributions that existing foreign investments are making to the economies of those countries; and would impair, rather than strengthen, domestic investment and technology.

The principal defects in certain provisions of the proposed Code are as follows:

1. Far from providing "guarantees of stability" for potential new foreign investors, these provisions would create new and major elements of instability. Some provisions would create serious uncertainty in the mind of each such investor concerning the amount of his capital that he would be able to withdraw when his investment is transferred to nationals of the Andean countries. And some provisions would create serious uncertainties concerning the extent, and the manner, in which present and future governmental officials will control not only the basic policies, but even the daily operations, of the foreign affiliates—possibly with great damage to their success.

2. Some provisions would discourage foreign companies from transferring technology not only to their affiliates, but even to nationally-owned companies in the Andean countries. This discouragement would derive partly from the purely practical difficulties of complying with the requirement that the prior approval of governmental officials must be obtained for such transfers. It would derive also from the fact that the precise standards to be applied by the governmental officials in determining the desirability of each such transfer are not adequately specified in the proposed Code; indeed, those standards could not possibly be specified with sufficient precision to permit either the foreign company or the domestic recipient to arrive at a reasonably safe assumption as to whether, or when, the proposed transfer would be approved. Moreover, some—perhaps, most—foreign companies would become increasingly reluctant to transmit certain types of technology to their foreign affiliates as the fixed date approaches for transferring ownership or control of the affiliates to Andean bloc investors who would then be free to compete with the foreign companies in other markets with the unrestricted use of that technology. In fact, some foreign companies would be reluctant even to give present or future government officials the engineering and other details of the proposed transfer of technology because of their fear that those officials might not maintain the security arrangements necessary to prevent acquisition of the technology by unauthorized and competitive business firms.

3. Few foreign companies would give serious consideration to a fixed-term investment in any country for a period as short as fifteen to twenty years unless they were confident that the investment would yield exceptionally high profits during most or all of that period. Such profits can rarely be anticipated anywhere, particularly during the earlier years of most investments and particularly in the case of large-scale manufacturing investments that require the introduction and use of advanced technology. The likelihood of such profits is particularly small with respect to foreign manufacturing investments in the Andean countries, where (as shown in Table 9 of the attachments) the average annual rates of return during 1960–1969 on U.S. investments of this type were substantially lower than on such investments in the rest of Latin America and in other regions of the world.

The foregoing principal defects of the proposed Code, are analyzed in more detail in the attachment, together with an analysis of certain of its other important defects. However, the Council does not believe that the full implications of the proposed Code can be appreciated simply by examination of its specific provisions. It is necessary that consideration also be given to certain aspects of the basic attitude toward foreign investment that appears to underlie the proposed Code as a whole.

Despite the recognition in the preamble that "the investment of foreign capital and the transfer of foreign technology constitute a necessary contribution for the development of the Member Countries," the operative provisions of the proposed Code reflect the general assumption that: first, the entry of

any specific foreign investment is likely, except perhaps in special cases, to serve as a substitute for domestic investment; second, domestic investment can generally be expected to serve the national interests better than foreign investment; third, measures should therefore be taken to replace all foreign investment by domestic investment as soon as possible.

While strengthening domestic investment and technology in the Andean countries is highly desirable, this is not to say, however, that domestic investment should be considered as an *alternative* to foreign investment. On the contrary, sound domestic investments and sound foreign investments will generally constitute valuable *supplements* to one another. Indeed, neither foreign investments nor domestic investments can be expected to provide their maximum contributions to the national economy unless companies in *each* category are present, and are operating, on the scale and under the conditions most conductive to their business success. The business prospects of each foreign affiliate are best when there are many other sound companies, including domestically-owned companies. Likewise, the business prospects of each domestically-owned company are best when there are many other sound companies, including foreign-owned companies.

So far as economic considerations alone are involved, the issue of whether any specific company should be foreign-owned, domestically-owned, or some combination of the two, is best resolved by reliance on market forces, including particularly the different kinds and amounts of resources that foreign and domestic nationals are able and willing to invest in that company. There is abundant evidence that the economic contributions made by any company are rarely affected by the nationality of its owners, managers, or technicians, but are generally determined instead by the relationship between (a) the amount and quality of the capital, managerial, and technological resources that are put into the company by its owners and (b) the amount and quality of those resources needed for the success of the company. Domestic investment may be most appropriate for one company, foreign investment for another, and some combination of the two for a third. Moreover, the appropriate and actual distribution of total investment among foreigners and nationals will inevitably vary over time and amoung countries.

The eminent economist and statesman, Dr. Raul Prebisch, recently gave considerable emphasis—in his report, *Transformacion y Desarrollo: La Gran Tarea de América Latina*—to one of the region's major problems: the fact that the total of all of the resources that have been available for investment, including capital and technological resources and foreign as well as domestic resources, has not been increasing rapidly enough to promote the necessary growths of industry income, and employment. This problem would undoubtedly be aggravated if there were a decline in the rate of new foreign investment in the region and/or if the relatively low amounts of national savings were allocated to the purchase of existing investments from their foreign owners rather than to new domestic investment.

The countries of Latin America need more of *both* foreign and domestic investment, not less of *either*.

No one could justifiably deny the major contributions that the nationally-owned companies of Latin America have been making to the economies of their countries. Likewise, no one could justifiably deny the major contributions that the foreign-owned companies have been making to those economies, as is demonstrated in the Council of the America's report entitled "The Effect of United States and Other Foreign Investment in Latin America", such as:

1. That during 1965–68, operations of U.S. affiliates provided a *net* balance of payments support to Latin America of about $8,550 million a year.

2. That, domestically, total sales by all U.S. affiliates in Latin America amounted to about 13.7% of the aggregate gross domestic product of the region, i.e., that U.S. investment is definitely not in a dominant role.

3. That of the total employment provided by U.S. affiliates in Latin America, only 7.5% of the managerial positions, and 0.5% of technical, professional and other salaried positions were not occupied by nationals in 1966. Wage earners were all national.

4. That earnings obtained on accumulated U.S. investments in the area averaged only about 12.7% during 1960–68, i.e., lower than any other areas of the world excepting Canada.

It should be noted, however, that that report was based exclusively on data that could be quantified. As impressive as those data are, they do not cover the non-measurable, but nonetheless extremely important, contributions that foreign investments have unquestionably made to the Latin American countries. There can be no doubt of the fact, for example, that *domestic* investment in these countries has been greater, more diversified, and more productive, than it would have been in the absence of the foreign investments. The foreign affiliates have purchased most of their production inputs from national companies, thereby providing an important, or indispensable, market for those companies. The goods produced by the foreign affiliates have included many commodities essential for the production requirements of some national companies. Much of the technology transferred to the foreign affiliates by their parent companies has been made available to national companies. Moreover, many of the numerous management and technical personnel of the foreign affiliates have subsequently become the owners, managers, or technicians of national companies, where the knowledge and experience they acquired in the foreign affiliates have been put to effective use.

In short, foreign investment is a means of strengthening and expanding domestic investment. The curtailment of foreign investment, which the proposed Andean Code would inexorably bring about, would lead to the weakening and the shrinking of the domestic economies of the Andean countries.

THE NATION'S HEALTH AND HEALTH INSURANCE NEEDS

Mr. TALMADGE. Mr. President, much has been written and said in the growing debate on our Nation's health needs and national health insurance proposals.

Recently, the distinguished chairman of the Senate Committee on Finance (Mr. LONG) addressed the Louisiana Hospital Association and made pertinent remarks on these subjects. I believe that all Senators will find his very timely statement both interesting and beneficial.

I ask unanimous consent that the remarks of the Senator from Louisiana be printed in the RECORD.

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

HEALTH CARE REFORMS

(Remarks of Hon. RUSSELL B. LONG)

Once again, it's a real pleasure for me to visit with the fine folks who do so much to provide Louisianians with the best in hospital care. Your kind invitation provides a welcome opportunity to discuss matters of mutual concern. I must say that as far as the hospital situation in Louisiana is concerned, there has been no chance of my becoming too remote from it. Your good executive director, Charley Gage, comes to Washington several times a year with various delegations to make sure that your message is delivered. And, of course, we also get together here at home, from time-to-time, on hospital problems.

As you know, the Congress has been working hard over the past two years to develop reasonable and equitable ways of bringing runaway Medicare and Medicaid programs under control. The Social Security bill which will be acted upon this year will undoubtedly include a number of important changes in Medicare and Medicaid—some of which I will describe a little later. In recent months, however, all of this work in the Medicare and Medicaid areas is being overshadowed—and even dominated—by the growing national debate over national health insurance. As you know, almost every day there is a new entry in the health insurance sweepstakes—including President Nixon's proposal announced just two weeks ago.

The American Hospital Association's "Ameriplan" is a proposed entry in the race. While it is only in outline form now, I look forward to a careful evaluation of the proposal when the details are worked out. I am concerned, however, that in this legislative race to see who can get there "fustest with the mostest" we are being asked—intensively and often shrilly—to accept as facts what to my mind needs to be proved. Perhaps the most significant of those assumptions—and certainly the most basic—is that by legislating massive reorganization of the health care system necessary changes will come about and be infinitely better than what we have.

Now the costs of these proposals are far too high for this Senator to take a chance on being swept away by rhetoric. A long hard look is definitely in order. The nation just cannot afford to go off the deep-end on national health insurance by trying to do everything at one fell swoop. After that long hard look we might find it wiser to approach the issue through one careful "swoop" at a time. Hopefully, Congress has learned the wisdom of caution through its unhappy experiences with Medicare and Medicaid.

Of course, there is no real argument concerning the need of Government to help people meet their health care costs and to help hospitals and others do a better and more efficient job of meeting health care needs. The issue is not whether Government should help meet legitimate needs which cannot otherwise be met—but rather in carefully determining and defining those needs. Equal care then would be required in developing appropriate solutions.

I don't often find myself in agreement with the editorial policies of the Washington Post. Once in awhile, however, they say the right thing. For example, last week, in commenting on President Nixon's health care program, the Post stated:

"It is too early in the debate, as far as we are concerned, to express a preference among the many possible alternatives. The goal of everybody's program is to make good quality health care available to all Americans. But the road that the country should take towards that goal has a good many forks in it and the options need to be spelled out and considered in much more detail than they have yet been before wise choices can be made."

In general, that editorial fairly states my own position with respect to national health insurance.

On the other hand, a posture of careful caution does not preclude acting to improve existing programs nor does it stop us from making comprehensive efforts to bring the costs of health care under control. As you know, it is the uncontrolled rapid

rise in health care costs which has generated most of the impetus for national health insurance through pricing many people out of the private insurance market and substantially increasing their out-of-pocket costs which are not covered by insurance. Substantial success in moderating the costs of care might very well relieve pressure to the point where a partial, selective health insurance program might be more desirable to the American people than the total approach of a national program. Certainly it's worth exploring.

The Catastrophic Health Insurance plan which I have proposed is a good example of a careful, selective approach. I am deeply concerned over the disastrous effect which a catastrophic illness can have on any American family. I believe that this is the largest gap in our present health insurance program. Over the past decades science and medicine have come a long way in their ability to sustain and prolong life. Patients with kidney disease, spinal cord injuries, severe burns, and strokes, to name only a few examples, can now often be saved and even rehabilitated. However, these catastrophic illnesses and injuries which before would have been rapidly fatal, now often have an enormous impact on a family's finances. The net cost of a catastrophic illness or injury can be and usually is staggering. Hospital and medical expenses of many thousands of dollars can rapidly deplete the resources of nearly any family in America. These families are then faced not only with the devastating effect of the illness itself, but also with the necessity of accepting charity or welfare. Catastrophic illnesses do not strike often, but when they do the effects are disastrous. Its purpose of the catastrophic health insurance plan is to help keep millions of hard-working middle-income Americans from being bankrupted by the heavy expenses of prolonged and serious illness. At the same time, it is also designed to keep the Government from going bankrupt by trying to meet all of the costs of sickness. It is a reasonable and relatively modest step which is non-inflationary and can be readily coordinated with the exiting Medicare program.

In summary, the Catastrophic Health Insurance Plan would, in general, pay 80 percent of hospital care costs from the 61st day on. It would also cover 80 percent of medical care costs above $2,000. The types of services covered and benefit limitations would be the same as those in Medicare except that this would be a program for people under age 65.

The concept of coverage of catastrophic costs is the vital point. Certainly consideration could be given to lowering or raising the deductibles and even broadening the types of services covered. In all honesty, when I was working on the proposal it seemed fairer to have variable deductibles related to the income of an individual or a family because what might be fully within the means of someone with an income of $30,000 a year might be catastrophic to a family with $6,000 a year.

The problem in the income approach, according to the Social Security people, is that it is complex and difficult to administer. For that reason, income-related deductibles were not included in the Catastrophic Health Insurance amendment approved by the Finance Committee last year. But, I believe it might be possible to devise a system of different deductibles related to income which would be reasonably simply to administer. We will certainly try to develop that approach; and I invite you to write me if you have any suggestions along these lines.

The reason for the selection of the 60-day hospital deductible was because so many basic private hospital insurance plans—such as Blue Cross—cover up to 60 days and sometimes more. And the middle-income American families with one or more wage—earners who would be the principal beneficiaries of the Catastrophic proposal are still, at this point in time, capable of purchasing reasonably adequate basic hospital insurance. The catastrophic illness insurance program builds on top of regular basic insurance.

I know that you're also interested in possible changes in Medicare and Medicaid this year as well as the prospects for legislation increasing the minimum wage.

As far as the minimum wage is concerned, indications are that the Congress will hold hearings to consider changes but that an increase will not be voted upon this year. Certainly you would agree that minimum wage questions are not easy ones; all working Americans are entitled to be paid a wage which permits them to live decently. But, how much of a minimum is required to live decently? And, would an increase in the minimum wage—through the escalator effect upon wages generally—serve to accelerate inflation to the point where the wage increase is eaten up by increased prices. There may be also a point at which the minimum wage reaches levels which discourage employment of marginal workers. And, if the Administration is successful in pushing our welfare rolls up to 24 million people—how many millions more might be added on top of that as a possible result of a minimum wage increase? As you can see, it's not an easy matter to decide and I have noted that it does not appear that the minimum wage will be changed this year.

It might also be well to add that while some of us are very much concerned over the rapid and continuing rise in hospital costs, that concern is with costs which are capable of control by hospitals. We recognize the substanital impact upon hospital costs which occurs as the result of increases in the minimum wage and we are aware that increased costs of this sort which result from laws we pass are beyond your control. On the other hand, another way of looking at it is that the cost of inefficiency also jumps with every increase in the minimum wage.

Now, it might be time for both of us to let our hair down and frankly discuss the problems confronting hospitals and the Government. I think we can all agree that it is too late in the day for anyone to claim that hospitals and the health care system are already doing the best job they can do and there's no room for improvement. It is equally too late in the day for anyone to claim that government has all the answers to the problems or that the Government does not bear a good part of the blame for the difficulties and pressures confronting our system of health care today. Today, we are getting too little in the way of results, at far too great cost and with far too much red tape.

As we have learned through extremely costly experience with Medicare and Medicaid, there is an absolute need for effective control and administration to assure reasonable and prompt payment for properly-provided services. And from our Medicare and Medicaid lesson we have learned that, in general, neither government nor private agencies are meeting those needs in effective fashion.

Here are some of the hard facts. For the year starting July 1, Medicare and Medicaid costs are estimated to total more than $17 billion. The Hospital Insurance part of Medicare—Part A—has a deficit over existing financing—including scheduled increases already in the law—officially estimated at $216 billion over the next 25 years. Unofficially, using American Hospital Association figures—that 25-year deficit is projected as high as $370 billion. Those are billions—not millions of dollars.

All right! That's where we are. Against that background of an enormous deficit in Medicare, many hospitals are claiming that the program still does not pay them enough.

Ladies and gentlemen, where is all of the money supposed to come from to meet that deficit—let alone increase the basis of payments to hospitals? There is only one answer, unless we have some changes, and that is to pile it on the backs of the taxpayers. That's the "silent majority" you hear groaning!

Our problems in the Senate in terms of money are not too different from your own. You have to decide among competing priorities of different departments in your hospitals for the limited funds available. We have the same problem. The government is asked to pump more and more money into a broad range of worthwhile programs—and yet, believe it or not, Federal funds are also limited. And, we too, just as you, have our share of inefficiency and waste.

Okay! That's the bad news. That's the size of the problem confronting us. But, I don't think we are without possible reasonable solutions.

If in Medicare and Medicaid, we can develop and apply effective professional controls to assure proper utilization of services, it might very well be possible to recognize and reimburse for more of a hospital's appropriate growth and operating expense. This would come about through reducing or moderating the overall cost per patient stay rather than necesarily cutting down on how much we pay per day. For example, if a Medicare patient now averages 10 days in the hospital at a cost of $80 a day the total payment is $800. If that average stay could be brought down to 8 days, the government could afford to pay more than $80 a day and still achieve important savings. We will all benefit from that type of result.

It seems to me that there are two ways to bring about the happy result I have just described—effective planning and effective comprehensive utilization review. The key word is effective—not paper planning or token utilization review. And, wherever possible those mechanisms should be built at State and local levels around practicing professionals and institutions. The Federal role should be supportive—and the government should assume responsibility for those functions *only* where State and local agencies are unwilling or unable to perform properly.

This leads to a discussion of the Professional Standards Review Organization amendment originally proposed by Senator Wallace Bennett and approved, in modified form, by both the Finance Committee and the full Senate in the last Congress. That amendment has now been endorsed and proposed to this Congress by both the President and the Secretary of Health, Education, and Welfare.

I suppose it might be easier for me to talk around an important area of disagreement—such as Professional Standards Review—between many hospitals and government. However these are extremely serious times for both the health care system and government. Evasiveness or side-stepping wouldn't be fair to you; I think we know each other well enough to be able to give and take freely. To be anything less than completely honest with you would not only be to do a disservice to you but to all of the citizens of Louisiana whom I am privileged to represent.

Please bear in mind that what I say is not directed at Louisiana but is in terms of the nation as a whole.

The Professional Standards Review amendment is based on the premise that the physician determines how much care a patient receives and when and where he gets it. Thus, simple logic would dictate that any effective review system must be built around physicians. Obviously, any such system must include appropriate safeguards to forestall pro forma review and, wherever possible, build on, recognize and accept other review efforts which have proven to be effective. But responsibility for overall review of patient care must be lodged at a central place—the

PSRO—and the patient's care must be viewed as a whole, rather than just doctor's office, hospital, nursing home, clinic, and so forth.

Perhaps at this point I ought to backtrack a little. The Social Security bill of last year, as passed by the House of Representatives, included a provision to establish and use government-run program review teams in each State to constantly monitor utilization and quality control. These teams would be appointed by the Secretary of Health, Education, and Welfare.

In the Finance Committee we were convinced that the government and its agents did not have the capacity to effectively audit the health services provided under Medicare and Medicaid. Perhaps, more importantly, many of us, and I was one, had serious reservations about whether the government should perform those functions—even if it and its agent insurance companies could do so. For those reasons we saw real advantage in placing review responsibility, wherever possible, with those best able to decide whether care is necessary and of proper quality—the practicing physicians themselves.

Now after Senator Bennett introduced his amendment it generated a lot of heat and some light. Quite a bit of criticism was constructive and thoughtful, but unfortunately quite a bit of it was stumbling and rather helpless comments from people who obviously had not read the amendment.

As I said, the Committee received quite a bit of constructive comment—comments which, by the way, Senator Bennett invited when he first offered his proposal. As a result of the testimony of a wide variety of witnesses as well as quite a few excellent and constructive letters forwarded to the Committee, some rather significant changes were made in the amendment providing for Professional Standards Review.

A major change was in response to a concern expressed by nearly every hospital organization, including your own, that the original amendment might weaken existing hospital quality and utilization controls where they are effective and are doing a reasonably good job. The Committee change provided that local PSROs are authorized and expected to accept the results of in-house hospital review activities where they find those review activities effective. In other words, there would be no duplication of worthwhile in-house utilization review and there would be an incentive for hospitals doing ineffective review to beef-up their efforts to the point where it would be accepted by the PSRO.

As you know, any doctor who reviews hospital care for the PSRO must have active hospital staff privileges. Further, most doctors in an area are on the staffs of one or more hospitals. Those would be the doctors comprising the PSRO and thus, they would be collectively familiar with hospitals in the area. It is expected that the doctors reviewing hospital care in the PSRO would not be on the staff of the hospital whose patients are reviewed. However, in some areas, where most physicians have staff privileges at all of the hospitals in the area, that would not be possible. In those situations, we would have to waive the requirements.

Hospital organizations also expressed dissatisfaction with the provision in the original Bennett amendment which would have required the PSRO to review every non-emergency admission in advance. In this case, the Committee's answer was to limit prior approval requirements to only those diagnoses or institutions where the PSRO found it was necessary to control overutilization. Again, a hospital doing a good job of screening admissions would not have the PSRO superimpose its judgment on those admissions.

The final version of the amendment contains safeguards against bias by the PSRO against a given hospital or doctor. They also provide for prompt appeal of adverse decisions.

The Committee made a major and determined effort to respond to constructive criticism. But it was pretty well agreed by the time hearings were completed that the Committee had to provide for expanded and more effective review of Medicare and Medicaid. It was also pretty well agreed that only qualified physicians could and should review the necessity for and quality of medical care. The present situation—where insurance company and government personnel—often question medical determinations and judgments—is unacceptable where a professional alternative is available. Finally, the alternative to the professional alternative was expanded control and review of medical care by government agencies and insurance companies.

It is gratifying that many of those who expressed concern over aspects of the original PSRO amendment, after careful study of the modified Committee provision, are now expressing full or qualified support. Among those are the State Medical societies of Georgia, Mississippi, and North Carolina.

Let's move on to another Finance Committee amendment to Medicare, approved by the full Senate, which is designed to deal with an issue of great concern to many hospitals and extended care facilities. The amendment established a Reimbursement Appeals Board so that hospitals and other providers would have a means of appealing cost determinations by intermediaries. As you know, at present, there is no provision for appeal from intermediary decisions.

The amendment would establish a Provider Reimbursement Appeals Board consisting of five members—two of whom must be selected from qualified nominees of provider organizations. Any provider, or group of providers, who have filed timely cost reports may appeal an adverse final decision of a fiscal intermediary to the Board where the amount at issue aggregates $10,000 or more. The minimum amount was necessary to keep the appeals mechanism from being clogged with relatively minor disputes. However, a lesser amount, involving a matter of principle, can be appealed in the nature of a class action by a group of hospitals, if the total amount in controversy exceeds $10,000. As you may know, the Department of Health, Education, and Welfare has opposed establishing appeals mechanisms in the past on the grounds that it would become an administrative nightmare and clog the courts.

We met those objections through establishing a minimum amount subject to appeal, and by providing judicial review only in those cases involving conflict between the Appeals Board and the Secretary of Health, Education, and Welfare. In this case, I believe we acted fairly to protect the legitimate rights of hospitals and the administrators of the Medicare program.

Well, as you can see we don't have all the answers but we sure have all the problems. Hopefully, all of us will be able to work together in the months and years ahead to solve the most important of those problems. We'll welcome your cooperation in that effort.

Thank you again for the opportunity to visit with old friends.

ADDRESS BY DR. NOVICE G. FAWCETT, PRESIDENT, OHIO STATE UNIVERSITY

Mr. SAXBE. Mr. President, my friend, John W. Bricker, a distinguished former Member of this body, recently sent me a copy of a speech made by Dr. Novice G. Fawcett, president of Ohio State University. I agree with Senator Bricker that the speech is a fine one, thoughtful and provocative. I ask unanimous consent that it be printed in the RECORD.

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

ADDRESS BY DR. NOVICE G. FAWCETT

What I propose is a dram or two of the future—quite heady, and sufficiently potent for an after-dinner stimulant or anesthetic.

Since good ideas must work through the *brains and will* of good and far-sighted people, it is essential that you be told of the thinking which guides this enterprise as it faces its next hundred years. Even though Abraham Lincoln had a point in observing that "one good thing about the future is that it comes one day at a time,"[1] tomorrow is not likely to turn out well unless, insofar as possible, each step ahead is envisioned and prepared for. Through the most recent, fresh attempt to plot that course, I have reached an awesome conclusion. Very like Edmond Rostand's now-classic avowal—except that it was in French and about love—mine is succinct, declarative, emphatic: *American Higher Education is doing more today but less than it must do tomorrow.* The result of such realization is an updated guiding philosophy for the university as a whole, and for each of its parts, and in a sense I try it on you for size tonight.

In trying to anticipate the probable hazards which lie ahead, and to plan our way around or through the barriers of past or current construction, we find numerous spike-studded obstacles in the way of a tenable future for civilization. Over-population is but one of the most recognizable. Reputable demographers seem united in the conviction that no knowledgeable person expects anything but rapid future growth in people-numbers, even though the United States (in contrast to India or China or Tahiti) is now experiencing a leveling-off process which should provide this country with approximately one generation's worth of time in which to catch its breath. That span must be used in intelligent preparation for an all-but-inevitable upsurge; helped, paradoxically, by such welcome advances as those made in nutrition, health, and longevity.

Lack of consideration for our non-expandable planet has been accompanied by similar indifference to its irreplaceable natural reserves. Mankind's heedless meddling with nature, incredibly multiplied by the scientific breakthroughs and technological inventiveness of our time, has resulted in seriously dwindling and polluted resources of water, soil and air.

There is welcome promise in the possibility recently expressed at a meeting of the American Association for the Advancement of Science. Geneticist Barry Glass is of the opinion that the basic laws of life for all time to come may well have been discovered in our own lifetime, implying that science may have run out of the main unknowns. We had best hope that this be so, and that we now will focus on deriving full benefit from the headlong rush of discovery. Almost every advance still contains unlocked mysteries; too many dangers still lurk in a great deal of otherwise valuable new expertise; and too many of the world's people still receive no benefit whatsoever from a stockpile of modern miracles.

In this skeletal, very skeletal, sketch of the path ahead, there is at least one more arduous maze to be cleared—the uncertainty and confusion of a belief-system change as radical as that experienced by man in the Middle Ages. Dr. Willis Harmon of Stanford University believes that our society is now confronted by a choice between alternative societal-shifts, and considers the two likeliest courses to be what he calls a "Second-Phase Industrial Society," or a "Person-Centered Society."

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[1] Quote: February 7, 1861.

My own belief is that the choice already has been made—that we are now at the last stages of a great value-system revolution. More or less simultaneously, with or without awareness of deciding, the various segments of our populace have settled on a course, passed the crossroads, and we now have undertaken a collective commitment of psychic, human, and economic resources to the ideal of a person-centered society. The main, conceptual transition has been accomplished—from economic man to a more nonmaterialistic, more spiritual, intuitive, transcendental form-of-being. And the troubles we are experiencing relate to a necessary union—the fitting of new life structures and new learning systems to this new human we have chosen to become.

Reasoning based on varied and sufficiently numerous blocks of evidence, both those which are visible and those only sensed, permit me to suggest that the buffeting problems of today are not necessarily a signal of continued, accelerated change. They well may be the prelude to a period of calm. If what must be done is, then, done, humankind may achieve a golden age of recovery—the entrée to a truly civilized civilization.

Since the Age of Reformation ushered in the Protestant ethic with its subsequent economic base, we have dealt with work-oriented man and the development of an appropriate societal structure around him. It is now necessary to accommodate a very old and recurring idealization, an addition which, at long last, may bring to mankind the quality of existence longed for throughout human experience.

The establishment of such an age of recovery will require a congenial atmosphere and proper accomodations, both of these stemming from much more learning, far more-widely distributed. It must have watchwords to which full weight is attached and scrupulous adherence paid. Chief among such watchwords is *quality*—meaning, in this context, a new sense of fitniteness and limitation; the end of exponential growth in population and technology. Such dramatic changes as those of accelerating speed in travel and communications and weaponry development will have leveled off, and we must adjust to stabilized forms—making use not of the most, but of the *best* which is in them.

A second watchword must be *balance*. We constantly must be about the business of seeking a higher balance between society and self—between togetherness and individuality—between essential unity and freedom. We must be attentive to maintaining a responsible balance between man and his natural world.

The wholesomeness resulting from such a qualitative symmetry and stability will come through the vehicle of learning—driven by the motive power of human value. Knowledge through education will be the stuff and economy of a new person-centered society. Having succeeded in meeting an unprecedented enrollment crunch and multiple accompanying demands, higher education—with fewer distractions—can direct its steps in this direction—one toward which for some time it has been headed. Now it must take a fully-cognizant, decisive lead. It must help to bring all members of our society to the fullest development of their highest potential, keenly perceptive of and sensitive to human values, keenly aware of our universal reliance on the planet which we inhabit.

Learning will extend itself over the entire life span, from infancy to final ending. It will go into the home, and the vast reaches of leisure, and the islands of industry—a union already solidified, and symbolized, by our Center For Tomorrow. Interspersed with periods of rest, travel, work, and other pursuits we do not yet know, it will be continuous. Education will be both a moving target and a moveable feast. In an unrelenting search for truth, it must be anchored to the immutable verity which Adlai Stevenson phrased in these words: "We travel together, passengers on a little spaceship, dependent on its vulnerable reserve of air and soil. We are all committed for our safety to its security and peace, and preserved from annihilation only by the care, the work, and the love we give our fragile craft."

With containment of population upsurge and runaway technology at fingertip reach, this country's people may be seen as completing the metamorphosis of man from newborn, to youth, to adult status. Physical growth eventually stops, but there is no end to the maturity of mind he may achieve.

Such learning must help us to gain what is called a "steady state"[2]—an intelligent, tolerant, free and flexible society in which *modern economics* and *modern technology* provide the means for bringing about elimination of crucial ills and disadvantages. As the necessary alternative to ultimate extinction, these ends are both profitable and possible. Such Churchillian "sunlit uplands" are no longer a visionary Utopia; they are within reach. The project is not mere rhetoric; it is potential reality!

To do what must be done will take *some* doing! Above all else, the responsibility for delineating and reaching new national goals will require courageous, strong, established leadership, by those agencies experienced in evaluating and disseminating ideas. And, most certainly, in order to maintain its fine position among that group, Ohio State will continue to rely on the understanding assistance of what's euphoniously called "the private sector." In the main, our more realistic title is "The Presidents Club."

During the course of University history, in my admittedly prejudiced opinion, not much is of greater importance than the instigation and cultivation of this invaluable nucleus of what Edgar Dale refers to as "we-centered" rather than "me-centered" citizens. Started only eight years ago by Ev Reese, Kenyon Campbell later succeeded by Chuck Traphagen, and those of like-mind, this meaningful concept of perceptive involvement, enlightened self-interest, and far-reaching humanity has made a spectacular difference; helping OSU to become one of the nation's most-productive, most-respected universities.

The effect is near-incalculable on those of us who labor here and deeply believe in what we're doing. Even so, you have the right to know the drift of that effect. Perhaps, since I have only myself to thank for so difficult an assignment, I can—in personal terms—make manifest the inexpressible.

More important than all else is a lifting of spirits, a strengthened resolve, the refreshment and renewal of such basic convictions as are these which I state with firm finality.

I believe in my country—in its precepts and its vigor, in the generosity and idealism and responsibility of its people.

I believe in our educational system, and in the educability of our citizens. I believe that collective wisdom can, and will, engender the knowledge and work and patience and endurance and hope which have been the glory of our past.

In the very best sense, I believe in myself, my fellow-professionals and our staunch advocates. I am confident that, together, we have the knowhow, the skill and the *will* to see the task through.

For the Ohio State University—in which I passionately believe—for its chief spokesman, personally, and for the troubled civilization which it serves, there is only one thing more which needs be said—to you—a heartfelt *thank you*.

In a note to his editor, penned on the flyleaf of his *East of Eden*, John Steinbeck explained that the submitted novel was a small box, carved for his friend, and that in it was placed nearly everything he had—but it still was not full.

As expression of the esteem in which I hold you, I have offered my own hand-fashioned box of belief. It contains much of what I have learned during 40 years in the education field and it, also, is still not full. Some hurt and much happiness are in it—and some feeling hard-pressed and some heady exhilaration. A great deal of pleasure and unending challenge and hopefulness are there. And, on top of all these, are all the companionship and the gratitude and respect which I have for you.

Please take it. It is offered with deep faith—and with the prayer that blessings may attend our efforts and the cause which unites us.

[2] John Radar Platt.

WILBERT SNOW

Mr. RIBICOFF. Mr. President, Connecticut has a great tradition of combining the roles of scholar and politician. Wilbert Snow, former Lieutenant Governor and Governor of Connecticut and former English professor at Wesleyan University, is in that tradition.

An outstanding and beloved professor, Wilbert Snow taught generations of Wesleyan students to love the English language. Countless students owe him a debt of gratitude for the patience and warmth with which he taught his subject.

Acknowledged by his peers to be a great poet, Wilbert Snow wrote with deep meaning works that have been read with thought and enjoyment by many people through the years. He is the author of seven books of poetry and was commissioned to write the Tercentenary Ode for the State of Connecticut.

Wilbert Snow began his political career by stumping the State of Maine in 1912 for Woodrow Wilson. In 1944 he was elected Lieutenant Governor of Connecticut. Two years later he lost the gubernatorial race, but he served as Governor for a brief time when the incumbent Governor, Raymond Baldwin, left for the U.S. Senate.

Wilbert was also a member of the Connecticut Constitutional Convention in 1965 and has served Middletown, Conn., with distinction on the board of education, the Democratic town committee, and as a supporter of the establishment of Middlesex Community College. The people of Middletown expressed their appreciation for his years of dedication to their community by naming the Snow school in his honor.

Over the years, Wilbert Snow has been a close personal friend. He has always had my admiration and deep affection. No day is better spent than in his company enjoying his conversation.

It has been a privilege and honor to know this fine and thoughtful man, and I know all of his friends in Connecticut join me in wishing him well in the years to come.

U.S. CATHOLIC CONFERENCE SPEAKS OUT FOR AN ALL-VOLUNTEER MILITARY

Mr. HATFIELD. Mr. President, numerous groups and individuals have testified before both the Senate and House

Armed Services Committees on the question of the draft. On March 11, 1971, the Reverend Monsignor Marvin Bordelon, director of the Department of International Affairs of the U.S. Catholic Conference, an agency of the Catholic bishops of the United States, presented testimony to the House Armed Services Committee. The U.S. Catholic Conference—USCC—strongly opposes peacetime conscription, favoring an all-volunteer armed force. I strongly commend this statement of the USCC to the Senate and urge that they give it careful consideration.

Mr. President, I ask unanimous consent that the statement given by Monsignor Bordelon be printed in the RECORD.

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

U.S. CATHOLIC CONFERENCE ON SELECTIVE SERVICE LEGISLATION

I am Marvin Bordelon, Director of the Department of International Affairs of the United States Catholic Conference (USCC). The USCC is an agency of the Catholic Bishops of the United States. Its purpose is to coordinate activities of Catholics in the United States in the areas of education, social welfare, international affairs, communication and public affairs.

PREFACE

I would like to preface my remarks about this most serious question of military conscription by saying that the Catholic Bishops of the United States are gratefully conscious of the sacrifices and valor of those men who have served in the armed forces and especially those who have given their lives in service to their country. Their courage in the defense of the common good should not be underestimated or forgotten. In the words of the Second Vatican Council document, *The Church in the Modern World*, "As long as they (members of the armed forces) fulfill this role properly, they are making a genuine contribution to the establishment of peace." (n. 79).

In their Statement on Peace of November 18, 1966, the National Conference of Catholic Bishops said:

"We reaffirmed at the Council the legitimate role of patriotism for the well-being of a nation, but a clear distinction was made between true and false patriotism: 'Citizens should develop a generous and loyal devotion to their country, but without any narrowing of mind.' In other words, they must always look simultaneously to the welfare of the whole human family, which is tied together by the manifold bonds linking races, peoples and nations.

"But these limits on patriotism do not rule out a country's right to legitimate self-defense. While making it clear that all means short of force must first be used, the Council restated the traditional teaching regarding the right of self-defense: 'As long as the danger of war remains and there is no competent and sufficiently powerful authority at the international level, government cannot be denied the right to legitimate defense.' And what a nation can do to defend itself, it may do to help another in its struggle against oppression."

The Church has always espoused that the individual has an obligation to support and promote the common good. When survival of the wider community has been threatened by external force, the Church has traditionally underscored the obligation of Christians to serve in military defensive forces. Such community-oriented service, that is, soldiers devoted to the authentic purposes of securing peace and justice, has always merited the Church's commendation.

GENERAL REMARKS

In discussing the relative merits and dangers of a standby draft, an all-volunteer army and the problems associated with military procurement, we do not wish to give the impression that a volunteer army under democratic controls, or a reformed conscription system either, will solve a more fundamental problem: the propensity of nation-states to solve international problems by the use of military force.

In their pastoral of November 1968, the American Bishops stated:

"If war is ever to be outlawed, and replaced by more humane and enlightened institutions rooted in the notion of universal common good, *it will be because the citizens of this and other nations have rejected the tenets of exaggerated nationalism and insisted on principles of non-violent political and civic action* in both the domestic and international spheres." ("Human Life in Our Day," Section: "The Role of Conscience") (emphasis added)

The Second Vatican Council called for an "entirely new attitude toward war." (*Church in the Modern World*, n. 80) This implies that old concepts of armaments and a balance of power are no longer adequate for world peace and security. New means must be sought to insure the common good of the international community.

The ancient but perennial formula reads: Build up a powerful military defense appropriate to the times, and the bigger and better the military hardware, the greater will be the nation's security. However, the lamentable fact is that in the past one hundred years more than 150 million men, women and children have been killed in wars. The terrible madness about this is that multitudes continue to accept this premise, for the hope of achieving peace by merely maintaining the balance of massive, destructive power is a tempting delusion. (Cf. *Ibid.*, n. 81)

The primary and crucial task, then, is to define the nation's authentic needs, that is, the limits of its national interests. Americans must confront and resolve the question of how to respond to other national systems—political and economic—which differ from ours. When the spirit of nationalism among our government's leadership and the general public becomes so excessive as to induce us to believe that our nation, our system, our people are superior to other nations, we are working against peace and the energies of war are coming alive in the nation. (Cf. *Ibid.*, n. 82) Can we recognize a laudable pluralism among national systems? If we cannot, then the old notions about securing peace will persist, and we will continue to rely on such devices as sophisticated weapons and large, mobilized combat forces.

As a nation, we must commit ourselves, with firm determination, to respect other men and peoples and their dignity. To do otherwise is to place ourselves in a position of self-righteous superiority and to perceive our neighbors' intentions as immoral, ours as moral. The neighbor is thought to be eager to attack and conquer, while we are the peacemakers.

When our nation fears that its national interests are being threatened and war is imminent, we contend that we must seriously examine our consciences to determine to what extent we are being motivated by fear of the loss of economic advantage; what degree of nationalistic pretentions are involved; has a desire for national prestige and political domination crept into our actions; has a spirit of militarism become dominant? (Cf. *Ibid.*, n. 85.)

In this post-Hiroshima era, with the frightful prospect of war threatening to devastate the planet, men are forced to search for new insights. It is in this spirit—searching for new understandings about war and respecting the judgment of history—that we address the question of military service in the United States.

OBSERVATIONS AND RECOMMENDATIONS

Compulsory military service—The opposition of the Catholic Church and its leadership to peacetime military conscription has been clearly stated on several occasions. The following text from the 1968 pastoral letter of the U.S. Catholic Bishops is pertinent to this issue:

"A Catholic position of opposition to compulsory peacetime military service, first formulated on the level of the Holy See by Pope Benedict XV, has had for its premise the fact that such service has been a contributing cause of the breeding of actual wars, a part of the 'great armaments' and 'armed peace' security concept, and, in the words of Cardinal Gasparri in a letter to Lloyd George, the cause of such great evils for more than a century that the cure of these evils can only be found in the suppression of this system. . . . Our call for the end of any draft system at home which, in practice amounts at times to compulsory peacetime military service is in direct line with previous resolutions of the hierarchy of the United States on compulsory military training." (*Op. cit.*, Section: "The International Community")

In the past, the United States has deployed a small professional army in peacetime and a large "citizens" army in time of war. This is not just a quirk of history, but rather, it is a reflection of a very fundamental trait in our domestic process—that each citizen participates, to a greater or lesser extent, in the decision for national survival. If that survival is threatened, the nation is compelled to mobilize. If, however, the survival of the nation is not at stake, then there is no need for a large standing army.

Until recent years, the United States has not drafted men into military service except in times of national emergency. The last two decades have seen a dramatic change in this policy. The nation has continually ceded to its Chief Executive the power to induct men into military service. Even though during much of that period the United States has not actually been engaged in warfare, men have been inducted. This has amounted, at times, to peacetime military conscription, which has been opposed by the Catholic hierarchy in the past because, among other things, "such service has been a contributing cause of the breeding of actual wars. . . ." (*Ibid.*)

The USCC recommends the termination of the present draft system which has, at times, amounted to compulsory peacetime military service. Congress should end the present draft system 1) by allowing the Selective Service Act of 1967 to expire, and 2) by initiating a standby draft system for times of national emergency and as a temporary measure for providing manpower during a period of transition to an all-volunteer army, and 3) by providing the means for the establishment of an all-volunteer army.

The new draft law should contain provisions which would require the Chief Executive to obtain a new authorization each year to induct a specific number of men into the armed forces, if indeed, in the national interest, clear purposes of adequate defense demand conscription. This would not only impose a ceiling or limit on the number of men who can be drafted in that year, but it would also encourage a broad review of manpower requirements each year. By allowing the present Selective Service Act to expire, Congress could authorize the conscription of a certain number of men in any one year, subject to review the following year, with the clear purpose and intent of ending conscription as quickly as possible.

The all-volunteer army—In their 1968 pastoral letter "Human Life in Our Day," the U.S. Catholic Bishops stated:

"We welcome the voices lifted up among our political leaders which ask for a total review of the draft system and the establishment of voluntary military service in a professional army with democratic safeguards and for clear purposes of adequate defense." (*Ibid.*)

Although an all-volunteer army is desirable for a number of reasons, there are certain dangers inherent in a totally professional military establishment which will require constant scrutiny. For example, without the constant turnover of draftees and of draft-induced volunteers, the military establishment could become overly autonomous and isolated from the mainstream of American life. In addition, the all-volunteer army could draw into its lower ranks a high percentage of youth from minority, poor and disadvantaged groups. Also, a large standing army of professional soldiers could pose a threat of its own to national security.

Our nation has experienced considerable growth in the power and size of its armed forces during the period following World War II. Some of this growth is, no doubt, a legitimate response to a tense world situation, the so-called "Cold War." But, growth which proceeds without the constant and most explicit scrutiny of Congress and the Executive can acquire a momentum all its own. Without so intending, the military establishment itself, because of its size and budgetary demands, can become overly influential in the formation of policies which are its duty to implement, but not to create.

Therefore, in establishing procedures for obtaining an all-volunteer army, Congress should be encouraged to make special efforts 1) to reduce the present size of the army, 2) to establish clear lines of civilian control over the military, and 3) to distribute the burden of national defense over all classes of citizens as far as this is possible.

Opposition to a Universal Service Corps—A Universal Service Corps has been suggested as a means of solving, among other things, many of the problems which have arisen as a result of the draft. Those not volunteering for the armed forces would be required to serve the nation in non-military capacity. Although there is an element of choice in this program, it is not voluntary in the sense that the law would require that every young person serve in some capacity under the threat of penalty. This program, it seems, would complicate an already complicated problem. Not only would it be difficult to administer, but it would be tantamount to involuntary servitude for many young people. We oppose the proposals for a Universal or National Service Corps because they constitute a form of compulsory service. It is not clear that the country's non-military needs (such as health, education, welfare, social service) would be well-served by nationalization of the youth work force. We oppose this plan as we have opposed in the past other forms of compulsory service during peacetime.

Conscientious objection and selective conscientious objection—The law should prohibit the drafing of conscientious objectors and selective conscientious objectors.

The draft law as it is presently written makes no provision for selective conscientious objectors, i.e., objectors to particular wars. This is a matter of concern to the Catholic Church since a growing number of religious objectors are Catholics and many of them are selective objectors. This is also a matter of concern to other denominations.

Both the conscientious objector and the selective objector are representative of a twofold development in Catholic teaching regarding war and conscience. The conscientious objector is one who believes that the Gospel imperatives of love and brotherhood exclude the use of organized violence in international affairs. The selective conscientious objector, on the other hand, is one who determines, through the use of moral reasoning, that to fight in a particular war or to serve in a particular branch of the service (for example, in nuclear forces) would be morally wrong.

Selective conscientious objection is rooted in a tradition which is associated with the evolution of the just war doctrine or theory developed by St. Ambrose in the fourth century and later amplified by St. Augustine, St. Thomas Aguinas and other prominent theologians. According to this doctrine, a war is considered just only if it is declared as a last resort and by lawful authority, uses means which are not intrinsically immoral, and follows the principle of proportionality, that is, the good to be achieved by the war must outweigh the evils caused by the conflict.

While the Church does not officially declare some wars just and other wars unjust, the individual Catholic is obliged to follow his conscience. If that conscience impels him not to participate in a particular war, then he sins gravely by taking part in it. The Catholic who follows the just war theory traditionally taught by the Church and objects to a particular war has a basis for his claim: his religious training and belief.

The section of the Selective Service Act which requires that the registrants be conscientiously opposed to participation in war "in any form" is too restrictive and discriminatory.

In the pastoral letter cited previously, the Catholic Bishops recommended:

"A modification of the Selective Service Act making it possible, although not easy, for so-called selective conscientious objectors to refuse—without fear of imprisonment or loss of citizenship—to serve in wars which they consider unjust or in branches of service (e.g., the strategic nuclear forces) which would subject them to the performance of actions contrary to deeply held moral convictions about indiscriminate killing. Some other form of service to the human community should be required of those so exempted." (*Ibid.*, Section: "The Role of Conscience")

The selective conscientious objector should be given the same provision under the law as the conscientious objector, providing his objection is well-founded and constitutes a sincerely held moral conviction. He should be allowed to state his case before a competent board of judges. By their own admission, some local boards or individual board members do not feel qualified to make judgments about these questions which are often philosophical or religious in nature. Problems in this area could be partially solved if the question of conscientious objection were handled at a higher level than that of the local board, by a special, regional panel appointed specifically for that purpose.

Alternative service program—We would urge that Congress review the regulations regarding alternative service and investigate the practices of local boards in assigning civilian work. It has been our experience that the administration of the law has not been uniform in this regard. Some local boards correctly interpret the law and allow the registrant to choose from a broad spectrum of work assignments which contribute to "national health, safety or interest." There are usually few problems in placing registrants in civilian work which truly benefits the community and utilizes the talents of the registrant for truly productive work.

Other local boards, however, appear to operate from the premise that the registrant should be put in a job which tests his sincerity, and therefore, force the registrant to forego a number of job opportunities in order to place him in work which will be disruptive, disagreeable and unpleasant. This style of operation has been encouraged in part by some communications from the National Headquarters of the Selective Service, such as Local Board Memoranda 64 and 98.

If alternative service becomes a form of punishment or a test of sincerity, it can be counterproductive in the long run, negatively affecting the young person's attitude toward service to the human community. It is assumed that the registrant is sincere if his claim is accepted and he is granted an exemption.

The Selective Service System should relax the stringent regulations regarding civilian work in LBM 64 and LBM 98 and provide for a more uniform administration of the program through the local boards. If that were done, Catholic health and welfare agencies would be able to cooperate more easily with Selective Service in providing jobs for conscientious objectors on alternative service.

Administration of the law—Judging from correspondence we have received from a wide range of Church membership, the administration of the Selective Service Act at the local level is often awkward, arbitrary and uneven. Some local boards are not responsive to the legitimate claims of registrants and, in many cases, have administered the law incorrectly. It is not uncommon for registrants to be denied deferments or exemptions to which they are legally entitled. This lack of uniformity in the administration of the law causes inequities. Standardization of draft procedures would tend to insure the proper and uniform administration of the law throughout the country. Draftees should be allowed the same protection of law which is granted in other areas of human affairs, including the right to have legal counsel present at hearings, a safeguard against arbitrary interpretations of the law.

Serious discrimination occurs under the present draft system, since the minority poor are generally less educated and have less opportunity to acquire legal and counseling services. It is not surprising that the number of deferments and exemptions on a per capita basis is generally higher in the white suburbs than it is in dominantly black and ethnic minority areas. The elimination of most deferments will no doubt help minimize some inequities in the draft, but more efforts should be made so that the burden of military service falls equally on all classes and ethnic groupings.

We would recommend the retention of a random selection process with the youngest called first on a basis of a uniform national call. We would continue to urge, however, that high school students not be drafted.

Concerning exemptions and deferments, Congress should retain the authority to decide these issues and should not cede discretionary authority to the Executive Branch of the government.

Seminarians and ministerial exemptions.—A word about seminarian and ministerial exemptions is in order at this point. When the threat to the nation's integrity and institutions is real and proximate, as in World War II, a state of national emergency is declared. At such times, the nation's leadership must make difficult decisions about the utilization of manpower to achieve both the short-range goal of national defense and also the nation's long-range needs after hostilities have ceased.

In the past, Congress has seen fit to grant exemptions to those engaged in the priestly ministry. Congress has also granted statutory exemption rather than student deferments to seminarians. Such exemption removes them from the category over which the President is able to exercise discretionary power. We see no reason to change this policy since we would hope that the Congress and the nation would continue to value the work of the ministry and the preparation for the ministry as critical to the well-being of the country.

In testifying before Congress in 1940, Monsignor Michael J. Ready, General Secretary of the National Catholic Welfare Conference, stated:

"[Exemption from military service] is not a privilege conceded unfairly to the ministers of religion as a class. In respecting the immunity of the clergy from military service the state recognizes the right of the people at all times to practice their religion and to have available for that purpose the ministrations of their priests."

In speaking about a law which would not exempt seminarians and ministers, Monsignor Ready said:

"To enforce provisions of law such as those now considered would dangerously interfere with the progress, even with the preservation, of religion, and would result in grievous suffering and hardship to millions of families by depriving them of Sacramental ministrations, and would curtail an influence that contributes inestimably to the preservation of morale and the strengthening of national unity."

THE COURT MARTIAL OF LIEUTENANT CALLEY

Mr. TALMADGE. Mr. President, war under the best of conditions is a horrible thing. When young men are drafted and sent off to fight, kill, and die against their will, it is even more distressing and horrible.

The war in Southeast Asia has divided our country more than it has been divided since the War Between the States more than 100 years ago. Most Americans have been shocked by stories of atrocities in the news media that we get almost daily from Southeast Asia. This is a war where it is impossible to tell friend from foe. There is no rear. There is no flank. There is no front. Women and even children frequently fire upon our troops.

Most Americans have been shocked at the circumstances surrounding the court-martial of Lieutenant Calley. Most Americans believe that he is assuming the burden for the entire war, including the errors of his superiors. As a former combat veteran myself, I am saddened to think that one could fight for his flag and then be court-martialed and convicted for apparently carrying out his orders.

RACISM IN WASHINGTON, D.C.

Mr. SCOTT. Mr. President, the election of March 23 is over. The Reverend Mr. Fauntroy was overwhelmingly elected to the post of nonvoting, but, hopefully, influential, congressional delegate from the District of Columbia. The voters expressed their preference first in a Democratic primary in January, at which Mr. Fauntroy was chosen to be the standard bearer for the Democratic Party, and again in the regular election. I know he carries the good wishes of all citizens of our Capital city as he takes his seat and assumes his duties. There is much that needs to be done.

In newspaper accounts of the election, however, from which many citizens are forced to take their historical perspective of the vote because there is no other source, there was the implicit suggestion that the vote in ward 3, which was carried by the Republican candidate who happened to be white, was racial because ward 3 is predominantly white; whereas the vote in the rest of the city, predominantly black, was not. Were this presumption to remain unchallenged one would be forced to conclude that the sincere efforts of the thinking people of the community, who have striven for years to judge individuals not by their color but by their capabilities and the opinions they hold, have gone for naught. This kind of shallow generalization can do no good to anyone except perhaps those benefiting from the continuance of dissension, polarization, or antipathy.

The Washington Post for Monday, March 29, in its "Letters to the Editor" section, published a perceptive communication on this subject from a man who signs himself "William H. Carroll, Jr." He puts the matter in the correct context when he writes:

Without denying the existence of white racists in this area, I wonder if those who say the Ward 3 vote was "racial" really mean that while 13 thousand (presumably nonwhite) voters outside of Ward 3 chose Mr. Nevius because of the gentleman's many qualifications, 15 thousand voters of Ward 3 selected the same candidate only because he is white, and similarly, 9 thousand Ward 3 voters chose Messrs Fauntroy, Hobson, Harris, and Moore solely because they were black.

Mr. President, it is quite true that the racial problem in this country has not yet been solved, but I think it is also true that it is being solved, and that the solution involves understanding, tolerance, acceptance. Washington, D.C., would be far better served by a more thoughtful evaluation of the real significance of this vote.

I recommend Mr. Carroll's letter to the attention of all Senators, and ask unanimous consent that it be printed in the RECORD.

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

NOT A "RACIAL" VOTE

I wish to protest the slurs carried by your newspaper to the effect that the whites of Ward 3 voted on a racial basis in the election of the non-voting Congressional delegate. Without denying the existence of white racists in this area, I wonder if those who say the Ward 3 vote was "racial" really mean that while 13 thousand (presumably nonwhite) voters outside of Ward 3 chose Mr. Nevius because of the gentleman's many qualifications, 15 thousand voters of Ward 3 selected the same candidate only because he is white and, similarly, 9 thousand Ward 3 voters choose Messrs. Fauntroy, Hobson, Harris and Moore solely because they were black. The characterization of the Ward 3 vote as "racial" is not only absurd and unfair; it also fuels the forces of polarization within our community.

The undersigned (a supporter of Mr. Hobson, who happens to be caucasian) feels that Mr. Fauntroy's lack of popularity in Ward 3 is not a matter of race, but rather a lack of confidence that he is a force strong enough to operate effectively in Congress. I do, however, congratulate Mr. Fauntroy on his great victory, and join his most loyal supporters in hoping that this deeply spiritual man can fulfill the promise of his candidacy and mobilize "forces of good will" for the benefit of our city.

WILLIAM H. CARROLL, JR.

WASHINGTON

HEALTH CARE LEGISLATION

Mr. RIBICOFF. Mr. President, no problem is more complex or multifaceted than the need to improve the health care of this country. It will take long hours of hard, constructive thought and work on the part of the Congress and the administration if we are to be successful in developing a health care program adequate to meet the needs of the last 30 years of this century.

Victor Cohn's article in The Washington Post of March 29 sets the problem in perspective and all of us would do well to ponder the points he raises. I ask unanimous consent that his article be printed in the RECORD.

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

DRASTIC CHANGES NEEDED FOR BETTER NATIONAL HEALTH

What this country needs for its health is a secretary of health. It needs someone in charge of this floundering area—an official with proper authority and help, declared responsible for developing possible solutions to the growing health crisis.

Strange as it may seem, it has no one such official now, and even under President Nixon's new federal reorganization plan—which includes a Department of Human Resources, including health—it will have none without some drastic further changes.

This conclusion seems inescapable to this reporter after some weeks spent watching the highly partisan debate over how to provide us with better national health. Consider these sickly results of recent federal non-planning:

The Nixon Administration proposal for national health insurance would omit a large part of the population, though insuring the health of many private health insurors.

The most publicized counter-plan the Kennedy-Griffiths health bill, promises more. But a health specialist for the National Urban League says that: "Nowhere in the myriad of bills, resolutions or plans advanced to date is there any clear mandate to establish and implement with speed any coordinated health system."

The administration and Congressional health forces are vying to construct a new crusade against cancer to cost an extra $100 to $200 million a year just to start—while research lags on many other diseases whose victims also sicken and die. Research areas like over-population, alcoholism, heart disease, cerebral palsy, mental retardation and children's diseases need funds too.

Health in the United States is a $70 billion a year industry. Medicare and Medicaid are costing millions more than anyone ever predicted. The national health bill may reach $200 billion in another 20 years. Yet only in the past year has this administration even begun to think about cheaper health delivery. Last year it spent $1.6 billion for biomedical research, but less than $18 million for health delivery research.

There has been equally little systems study of health, as versus the narrower subject of medical care. Sweden has 83 doctors per 100,000 population, yet has half the death rate among middle-aged men as the U.S. with 140 doctors per 100,000. Is training more doctors and paying for more care our most economical health strategy? No one is asking this question on any respectable scale.

Who should? No one knows. Examine the huge Department of Health, Education and Welfare, which may soon become part of an even more Pentagonian Department of Human Resources, and you find an astonishing lack of health planning at any point. Who's responsible? No one—or every one.

A parade of secretaries has failed to master HEW's appalling machinery, though a few—the best was Wilbur Cohen—made a pretty good show of it. Secretary Elliot Richardson is able, bright and extraordinarily well informed on health for a layman. But he would probably be first to testify that he lacks time to be a "secretary of health" as well as secretary of HEW.

The department's highest health official is not even an undersecretary but one of seven assistant secretaries. All with some pieces of health action. This assistant secretaryship for health and scientific affairs was slated to go to Dr. John Knowles (director of Massachusetts General Hospital) at the outset of the Nixon era. The American Medical Association and the late Sen. Everett Dirksen of Illinois (AMA headquarters) opposed Knowles. And health lost. During a fight that lasted for months, HEW's various health tasks were grabbed by various assistant secretaries, deputies, "assistants to," etc.

A nice man, Dr. Roger O. Egeberg, finally got the job. He had been a good dean of the University of Southern California Medical School. Washington was different. He never did get control.

Suddenly health heated up. Sen. Kennedy began calling it "the country's fastest-growing failing business" and proposing solutions. Says one administration official: "In September there was a decision that this was a year of health. So a hysterical exercise began. There were no health plans on the shelf, as there should have been.

In February, practically panting, HEW Undersecretary John G. Veneman (ex-Medicare-Medicaid chairman in the California legislature), Deputy Undersecretary Robert Patricelli (a lawyer) and Assistant Secretary for Planning and Evaluation Lewis Butler (a lawyer) presented the Nixon "National Health Partnership." It would require businessmen and employes to chip in for a high minimum level of group insurance; it would provide most low-income families private policies paid for entirely or in part by the government.

But part-time employees would be excluded from the group plan. Low-income families would get only 30 days' hospital care per illness. Low-income singles or marrieds without children would still get only present welfare medicine or Medicaid. Those 65 and over would be left with Medicare, which is paying less than half their health costs. They would have to start paying part of their hospitalization on 13th instead of 61st day (while being relieved of one $5.30-a-month charge).

Health experts immediately told the Kennedy health subcommittee that Mr. Nixon apparently wanted to charge the old less when they're well but more when they're sick. Under the group plan, a $7,000-a-year worker might have to pay $1,800, a quarter of his salary, for a $5,000 illness.

Also, critics have emphasized, the administration plan rests almost entirely on extending private (Blue Cross, Blue Shield and commercial) insurance. The commercial sector may be a weak reed.

The February Social Security Administration Bulletin showed that operating "expenses" of commercial insurors for group health policies averaged 13 per cent of premium income in 1969. Expenses of non-profit Blue Cross plans averaged 6 per cent. Social Security's expenses in operating Medicare were betwen 2 and 3 per cent (omitting rent and many other hidden costs).

Major health insurors like Prudential and Aetna replied that their expenses were only about 4½ per cent for large groups—and, given a government mandate to cover much of the country, they could do as well as Blue Cross.

Maybe so. Scrutiny of the 1969 figures of even the biggest, most efficient firms (like Aetna, Equitable, Metropolitan Life) shows that their overall group coverage expenses ran 9 and 10 per cent. Expenses of smaller firms ran as high as 26 or 50 or even nearly 100 per cent in a large number of cases.

Bankers Multiple Life Insurance Co. of Chicago, an advertiser of "Medicare supplemental protection" in The Washington Post and Washington Sunday Star of February 28, "earned" $5,270,399 in premiums in 1969, but paid out only $2,248,273. The rest was "expenses." (Figures from Chilton's Spectator, annual health insurance review issue, September, 1970).

The Administration has promised legislation to regulate health insurors. It is clear that it will have to regulate most of them out of existence—or that Sen. Kennedy may be right when he questions putting a national system in the hands of a demonstrably high-cost industry.

Yet no one has clearly demonstrated that a new government plan can control costs any better than the government has under Medicare. Sen. Kennedy's hearings have shed some light and more heat—because they have mainly been an adversary procedure between the Massachusetts senator and his administration, AMA and private health insurance foes.

It is perfectly true politically that Kennedy must build support for his own national health plan or see it tossed in the wastebasket when Wilbur Mills introduces *his* plan.

But is there any better way to develop a national health plan? In Great Britain during World War II, Conservatives, Labor and the British Medical Association agreed one was needed. The famous Beveridge Commission produced a plan, which was *then* submitted to political debate. It had defects. But it at least followed dispassionate examination of all the alternatives.

The United States is sick, of course, of dead-end commissions as substitutes for action. But in this case—where there is already wide agreement among all parties that a new health plan is necessary—why couldn't Congress: (1) agree by resolution on the goal (as much health care for everyone as the country can afford); (2) create a commission to propose either one or alternate plans; (3) then subject *these* to political debate?

As to the missing health boss or planner in the Department of HEW or whatever it becomes, Dr. Edmund D. Pellegrino of the State University of New York at Stony Brook has now been asked to succeed Dr. Egeberg. He is, it is said, a good and strong man. But if the President's new reorganization is adopted, he will find himself (as mere "administrator for health") topped by a secretary, deputy secretary, undersecretary and assistant secretary, and who knows how many "assistants to."

The canny Wilbur Cohen's current answer is: make the top health official (and the top education and welfare officials) "secretaries" too—under the secretary of the larger department. This may sound like a small change, he argues, but "you could get a better man for the job; it would give him more prestige in the government; it would give him acceptance by the professionals in his field." It is at least one mechanism that might say clearly: this is the responsible health man, where no one with real prestige and authority is responsible now.

THE JARRING MISSION—II

Mr. HATFIELD. Mr. President, I placed in the CONGRESSIONAL RECORD of March 24, 1971, portions of the report of the Secretary General regarding the Jarring mission to the Middle East. Today I ask unanimous consent that the remainder of the January 4, 1971, report be printed in the RECORD.

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

III. THE ATTEMPT TO HOLD DISCUSSIONS UNDER THE SPECIAL REPRESENTATIVE'S AUSPICES (JUNE 1970–4 JANUARY 1971)

33. In June 1970, the Government of the United States of America proposed to the Governments of Israel, Jordan and the United Arab Republic that they should each advise Ambassador Jarring as follows:

(a) that having accepted and indicated their willingness to carry out resolution 242 in all its parts, they will designate representatives to discussions to be held under his auspices, according to such procedure and at such places and times as he may recommend, taking into account as appropriate each side's preference as to method of procedure and previous experience between the parties;

(b) that the purpose of the aforementioned discussions is to reach agreement on the establishment of a just and lasting peace between them based on (1) mutual acknowledgement by the United Arab Republic, Jordan and Israel of each other's sovereignty, territorial integrity and political independence, and (2) Israeli withdrawal from territories occupied in the 1967 conflict, both in accordance with resolution 242;

(c) that, to facilitate his task of promoting agreement as set forth in resolution 242, the parties will strictly observe, effective 1 July at least until 1 October, the cease-fire resolutions of the Security Council.

34. Having been informed by the United States Government that the States concerned had accepted its peace initiative, I invited Ambassador Jarring to return immediately to Headquarters, where he arrived on 2 August. I informed the Security Council in a note dated 7 August (S/9902) that Ambassador Jarring had received confirmation from the Permanent Representatives of those States of their acceptance and that he had addressed to me a letter as described above. I was informed by the United States representative that his Government had received the acceptance of the Governments of the United Arab Republic and Israel to a standstill cease-fire for a period of ninety days from 2200 GMT on the same day. Ambassador Jarring and I had previously been informed by Secretary of State Rogers that his Government would take responsibility for organizing the standstill cease-fire.

35. Ambassador Jarring at once entered into contact with the parties and, after considering their views on the time and place of the discussions, on 21 August 1970 addressed to them invitations to take part in discussions opening at New York on 25 August 1970. He met on the appointed day with representatives of each of the parties. However, Ambassador Tekoah, who had been designated by Israel as its representative for the initial phase of the talks, then stated that he had been instructed by his Government to return to Israel for consultations. On his return on 8 September, he communicated to Ambassador Jarring the following decision of his Government:

"Israel's acceptance of the United States peace initiative according to its decision of 4 August 1970, and the appointment of a representative to the talks under the auspices of Ambassador Jarring are still in effect.

"The Government of Egypt has gravely violated the ceasefire-standstill agreement, and this violation is continuing without letup.

"The strictest observance of the ceasefire-standstill agreement is one of the central elements of the American peace initiative and of the talks under the auspices of Ambassador Jarring. Therefore, so long as the ceasefire-standstill agreement is not observed in its entirety, and the original situation restored, Israel will not be able to participate in these talks.

"Ambassador Tekoah, who is returning to his post as head of the permanent delegation of Israel at the United Nations, has been authorized to bring this decision of the Government of Israel to the attention of Ambassador Jarring."

The Special Representative thus found himself precluded for the time being from holding formal meetings with the Israeli representatives, and his talks with the representatives of the Arab States, though they continued, could not be productive because of the lack of contact with the Israeli representative. After a brief visit to Moscow from 6 to 14 October to attend to his affairs as Ambassador of Sweden there, the Special Representative returned to New York and had a wide range of contacts with representatives of the parties and of other Member States during the commemorative session of the General Assembly and the debate on the Middle East, which followed that session.

36. Immediately following the adoption of General Assembly resolution 2628 (XXV), Ambassador Jarring entered into contact with the representatives of the parties in order to invite them to re-enter into talks under his auspices for the purpose of reaching agreement on the establishment of a just and lasting peace. The representatives of Jordan and the United Arab Republic informed him that their Governments continued to be willing to do so; the representative of Israel stated that the matter was under consideration in the Israeli Cabinet.

37. On 19 November and pending a decision by the Israeli Cabinet, Ambassador Jarring returned to Moscow. On the eve of his departure, he addressed a letter to the Israeli Minister for Foreign Affairs, in which he formally invited the Israeli Government to resume its participation in the discussions, as well as letters to the Permanent Representatives of Jordan and the United Arab Republic, in which he took note of the position of their Governments. These letters, together with replies from the Permanent Representative of the United Arab Republic and the Israeli Foreign Minister, are reproduced in annex II.

38. On 30 December, Ambassador Jarring received in Moscow a message from the Foreign Minister of Israel in which the latter informed him of the readiness of the Government of Israel to resume its participation in the talks. The message is also reproduced in annex II.

ANNEX II—CORRESPONDENCE RELATING TO THE RESUMPTION OF THE DISCUSSIONS

A. LETTER DATED 18 NOVEMBER 1970 ADDRESSED TO THE MINISTER FOR FOREIGN AFFAIRS OF ISRAEL

I have the honour to refer to my letter of 7 August 1970 addressed to the Secretary-General, referred to in document S/9902, in which I informed him of the agreement of your Government and of the Governments of Jordan and the United Arab Republic to the holding of discussions under my auspices for the purpose of reaching agreement on the establishment of a just and lasting peace between the parties.

As you will recall, I issued on 21 August 1970 an invitation to the parties to take part in discussions opening at New York on 25 August 1970. Ambassador Tekoah, who was Israeli representative for the initial stage of the discussions, met with me twice on the opening date, but was recalled to Israel for consultations. On his return on 8 September he communicated to me the decision of your Government, for reasons which were explained to me and have been publicly announced by your Government, to suspend its participation in the talks.

I am definitely of the view that the time has come for me once again to invite your Government to participate in discussions for the purpose of reaching agreement on the establishment of a just and lasting peace in accordance with Security Council resolution 242 (1967).

When I met you last on 5 November 1970, to consider the question of Israel's return to the discussions, I noted your concern about the influence of the debate of the General Assembly on the Middle East question and of its resolution 2628 (XXV). I wish to assure you in this connection that I am proceeding on the basis that there is no change in my mandate, which I continue to regard as having been defined in Security Council resolution 242 (1967).

You will understand, I know, my desire to make a positive report to the Secretary-General about the progress of our discussions. I am accordingly inviting your Government to reconsider its position on the question and to resume its participation in the discussions. In this connexion, I wish to state that I have already been informed by the Governments of Jordan and the United Arab Republic of their continued willingness to participate.

I take this opportunity to inform you that, pending a reply from your Government to this appeal, I am returning to my post in Moscow. I hope that your Government will find it possible in the near future to respond favourably to this invitation, in which case I shall be available to return to New York at twenty-four hours' notice.

GUNNAR JARRING.

B. LETTER DATED 18 NOVEMBER 1970 ADDRESSED TO THE PERMANENT REPRESENTATIVE OF JORDAN

I have the honour to inform you that I have today addressed a letter to the Israeli Minister for Foreign Affairs in which I once again appealed to his Government to resume participation in discussions for the purpose of reaching agreement on the establishment of a just and lasting peace in accordance with Secretary Council resolution 242 (1967).

In that connexion, I keep in mind the willingness of the Governments of Jordan and the United Arab Republic, as expressed to me by yourself and your colleague from the United Arab Republic, to continue to participate in such discussions.

I take this opportunity to inform you that, pending the receipt of a reply from Israel, it is my intention to return to my post in Moscow. I wish to emphasize, however, that I am ready to return here at twenty-four hours' notice on receipt of the Israeli reply.

GUNNAR JARRING.

C. LETTER DATED 18 NOVEMBER 1970 FROM THE PERMANENT REPRESENTATIVE OF THE UNITED ARAB REPUBLIC

With reference to your letter of today in which you inform me of your imminent return to your post in Moscow, I note with appreciation your reference to the readiness of the United Arab Republic to co-operate fully with you.

I wish to emphasize that, conscious of its obligations under the Charter and in abiding by the Security Council resolution 242 (1967), the United Arab Republic has for the last three years consistently co-operated with you, in the sincere hope that you will successfully achieve the targets entrusted, by the Secretary-General, to you in accordance with the aforementioned resolution.

Since my Government designated me last August to enter into discussions with you, I have during several meetings restated my Government's belief in a lasting peace based on the faithful implementation of the aforementioned Security Council resolution in all its parts and consequently the restoration of all Arab lands occupied by Israel since June 5, 1967, as well as ending the injustices inflicted so far on the Arab people of Palestine.

I am sure that Your Excellency's report to the Secretary-General on your mission which would be transmitted by him to the Security Council before 5 January 1971, will be of great benefit to the members of the Security Council and would assist them in taking whatever steps they may deem necessary in carrying out the responsibility entrusted to them by the Charter.

MOHAMED H. EL-ZAYYAT.

D. LETTER DATED 1 DECEMBER 1970 FROM THE MINISTER FOR FOREIGN AFFAIRS OF ISRAEL

I have received your letter of 18 November 1970 in which you invite the Government of Israel to participate in discussions under your auspices for the purpose of reaching agreement on the establishment of a just and lasting peace in accordance with Security Council resolution 242 (1967). I note your assurance in reply to my comments on General Assembly resolution 2628 (XXV) that you are proceeding on the basis that there is no change in your mandate, which you continue to regard as having been defined in Security Council resolution 242.

On 6 August 1970 Ambassador Tekoah conveyed to you Israel's position on the United States peace initiative. This communication remains valid as the expression of Israel's policy. Concerning the discussions which we have agreed to hold under your auspices, I also draw attention to the Israel Government's decision of 6 September 1970 which was conveyed to you by Ambassador Tekoah.

On 22 November 1970 the Government of Israel adopted and published the following decision:

"The Government will act in accordance with the policy expressed in the Prime Minister's statement to the Knesset on 16 November 1970, for the creation of conditions which will justify implementation of the Government's resolution of 4 August 1970 which was approved by the Knesset—concerning the holding of talks under the auspices of Ambassador Jarring including consolidation and extension of the cease-fire agreement with the aim of progressing from a cease-fire to a complete end to the war and to lasting peace."

We are now holding discussions on the creation of conditions which would justify a decision by the Government of Israel to hold talks with the United Arab Republic under your auspices, in accordance with our decision of 4 August 1970 conveyed to you by Ambassador Tekoah on 6 August. I shall keep you in touch with developments on this matter as they arise.

We have publicly announced that we are ready for discussions with Jordan whose Government has informed you on its continued willingness to participate in such talks.

We are also willing to hold discussions on the establishment of permanent peace with Lebanon which has announced its adherence to Security Council resolution 242.

ABBA EBAN.

E. MESSAGE FROM THE MINISTER FOR FOREIGN AFFAIRS OF ISRAEL

Further to my letter of 1 December 1970 I have the honour to inform you that the Government of Israel decided on 28 December 1970 as follows:

The present political and military conditions enable and justify the termination of the suspension of Israel participation in the talks under the auspices of Ambassador Jarring. The Government decided to authorize the Minister for Foreign Affairs to inform those concerned of the readiness of the Government of Israel to resume its participation in the Jarring talks in accordance with the basic principles of the Government policy and on the basis of its decisions of 31 July and 4 August 1970 as approved by the Knesset concerning Israel's affirmative reply to the peace initiative.

In view of this decision I would like to meet you in Jerusalem at your earliest convenience and my intention is to survey the situation, to acquaint you with the basic views of my Government and to discuss

steps necessary to ensure the fulfilment of your mission for the promotion of agreement on the establishment of peace.

ABBA EBAN.

LOCAL ACTION FOR PROTECTING AGAINST POTENTIAL OIL POLLUTION

Mr. BAYH. Mr. President, Congress and the Nation as a whole has been greatly concerned about damage which could be caused to waterways and beaches by oil pollution. If there is one concept for which almost universal approval has been expressed, it is that government at all levels should take whatever steps are necessary to lessen this danger to the Nation's environment. Despite the improvements which have been made in cleanup methods and restoration techniques after major oil spills, prudence dictates that Government agencies should not permit activities which involve great risks of future contamination and should, where necessary, impose regulations which might help avoid disasters.

There recently was brought to my attention an incident which demonstrates how quickly the officials of one community reacted in an attempt to preserve its own waterfront against possible future despoliation. Despite serious damage in California caused in recent years by escaping oil, the State of California in January relaxed its moratorium against new oil drilling to permit the boring of a well on an island only 2 miles from the coast of Seal Beach. The city council of Seal Beach, protesting that it had not even been consulted by the State before this action was taken, adopted under the leadership of Mayor Morton A. Baum, two new city ordinances which local officials hope will help offset this potential source of pollution. The first ordinance created an "Open Space-Water Recreation" land use zone extending 3 miles seaward from the city which should remain open space land and water and be and remain limited in use to public recreation, enjoyment of scenic beauty and conservation of natural resources. The second ordinance prohibited all pollution and certain prohibition-prone business activities within the Seal Beach ocean area extending 3 miles seaward, and required person proposing to operate any polluting activity in that area to obtain from the city council a pollution prevention certificate for that activity.

Mr. President, this is a unique example of local home rule powers being used in a bold and forceful manner by community leaders in an attempt to protect their area against future environmental damage. Final determination of the line of demarcation between State and local constitutional powers will be decided by the courts. However, it is worth noting the innovative approach which the Seal Beach municipal council adopted in the belief that its waters and beaches might be endangered by future pollution, so I ask unanimous consent that a brief statement by Mayor Baum and the text of the two new ordinances be printed in the RECORD so that other communities can become aware of this unusual action.

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

STATEMENT OF THE MAYOR—CITY OF SEAL BEACH

FEBRUARY 1, 1971.

As Mayor of the City of Seal Beach and one of your elected representatives I am going to outline tonight an urgency ordinance that will help to return control of our lives and destiny where it belongs—in the hands of the citizens. For that is the main issue—whether or not the citizens will have Local Control over their own affairs and government. When I accepted the office of Mayor I did so with this idea in mind. Abraham Lincoln said,

"Government should only do for the people what the people cannot do for themselves."

This is not a new idea, indeed it is still valid today in the state of California and our City of Seal Beach.

Last week on the anniversary of its own self-imposed moratorium on new oil drilling off the coast of California, the State Lands Commission lifted that moratorium and gave Standard Oil of California permission to sink a new well on "Esther Island", two miles off the coast of Seal Beach. They did this without consulting our Local Government officials. This is totally at odds with what we, as citizens, have a right to expect.

The Orange County Board of Supervisors and the City of Seal Beach, have now witnessed their State government usurping their representation and have in effect been bypassed with regard to environmental concerns. What next?

With the actions taken tonight, we, the City Council, your elected officials are going to make an attempt to turn the tide. With your help and support we will succeed. For Success here will give hope to all who believe in Home Rule.

If we do not do this, we may not have the chance again. I invite other municipalities to join with us in re-establishing the role of Local Government so that we may fulfill our duties and responsibilities to those citizens who elected us to office.

MORTON A. BAUM.

ORDINANCE NO. 834

An ordinance of the city of Seal Beach adopting a partial open space plan; establishing an "open space-water recreation" land use zone (OS–WR Zone); fixing the boundaries of said zone and enumerating the uses permitted therein; providing for the construction of this enactment; prescribing penalties for violations thereof; and declaring the urgency thereof

The City Council of the City of Seal Beach does ordain as follows:

Section 1. Adoption of Partial Open Space Plan

Recognizing that open space land and water is a limited and valuable resource which must be conserved wherever possible, the City Council adopts this partial open space plan for the City of Seal Beach for the comprehensive and long range preservation and conservation of open space land and water within its jurisdiction under the provisions of Government Code Section 65563 by declaring those portions of the City of Seal Beach described as follows:

"That part and portion of the territorial limits and boundaries of the City of Seal Beach situated and lying seaward from the mean high tide line of the Pacific Ocean, and extending seaward from said line a distance of three (3) miles as shown in the Seal Beach Incorporation by order of the Board of Supervisors of the County of Orange made October 25, 1915, shall hereafter be and remain open space land and water and be and remain limited in use to public recreation, enjoyment of scenic beauty and conservation of natural resources."

Section 2. Creation of "Open Space-Water Recreation" Land Use Zone

An "Open Space-Water Recreation" land use (OS–WR Zone) is hereby created and established in the City of Seal Beach.

Section 3. Boundaries of "Open Space-Water Recreation" Zone

The boundaries of the Open Space-Water Recreation land use zone shall include those portions of the City of Seal Beach described as follows:

"That part and portion of the territorial limits and boundaries of the City of Seal Beach situated and lying seaward from the mean high tide line of the Pacific Ocean, and extending seaward from said line a distance of three (3) miles as shown in the Seal Beach Incorporation by order of the Board of Supervisors of the County of Orange made October 25, 1915."

Section 4. Permitted Uses in Open Space-Water Recreation Zone

The following uses, and none other, shall be permitted in the Open Space-Water Recreation zone:

(a) Water sports and water oriented recreational activities including, but not limited to, swimming, surfboarding, paddleboarding, sailing, boating and sport fishing by members of general public.

(b) Nothing herein shall be deemed to authorize or permit any person to engage in any water sport or water oriented recreational activity in violation of any provision of Chapter 4 Beaches and Piers (beginning with Section 4–1) of the Seal Beach City Code.

Section 5. Penalties for Violation

Every person, whether acting as principal, employer, agent, employee or otherwise, who violates any of the provisions of this Ordinance, or who authorizes, conducts, or allows any use or activity, not herein specifically permitted to be conducted or carried on within the Open Space-Water Recreation zone, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than $500.00 or by imprisonment for not more than six months, or by both such fine and imprisonment. Every person shall be deemed guilty of a separate offense for each day during any portion of which any such violation or prohibited use or activity is committed, continued, authorized, allowed or permitted to continue.

Section 6. Construction

To the extent of any inconsistency between them, the provisions of this Ordinance shall govern, prevail over and supercede any contrary or inconsistent provision or provisions of Section 15A–7 and Sections 17.1 thru 17.14 of the Seal Beach City Code and of Sections 300 thru 309 and 2100 thru 2115 of the Zoning Appendix of the Seal Beach City Code.

Section 7. Severability

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or the application thereof to any person, firm, cooperation or circumstance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Seal Beach hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more section, subsection, sentence, clause,

phrase or portion be declared invalid or unconstitutional.

Section 8. Urgency and Immediate Effectiveness

This Ordinance shall take effect and be in force immediately upon its adoption as an emergency ordinance and the facts constituting its urgency are as follows: The unprecedented actions of the 1970 California Legislature in establishing an Office of Planning and Research to prepare a Statewide Environmental Goals and Policy Report and in imposing deadlines within which all general laws cities in the state must adopt and incorporate open space elements and conservation elements as a part of their general plans emphasize and demonstrate the urgent need which exists for Seal Beach and other cities to cooperate with all county, regional and state agencies in dealing with the open space and recreational land crisis by identifying, developing and limiting the uses to be made of existing open space land and recreational land before such land is developed and exploited for commercial and economic purposes that threaten the local public health, natural resources and environmental quality. It appears further that any further or additional construction, building, use or operation of new buildings, improvements, oil wells or other structures within the boundaries of the open space-water recreation zone would prematurely and unnecessarily convert open space and recreational land into a private, commercial use inconsistent with the environmental, recreational and open space needs of the citizens of Seal Beach and of the State of California, and that the immediate designation and preservation of the above described land as open space and recreational land promotes the health, safety and general welfare of the City of Seal Beach and of its citizens and inhabitants and protects the public interest in open space and recreational land.

Section 9. Posting by City Clerk

The City Clerk shall certify to the passage and adoption of this Ordinance by the City Council and shall cause the same to be posted as required by law.

Passed, approved and adopted this 1st day of February, 1971.

ORDINANCE NO. 835

An ordinance of the City of Seal Beach prohibiting pollution of Seal Beach ocean area and prohibiting certain pollution-prone business activities within Seal Beach ocean area without or in violation of terms of pollution prevention certificate from Seal Beach City Council; prescribing penalties for violations thereof, and declaring the urgency thereof

The City Council of the City of Seal Beach does ordain as follows:

Section 1. Legislative findings and declarations

The City Council of the City of Seal Beach finds and declares:

(a) The National Environmental Policy Act and the California State Environmental Quality Act of 1970 recognize the urgent public policy considerations involved in maintaining a high quality environment and the immediate necessity of developing effective policies and practices in the management of natural resources and waste disposal in order to prevent, control and minimize environmental pollution.

(b) Pollution of the area of the Pacific Ocean situated within the territorial limits and boundaries of the City of Seal Beach presents a direct, immediate and serious hazard to the health, safety and general welfare of the citizens and inhabitants of the City of Seal Beach.

(c) A January, 1971 incident in the San Francisco Bay demonstrated that the operation of seagoing oil tanker ships creates an extraordinary risk of ocean pollution. A January, 1969 incident in the Santa Barbara Channel demonstrated that the operation of off-shore oil wells creates an extraordinary risk of ocean pollution.

(d) The conduct of any pipeline business activity and the conduct of any transportation or disposal at sea of industrial or commercial waste business activity within or upon the Seal Beach Ocean Area creates an extraordinary risk of ocean pollution.

(e) The conduct of any commercial or sports fishing boat business activity discharging human waste into the Seal Beach Ocean Area creates an extraordinary risk of ocean pollution.

Section 2. Pollution of ocean prohibited

No person shall place, throw, discharge, divert, dump or deposit any crude oil, refined oil, waste oil, by-product of oil, rotary mud, drill cuttings, oil well waste, gasoline, distillate, other petroleum products or hydrocarbon, industrial waste material, commercial waste material or human waste material into or upon or within the territorial limits and boundaries of the City of Seal Beach lying within the Pacific Ocean (herein Seal Beach Ocean Area) which is specifically described as follows:

That part and portion of the territorial limits and boundaries of the City of Seal Beach situated and lying seaward from the mean high tide line of the Pacific Ocean, and extending seaward from said line a distance of three (3) miles as shown in the Seal Beach Incorporation by order of the Board of Supervisors of the County of Orange made October 25, 1915.

Section 3. Conduct of pollution-prone business activities within Seal Beach Ocean area without or in violation of terms of, pollution prevention certificate prohibited

No person shall conduct any pipeline, seagoing oil tanker shipping, off-shore oil well, commercial or sports fishing boat discharging human waste into ocean, or commercial or industrial waste transportation or disposal at sea business activity within the Seal Beach Ocean Area without first having obtained from the Seal Beach City Council a Pollution Prevention Certificate for that business activity, nor shall any person conduct any such business activity within said Seal Beach Ocean Area in violation of any condition, restriction or limitation imposed by such Pollution Prevention Certificate.

Section 4. Pollution prevention certificate

Every Pollution Prevention Certificate promulgated by the City Council hereunder shall make separate findings of fact concerning each business activity which an applicant conducts or proposes to conduct within the Seal Beach Ocean Area in relation to:

(a) The environmental impact of the business activity.

(b) Any measures in mitigation proposed by applicant to minimize that environmental impact.

(c) Any other known measures in mitigation to minimize that environmental impact.

(d) The adverse environmental effect which cannot be avoided if the proposed business activity is implemented.

(e) Any irreversible environmental change which would result from the proposed business activity.

(f) All available alternatives to the implementation of the proposed business activity.

Each such Pollution Prevention Certificate shall set forth such reasonable conditions, limitations and restrictions upon the applicant's business activities within the Seal Beach Ocean Area as, in the judgment and discretion of the City Council, will, or will tend to, reduce and minimize the risk and danger of ocean pollution and adverse environmental impact from such business activity without unduly or unreasonably restricting, curtailing or interferring with the applicant's right to conduct and carry on its lawful business activities within said Seal Beach Ocean Area.

Section 5. Application for pollution prevention certificate, hearing, procedure, appeal

Every person who operates, or proposes to operate any pipeline, seagoing oil tanker shipping, off-shore oil well, commercial or sports fishing boat discharging human waste into ocean, or commercial or industrial waste transportation or disposal at sea business activity within the Seal Beach Ocean Area shall first make written application to the Seal Beach Environmental Quality Control Board (herein Board) for a Pollution Prevention Certificate. Said application shall be in such form, and shall be accompanied by such scientific, engineering and ecological data, information and reports as the Board shall require. The Board shall then give at least 10 days advanced written notice to the applicant and thereafter conduct a public hearing into the matter, and shall, at said public hearing, permit the applicant as well as any other interested person, including any recognized responsible conservation group, to offer evidence and to present data, information and reports and to make any recommendations and suggestions as to any reasonable conditions, restrictions or limitations that might be imposed upon applicant's business activities or proposed business activities within the Seal Beach Ocean Area for the purpose of eliminating or minimizing the risk and danger of ocean pollution and adverse environmental impact resulting from such business activities. Applicant shall be entitled to be present and to participate fully in such hearing, to be represented by counsel, to cross examination any adverse witness and to rebut any adverse evidence, data, information, report, suggestion or recommendation proffered by any other person. The Board may, upon its own motion, request, obtain and consider other independent scientific engineering and ecological reports and recommendations prepared by qualified experts or authorities in the field, provided, however, applicant shall likewise be entitled to rebut any such reports and recommendations considered by the Board. After the conclusion of such hearing, the Board shall prepare and transmit to the City Council its recommendations with respect to the findings of fact and the conditions, restrictions and limitations to be included in the applicant's Pollution Prevention Certificate. The City Council, without any further public hearing, may adopt any or all of the recommendations of the Board and may impose any conditions, restrictions and limitations upon applicant's business activities which are not more restrictive or burdensome to applicant than those recommended by the Board. Before the City Council may impose any condition, restriction or limitation that is more restrictive or burdensome to applicant than those recommended by the Board the City Council shall first conduct a trial de novo hearing into the application and provide applicant with all of the procedural rights and safeguards allowed in the Board hearing. The decision of the City Council with respect to any condition, restriction or limitation imposed in any Pollution Prevention Certificate shall be final and conclusive and subject only to judicial review as in an administrative mandamus proceeding.

Section 6. Penalties for violations

Every person, whether acting as a principal, employer, agent, employee or otherwise, who violates any of the provisions of this Ordinance; or who authorizes, conducts or allows any restricted business activity to be conducted within the Seal Beach Ocean Area without, or in violation of the terms of,

a Pollution Prevention Certificate shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than $500.00 or by imprisonment for not more than six months, or by both such fine and imprisonment. Every person shall be deemed guilty of a separate offense for each day during any portion of which such violation or prohibited activity is continued, committed, authorized, allowed or permitted to continue.

Section 7. Severability

If any section, subsection, sentence, clause, phrase or portion of this Ordinance, or the application thereof to any person, firm, corporation or circumstance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Seal Beach hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, phrase or portion be declared invalid or unconstitutional.

Section 8. Urgency and immediate effectiveness

This Ordinance shall take effect and be in force immediately upon its adoption as an emergency ordinance and the facts constituting its urgency are as follows: Maintenance of a clean, high quality, pollution free Pacific Ocean area adjoining the City of Seal Beach is essential to safeguarding the quality of life and protecting the health, safety and general welfare of the citizens and inhabitants of Seal Beach. The continuing pollution, and the continued threats and dangers of further pollution of the ocean by the pollution-prone business activities enumerated creates an immediate risk and danger that the quality and the purity of the ocean adjoining Seal Beach may be destroyed. That risk and danger may be averted only by the immediate enactment and implementation of restrictions and safeguards upon those pollution-prone business activities as will tend to minimize the risk of further pollution of said ocean area adjoining Seal Beach.

Section 9. Posting by city clerk

The City Clerk shall certify to the passage and adoption of this Ordinance by the City Council and shall cause the same to be posted as required by law.

Passed, approved and adopted this 1st day of February, 1971.

EFFECT OF THE SST ON THE ENVIRONMENT

Mr. TAFT. Mr. President, while the Congress voted not to continue the construction of the two prototype supersonic transport, the questions raised during the long debate as to its effect on the environment and whether or not we should have an SST remain. In light of this, I invite the attention of the Senators to an article entitled "The Tragedy of the SST Isn't in Its Abandonment," published in the Atlanta Journal of March 29, 1971.

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

THE TRAGEDY OF THE SST ISN'T IN ITS ABANDONMENT

(By John Crown)

The Senate vote last week against continued development of a supersonic transport came as no real surprise to anyone and there is no point now in lamenting and wailing about the outcome itself.

The death knell was sounded when the House turned it down. Those who pinned any real hope on salvation from the Senate ignored earlier Senate action in this regard—plus the fact that several SST supporters were no longer in the upper chamber.

So it was a foregone conclusion. But the interests of the SST opponents were served by trying to make it appear as a nip-and-tuck neck-and-neck affair right down to the wire. This makes the SST foes appear more important, and more talented and more persuasive than if we had realistically yawned and admitted what was a foregone conclusion.

But those who fought and killed the SST are not important or talented or persuasive.

They were summed up very pointedly by Senator Henry M. Jackson, D-Wash. Sen. Jackson had this candid and penetrating comment:

"The know-nothings are taking over."

And that is the tragedy of the SST vote. While admittedly losing the SST and driving our airlines into the arms of the Russians is tragic enough, the overwhelming tragedy is just that—"the know-nothings are taking over."

And with those creatures taking over, the portents are ominous.

In as true an evaluation as could be made of the anti-SST vote, Senator Jackson said it signified a growing anti-technology crusade "without proper reflection and thought."

That is precisely what it signifies.

What absurd lengths the opponents went to in their hysterical approach against the SST bodies ill for future development and future technical progress.

One senator made the totally irresponsible assertion that the SST would produce skin cancer. He had no scientific basis for such a statement. It was an unproved opinion. He should have been laughed out of the Senate chamber. Instead there were those who seemed to take him seriously.

He could have said with the same degree of authority and authenticity that the SST would make males pregnant. And he would have made such a charge if he thought enough of the gullible would accept it.

It is a tactic to remember. Any future move that merits opposition from anyone can be attacked in the same manner and probably will be. The accusation can be made that anything in the world will cause skin cancer. It will be as flimsy a canard as it was when directed against the SST. But if it can shoot down the SST, it can shoot down any number of other projects.

I imagine we'll be hearing it about the space laboratory and other scientific projects.

The entire justification for proceeding with the development of the SST prototype was to pin down the claims and contentions from both sides of the argument. It was to develop creditable scientific knowledge. And after, only after, all of the scientific tests had been accomplished would a decision be made on whether to produce the SST.

But the know-nothings are taking over.

They don't want specific technical and scientific knowledge. They prefer to be in the position of throwing about wild and unwarranted and hysterical charges. If we were to proceed with specific tests, then they just might be proved wrong. And wouldn't that be embarrassing.

So let's cut out scientific development. So let's quit caring whether we're number one in aviation—or any other field for that matter. The competitive spirit, the unyielding desire to achieve, the demand that we be foremost—all of this is dying in these United States as has been demonstrated in our national legislative bodies.

The know-nothings are taking over. And they will promote and produce more of their own kind.

Standing still is something that simply cannot be done in this world. You either progress or you regress.

With the know-nothings taking over and leading an anti-technology crusade, which do you think we're going to do?

THE MEN WHO HAVE DIED IN VIETNAM

Mr. RIBICOFF. Mr. President, all of us during the course of a year receive particularly touching letters. Such a letter came in my mail recently from Mrs. Frederick Dauten, a constituent of mine in Rock Hill, Conn., concerning the death of her son, Maj. Frederick W. Dauten, Jr., in Vietnam. Major Dauten gave his life for his country as the pilot of a C–7A aircraft supplying a Special Forces camp under hostile attack.

I hope Mrs. Dauten's letter will give us all pause to remember the tremendous sacrifices that continue to be made by outstanding young men risking and giving their lives for this country.

I ask unanimous consent that Mrs. Dauten's letter be printed in the RECORD.

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

ROCKY HILL, CONN., *March 10, 1971.*

DEAR SENATOR: This month my son Major Frederick W. Dauten Jr. a 14 year career officer with the U.S. Air Force would be returning from Vietnam.

He will not be coming back. On April 4th 1970, as pilot of a C–7A Aircraft, Major Dauten was piloting the number four aircraft in a 5 aircraft airdrop mission to resupply Dak Seang Special Forces Camp, which was under extreme hostile attack and cut off from all other supplies.

Flying into intense ground fire, Major Dauten successfully airdropped his supplies to the besieged camp to sustain the lives of its defenders. His plane was shot down when leaving the area.

Numerous rescue attempts failed and my son was listed "Missing in Action". He had been in Vietnam about 3 weeks. After 4 months of anguish and the torture of not knowing, a rescue mission reached the crash site on Aug. 4th 1970—there were no survivors. My son leaves a wife and three daughters.

Apparently his death was of little consequence; my daughter-in-law received a letter from President Nixon, we his parents did not expect one. But the Senators and Congressmen from Connecticut offered us no sympathy, no State or Town Official had a word of consolation for the parents of a man who died while helping to save the lives of others.

In October of 1970, my son was awarded the Purple Heart, Silver Star and the Air Medal posthumously. We wanted no big ceremony; I was ill at the time and have since had a lung operation, but we are proud of our son and asked the Air Force to publish information regarding Major Dauten's 14 years of service with the Air Force and a brief resume of his career as a High School and College Athlete. The Air Force sent this information along with a photograph of my son to several New England Newspapers. The Boston Globe and New Haven Register printed nothing. The Hartford Courant printed a few lines on Page 51 under Legal notices and the Hartford Times did about the same. The only paper to give the article full coverage was the Waltham (Mass.) News Tribune.

Had my son thrown a bomb or started a riot he probably would get top billing on the front page. Ironically the Hartford Courant

of that particular date devoted most of the front page to protesters who wanted to fly the Viet Cong flag to express disapproval regarding the Vice President's arrival in Connecticut for a speaking engagement.

When my Husband inquired why the article was hidden in the newspaper's back pages, he was told that the paper did not have room to print such things in detail.

My question to you—have the American people and the American press so little regard for the 44,000 Americans who have died in Vietnam?

Sincerely yours,

PHYLLIS M. DAUTEN.

UNION POWER AND THE NEW INFLATION

Mr. HATFIELD. Mr. President, the state of our economy has shown little sign of improvement in recent years. Unemployment has remained steadily above what had previously been viewed as an "acceptable" level and inflation has continued to spiral upward. While the overwhelming responsibility for this state of affairs rests with the Federal Government, particularly Congress, other sectors of our society can also lay claim to a sizable portion of the blame. While it might appear inconsistent and hypocritical for Government to be saying "Do as I say not as I do," I would nevertheless invite the attention of Senators to an article written by Mr. Gilbert Burck and published in the February 1971 Fortune magazine and ask unanimous consent that it be printed in the RECORD.

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

UNION POWER AND THE NEW INFLATION

(By Gilbert Burck)

The gravest economic problem facing the Western world in the early 1970's is cost-push inflation powered by excessive wage increases. European economists have been arguing this for about a year, and lately some U.S. economists have come to the same conclusion. In its scope and intensity, this inflation can be regarded as a new phenomenon. By past standards, Chairman Arthur Burns of the Federal Reserve Board recently said, the U.S. Government's moderately restrictive monetary and fiscal policies *should* have slowed the pace of wage increases, along with demand and business activity. But those policies seem to have had little effect on union settlements, and it looks as if only intolerable unemployment could tame them. Excessive wage increases, Burns concluded, are for practical purposes a new problem. Even Nobel Prize winner Paul Samuelson has come around to recognizing the current cost-push inflation as a "new disease."

What is happening, throughout the Western world, is that organized labor is overreaching. The London *Telegraph* last November caught the spirit of the movement in a cartoon depicting a labor leader haranguing a group of his colleagues: "Nor shall we relax our efforts, brothers, until the lowest paid worker is earning more than the national average wage." At times, indeed, organized labor seems to be chasing the delusion that a society can consume more than it produces, and that everybody can prosper by beggaring his neighbor. But of course a country's real wages, or the purchasing power of money wages, cannot possibly rise faster, on the average, than over-all productivity or output per man-hour. Wage increases in excess of productivity are inevitably followed by unemployment or price increases or both—it is the unorganized, the unemployed, and the aged who pay.

Most labor leaders know all this. Yet unions continue to make excessive demands. U.S. construction wages rose an average of about 19 percent last year, and despite a few wrist slaps by the Administration, construction workers are demanding 50 to 60 percent over the next three years. U.S. auto workers, not content with an annual increase four times the rate of over-all productivity increase, compounded the evil by winning an automatic wage adjustment geared directly to the cost of living. That is to say, they got immunity from the consequences of other workers' exorbitant wage increases. The steelworkers are confidently predicting that they will shake the country down for an even better deal.

The same sort of thing is going on in other industrial nations. Canada's program of voluntary price and wage restraint, accorded wide cooperation by employers, was wrecked by labor's barefaced refusal to go along. In Britain, labor's exactions have reached a crisis stage. Although the productivity of British industry has recently been rising at less than 2 percent a year, wages are rising at something like 13 percent, and prices are accordingly heading up fast. Japan, too, has its own peculiar version of the problem (see page 98). Even West Germany, long a bastion of monetary stability and fiscal rectitude, has apparently succumbed to the disease—wages are rising about three times as fast as productivity.

Such wage increases redistribute income by force, breaking down time-tested wage differentials that eventually must be restored at the cost of more inflation. Labor's impositions are also accompanied by strikes and slowdowns that seriously reduce national output, or by monetary policies calculated to subdue excessive demand by deliberately reducing output. This is a sorry spectacle—a world wasting resources quarreling about the division of output instead of expanding it. The problem, to be sure, is getting expert attention; rarely have so many eminent and accomplished people advanced so many schemes for dealing with an economic ailment. The trouble is that so far none seems to embody an effective remedy. The malady is a complex mixture of old basic ailments and new complications, and is not likely to be cured by quick or painless treatment.

MONOPOLY ABETS MONOPOLY

The underlying trouble is a phenomenon so much taken for granted that it seldom gets the critical scrutiny it deserves—labor's unique monopoly power. "When you really examine that power today," says an eminent British economist, "it is quite fantastic." Unions were originally established, of course, to protect workers from exploitation and to advance their general welfare. It was partly because of the unions' benign role that the Western world put the interests of people as producers ahead of their interests as consumers. Thus favored, however, labor unions naturally sought to gain higher wages and benefits for their members than they could get in the open market. They became monopolies. They rig the markets for labor by restricting the supply, thereby raising the price. Allowed to organize like armies, they practice coercion and intimidation, and do not hesitate to disrupt a whole economy to gain their ends. And because a company with great market power can usually afford higher wages than it could if it had to compete vigorously, labor unions tend to abet business monopoly. They even in effect join their employers in exacting tribute from the public, as in the construction industry (see "The Building Trades Versus the People," FORTUNE, October, 1970).

Paradoxically, unions are all the more difficult to bargain with in the name of the public interest because labor power is so fragmented. When people think of monopoly, they tend to think of bigness, but it is not by swinging big aggregations of power that unions have won monopoly wages. One giant union with the power to settle for all would tend to exercise some social responsibility if only because it would lean against excessive wage differentials within its ranks. But many small or relatively small unions, each dominating its own market, have been able to gain more for their members than a single big union could. No country has such a union, with the power to settle for all; almost everywhere the local unions are completely autonomous, often belligerently so.

This autonomy leads to a contest in irresponsibility. Union leaders find themselves driven to get a better deal than their colleagues. Thus they not only put the interests of labor in general above the interests of consumers, but also put the interests of their own unions above those of labor in general. Self-restraint on their part would open them to the charge of being statesmen, and a modern professional labor leader resents nothing so much as being called a statesman. Only romantics, of course, expect him to act like one.

The pattern is reinforced by a new restlessness and dissatisfaction in the rank and file. To begin with, workers almost everywhere want more and believe they are entitled to more. They don't know, even if their leaders do, that the rise in the average standard of living is necessarily slow, limited by the rate of increase in real output per capita. What they don't know, unfortunately, hurts everybody.

Their wage expectations are all the higher because work satisfactions in many unionized trades have declined over the years. Only rarely does one find a carpenter or other craftsman who takes pride in his work and goes out of his way to do a good job. In the mass-production industries, younger workers are increasingly alienated from their jobs; for many of them, getting away from the job counts as an additional strike benefit. And some of the pervasive social unrest that afflicts many Western nations finds its expression in the insistent demands of organized labor.

A TENDENCY TO RETREAT

Several trends in industrial nations have conspired to increase the power of unions and weaken the countervailing forces. Government full-employment policies have practically extinguished old fears of being out of a job for a long time. Unemployment insurance and other cushions provided by a well-intentioned society take the hardship out of strikes and enable strikers to stay out in relative comfort until the employer surrenders. As workers develop a taste for very large pay increases, unions become more and more demanding; some union leaders even welcome press attacks on their demands as proof of their manliness and competence. The further employers retreat, moreover, the more aggressively unions behave.

And the tendency of employers these days is to retreat. For one thing, everybody seems to assume at the start that labor is entitled to annual wage increases regardless of what is happening to the economy. Practically nobody any more argues that productivity increases should be passed on in the form of price reductions. Everywhere, or almost everywhere, business assumes that it must yield wage increases that are at least equal to the over-all productivity increase. Thus, by definition, nearly all successful strikes by large unions are inflationary—i.e., they gain *excessive* wage increases. But various pressures operate to force business to give in. There is fear that customers or government or the public will blame the company for the

strike. Sitting out a strike in a capital-intensive industry, moreover, can be exceedingly expensive—capital charges go on, of course, whether the plants are working or not. Again, signing an excessively generous contract usually doesn't make a company vulnerable to competition, because its competitors have been or shortly will be burdened with much the same settlement. And to a great extent, employers have been able to pass the higher costs along in the form of higher prices. It is technically true that excessive wage increases would cause unemployment and stagnation unless accompanied by appropriate increases in the money supply, but business knows that government, wanting to avoid high unemployment, will probably ratify excessive wage increases with inflationary monetary policy.

UNIONS VERSUS LABOR

Of all the industrial nations, Britain has been suffering from the most severe case of economic malaise caused by excessive union power. Organized labor is fragmented into 534 trade unions. Their realms are dispersed and overlapping; many factories must deal not only with several unions, but with several factions in each union. Unions representing nine-tenths of all members are affiliated with the Trades Union Congress, but its authority is very limited.

The ability of the unions to keep pushing costs up has graveled Britons of many persuasions, most notably the dogmatic socialists. The socialists championed unionism under capitalism, but they have come to see that no socialist order can tolerate monopolistic trade unions, each trying to outdo the others, and each ready to disrupt the economy to attain its own goal. Perhaps the most eminent exponent of this point of view is Hungarian-born economist Thomas Balogh, Fellow of Balliol College, Oxford. Balogh, was one of the authors of the Oxford studies on which Sir William Beveridge based his 1945 model for the full-employment state. Balogh rose to high places in the Labor party, served as economic consultant to Prime Minister Wilson, and in 1968 was elevated to the peerage. As long ago as 1943 he described British trade-unionism as "one of those monopolistic associations which is syndicalist in its approach, i.e., incapable of securing harmony between the different branches of the economic system." When the Wilson government came to power in 1964, a lot of people, Lord Balogh included, hoped that somehow it would be able to nudge the Trades Union Congress into assuming more responsibility for labor relations and wage policy. But the T.U.C. never did, and union belligerence plagued the Wilson government throughout its tenure. When it tried to push a union-reform bill through Parliament, for example, the unions ganged up to defeat the measure.

Far from moderating, the British cost-push inflation really took off late in 1969. During the last few months of the year, wages were rising at a 9 percent rate. The government then proceeded to do its inflationary thing by rapidly expanding the money supply—at a rate of nearly 18 percent for a while. Last summer, in the classic inflationary sequence, both wages and prices accelerated sharply, and the London financial press labeled the situation the worst crisis since 1931.

In October, Lord Balogh, now chairman of the Fabian Society, discharged a cannonade in the form of a tract entitled *Labour and Inflation*. It dumped practically all the blame for inflation on union leaders. Distinguishing sharply between the interests of labor in general and the interests of particular unions, Balogh argued that the unions have failed labor. The record of twenty-five years, he said, shows that unbridled trade-union action cannot improve the wage earners' share of the national cake; it can only ruin Britain's ability to compete abroad, and lead to accelerating price increases and a cumulative debauching of the currency. Trade unions have got to realize they are no longer weak representatives of the poor. Their strength makes it necessary for them to accept duties and responsibilities to the community. Balogh's somewhat vague solution is a new "Social Contract," reinforced by an independent review body to deal with prices and incomes.

Union leaders denounced the Balogh tract savagely. Jack Jones, the leader of the Transport and General Workers' Union, declared he wasn't going to take criticism from anyone, least of all professors and journalists who knew nothing about wage claims, "as frankly they've never worked in their lives." But British labor unions are going to be encountering more than pamphlets. The Heath government is pushing through Parliament a new comprehensive Industrial Relations Act, which proposes to overhaul the antiquated British negotiating system, and although the unions are denouncing it as an antistrike act, it is expected to pass. The unions' scramble to outdo one another in wage rises has reinforced a widespread feeling in Britain that there is a need for some kind of intervention to subdue wage inflation.

THAT OLD STABILITÄTSBEWUSSTSEIN

For a long time it looked as if West Germany had the right formula for combining swift growth, full employment, and stable prices. Over the five years 1965–69, G.N.P. rose at a rate of 7.5 percent and consumer prices at about 2.5 percent; unemployment averaged less than 1 percent. Underlying this enviable record was the national fear of inflation, dating back to the great postwar inflation of 1920–23 and the lesser but still severe inflation of 1945–48. As Rudolf Henschel, secretary of the executive committee of the German Federation of Trade Unions (D.G.B.), puts it, the people of West Germany have a *Stabilitätsbewusstsein* (stability consciousness). The average West German, recent public-opinion polls suggest, actually understands that he is better off with a combination of steady prices and small wage raises than with large raises and rising prices.

In keeping with the stability consciousness, West Germany has enjoyed what might be called a statesmanlike labor movement. It has gone out of its way to gear wage demands to the country's ability to pay. This lack of belligerence stems in part from arrangements designed to give organized labor a secure and responsible place in the social structure. A few years after the end of World War II, the coal and steel industries agreed to put union members on corporate boards of directors. Later on, an elaborate profit-sharing scheme was established throughout the country. And organized labor is less fragmented in West Germany than in the U.S. and England. There are only sixteen unions, and each is represented in the federation. Although they are strictly autonomous, they seem to think pretty much alike. West Germany, moreover has imported two million "guest workers," mainly from Yugoslavia, Turkey, and Italy; while most of them are union members, their presence has eased the labor market and helped soften demands for higher wages.

On top of all this, Economics Minister Karl Schiller about four years ago introduced what he called *Konzertierte Aktion* (Concerted Action). It was less vigorous than its name suggests: a group of representatives of government, banks, labor, and management simply met regularly for a kind of kaffeeklatsch. In Schiller's words, "It amounts to a discussion of our economic panorama, of our national account, of our alternatives and possibilities for the future." But if they did not really act in concert, the participants did apparently get to understand one another. For some time, at least, there appeared to exist a working informal consensus that helped to keep union demands within reasonable limits.

Then, in 1969, the edifice of orderly give-and-take seemed to fall apart. In the fall of that year the country was racked by a wave of wildcat strikes. Germany, too, is troubled by political unrest, and although union officials play down the idea, some responsible people blame the uproar on agitators, including a group known as the "Extra-Parliamentary Opposition," organized and subsidized by the "East" (i.e., the Communist bloc). Whatever the origin of their unrest, the wildcat strikers made much of employers' high profits. The unions had agreed to moderate their wage claims in the slowdown of 1967, and with profits high the workers wanted more.

The practice of linking wage demands to profit levels has been troublesome in other nations too. If they surpass productivity gains, wage increases geared to profits are just as inflationary as increases claimed on other grounds. More important, the notion that labor has a right to share in an industry's exceptional profitability is dubious to begin with. Although profits tend to fluctuate with productivity, they are only partly a function of productivity, and depend on many other factors as well. The appropriate, equitable correctives for too-high profits in a given industry are more employment, lower prices, and more investment in that industry. Temporary increases in relative wages are economically justified only when needed to attract more workers to the industry; the practice of funneling abnormally high profits into abnormally high wages tends to constrain efficiency and output.

West German workers, at all events, are getting highly inflationary wage increases. Last fall some four million metalworkers (steel, iron, vehicles, etc.), who had contented themselves with a modest 3 percent gain in 1969, won raises ranging between 11 and 14 percent, against a national productivity increase of 4 to 5 percent. Since then, union demands have swelled even larger. As prices have gone up less steeply than wages in recent union settlements, some German workers are for the moment enjoying considerably enhanced purchasing power; but as other workers get *their* big increases, prices will catch up. Demand and profits, moreover, are softening, and appear to be in for a sluggish year or two. Will unions that got big increases be content with much smaller ones next time around, or will the pressure from below oblige them to demand too much for the health of the economy and society?

Both the Federation of German Industry and the Economics Ministry optimistically hope that labor will display some of that old *Stabilitätsbewusstsein*. Their official projections suggest that average wage increases will taper off during the next few years to a point where consumer prices will be rising at somewhere between 1 and 2 percent. The Federation of Trade Unions professes a similar optimism, which may mean that the unions are actually planning to exercise restraint. "German unions," says economist Karl-Heinz Friedrichs of the metalworkers union, "want *real* increases, not money increases."

But a lot of fingers are crossed, including those of Karl Klasen, head of the Bundesbank (Germany's central bank). Unlike the U.S. Federal Reserve, the Bundesbank would not dream of contracting the money supply to the point of bringing about a significant rise in unemployment (now about 0.5 percent). That, says Klasen, would be "politically impossible." So aside from tightening credit, Klasen can only hope, like the Economics Ministry, that stability consciousness will prevail. Nearly everything that has

happened in the world of organized labor since World War II has tended to support the late Henry Simons' famous generalization, put forward in 1944, that monopoly power has no use except abuse. Within a year or two the world will know whether West German labor unions provide an exception.

A "RITUAL" OF NEUTRALISM

Economists aren't waiting. They are proposing a variety of remedies, all of which in one way or another restrain or counterbalance the monopoly power of labor. Although it is still fashionable among those plugging for restraints to equate business' market power with labor's monopoly power, the equation simply isn't valid. Most business organization exercise nothing like the market power of organized labor. All U.S. companies are in one way or another subject to the antitrust laws. The prices of natural monopolies, such as utilities and transportation companies, are regulated by the government. Even companies in highly concentrated industries, such as steel, autos, and computers, are constrained by market discipline (the latest evidence is an analysis conducted by Professor J. Fred Weston of the University of California at Los Angeles). And prices of commodities, of course, respond to the forces of supply and demand. When the copper supply shifted from scarcity to abundance not long ago, the price suddenly began to fall. Representatives of the producer countries and their workers fared to Paris to discuss ways of halting the decline, but even while they huffed and puffed, the price of copper fell more steeply than ever. The price of union labor, however, never falls. It moves only upward. And nowadays it moves upward even when the economy is faltering.

Accordingly, it is a mistake to insist that any restraint imposed on wages must be matched by a corresponding restraint on prices. This mistake is an example of what economist George Terborgh some time ago called "ritual neutralism." Last month Edwin L. Dale Jr., economic correspondent of the New York *Times*, put the case against present-day ritual neutralism this way: "Public debate and discussion of the present inflation issue has been bedeviled by a fatal semantic error: the use of the term 'price and wage problem.' It is a *wage* problem, and it will not be solved until the 'plague on both your houses' mentality is overcome. Corporate profits, no matter how measured, are not the culprit now." Dale's proposed remedy for inflation has a certain grandeur about it, but it suffers from a neutralism of its own, lumping together all kinds of earners and all kinds of compensation. For the next two years, he suggests, the federal government should prohibit employers from increasing anybody's compensation more than 3 percent a year. Prices, meanwhile, would be subject to no restraints except market forces.

"YES" FROM BUSINESS, "NO" FROM LABOR

Very few of the dozens of ideas that have been put forward in recent months go anywhere near this far. Most, indeed, are rather vague. But practically all recognize that reasonable fiscal and monetary restraints alone are not likely to retard the current climb in union wages. The minimal program, just one degree beyond doing nothing, is "moral suasion," an elegant synonym for jawboning. Even Raymond Saulnier, Chairman of the Council of Economic Advisers under Eisenhower, argues that the White House should take the lead in spelling out the implications of labor-cost increases three or four times as great as productivity increases. The most notable convert to moral suasion, considering his past views and his present position in the U.S. Government, is Arthur Burns, who in early December proposed a high-level wage-and-price review board with broad authority to investigate, advise, and recommend price and wage changes. It would lay down guidelines, in short, but would have no power to enforce them.

Burns, as it happened, advanced his idea at an inauspicious time. Only a few days before his speech, Canada abandoned its experiment with voluntary guidelines. The experiment had begun in June of 1969, with the establishment of a prices and incomes commission under John H. Young, professor of economics at the University of British Columbia. Young, a dedicated and persuasive man, patrolled the country, preaching the gospel of voluntary restraint. Labor, arguing that prices and profits must be restrained first, refused to cooperate.

Young took up labor's challenge. Early in 1970, at a conference on price stability, he persuaded 250 of Canada's leading businessmen to agree to keep price increases "clearly below" cost increases for the rest of the year. Afterward he persuaded hundreds of other businessmen to join the movement. The price curve flattened out dramatically.

But when Young's commission indirectly tried again last spring to persuade labor to hold wage demands down—6 percent was the recommended guidepost—labor again refused. Wage settlements subsequently ran as high as 15 percent. The national government itself was forced to grant postal workers a raise of close to 10 percent. Late in the fall, when Young and his men again took to the road to ask businessmen to extend the pact six months more, they got a uniformly cool reception. The upshot was Young's announcement that wage-and-price guidelines would not be extended beyond the end of the year.

The Canadian experience supports the arguments of those who say that voluntary guideposts will not work. And Burns, among others, has recognized that guideposts might need adidtional support. He has suggested that Congress might have to subject labor disputes involving the public interest to compulsory arbitration, and that the President might have to suspend the Davis-Bacon Act, which augments union power in the construction industry by fixing wage rates on federally financed projects at the highest prevailing rates.

Professors Henry Wallich of Yale and Sidney Weintraub of the University of Waterloo in Canada have independently proposed using a profit tax to "defuse" union power. To induce employers to stand up to excessive wage increases, they would levy an extra tax on the profits of companies granting such increases. Wallich and Weintraub point out that their plans involve no coercion and employ only market forces. But such plans could also impose additional burdens in the wrong place, leaving the power of unions untouched.

TO END THE FREE-FOR-ALL

A good many ideas for restraining inflation, appropriately enough, are being hatched in Britain. Something ought to be done, many British economists are beginning to say, about the extreme decentralization of organized labor, which virtually compels union leaders to keep on demanding excessive increases. Henry Phelps Brown, a professor at the University of London, recently published in the London Times a proposal "to end the pay claims free-for-all." Those who make wage decisions, he argues, must be confronted with the consequences of those decisions. "At present," he wrote, "they are not. Any one inflationary settlement is not followed immediately by a rise in the prices of what the employees buy. On the contrary, their purchasing power rises initially in full proportion to the rise in their pay . . . This must be so as long as decisions about pay are taken singly. Only when the parties to these decisions are brought together on a broad front, to consider rises in a large number of rates of pay at the same time, can they see inflationary rises for the delusion that they are, at the time when the rises are decided."

So Brown proposes to establish a National Council for Pay, which would represent management, employees, and the public, and would lay down general wage guidelines. Each sector of employment would be represented by a similar tripartite council that would apply the guidelines to the particular circumstances. The decisions of the councils would be binding. Although strikes would continue to be legal, strikes that breached the prescribed procedures would be denied the normal protection of the laws.

All these proposals and the many others that have been advanced are welcome signs that the problem of union monopoly is getting wide and thoughtful attention. But though they may hobble union power somewhat, none of them offers a convincing remedy even for the short run, much less the long. Time may prove that there is no remedy except a direct legislative assault on the monopoly power itself—perhaps, as some have proposed, a revision of the antitrust laws that will put business and union labor on a roughly equal footing. The labor unions were in 1914 specifically exempted from the Clayton Act on the grounds that the labor of a human being is not a commodity or article of commerce. But many argue that this provision does not make any sense these days when it is the labor unions that are the exploiters.

But much will have to happen before any intervention so apocalyptic comes to pass. In the meantime, any effective program to restrain cost-push inflation must include measures to chip away at union puissance. One step, for example, might be to end the practice of letting strikers draw unemployment insurance. Another might be to abolish union control over the admission, training, and certification of skilled workers. Still another might be a crackdown by federal and state authorities on the unions' use of violence in industrial disputes.

THE TRUE ECONOMIC STRUGGLE

While such measures to redress the balance of power between business and the unions are being talked about, hopes for reasonable price stability continue to be dependent to a large extent on the good sense and statesmanship of labor leaders. This is a somewhat disconcerting prospect, but it has a redeeming feature. Unless labor *does* show some sense and statesmanship, informed public opinion may well get so fed up with abuse of union monopoly power that it will in time support radical legislation to restrain that power. Labor still has great political strength, but, after all, more than three-quarters of the U.S. labor force does not belong to any union.

The unions are already getting a bad press, as more and more reporters and editorial writers blame inflation on union power rather than business power. These rumblings in the papers may be important signs of a developing shift in public opinion. Perhaps large numbers of people are coming to understand that the true economic struggle these days is not between workers and employers, but between labor monopoly power and the community.

There are other signs of the times, too. When the city's taxi drivers recently went on strike, New Yorkers discovered they could get along pretty well without taxis; and the drivers discovered they weren't quite as indispensable as they thought. And in the United Kingdom last December, some 125,000 electrical workers, demanding a wage increase of 25 to 30 percent, decreed a work slowdown that blacked out parts of the country. Public hostility rose to the point where bartenders and shopkeepers refused to serve the strikers. The union backed down,

and the government succeeded in referring its demands to a court of inquiry. If the unions want to disprove the axiom that monopoly power has no use except abuse, perhaps they had better start soon.

APRIL 28, 1971, DESIGNATED AS PRISONERS OF WAR DAY IN ALABAMA

Mr. ALLEN. Mr. President, Gov. George C. Wallace has issued a proclamation designating April 28, 1971, as Prisoners of War Day in Alabama. Mr. President, I wholeheartedly concur in the sentiments expressed in the proclamation and strongly support the goals of the National POW Day Committee. I believe that Members of the Senate, the families and loved ones of POW's and MIA's, and the public in general will appreciate the action of Governor Wallace in designating a Prisoners of War Day in Alabama. It is a pleasure to ask unanimous consent that the proclamation be printed in the RECORD.

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

PROCLAMATION

Whereas, there are many United States Servicemen listed as Prisoners of War of the North Vietnamese as a consequence of the war in Vietnam, who have borne the flag of this country abroad and who have worn so proudly the uniform of this great land, now helpless, almost forgotten, victims of the inhumanity of the North Vietnamese who are not abiding by the Geneva Convention rules relating to Prisoners of War; and

Whereas, the overwhelming majority of Alabama citizens, regardless of their individual beliefs about the war, are deeply concerned about the treatment of the prisoners; and

Whereas, we, the people of Alabama, are very prayerful for the safety and well being of our servicemen now defending their country in Southeast Asia;

Now, therefore, I, George C. Wallace, Governor of the State of Alabama, do hereby proclaim the day of Wednesday, April 28, 1971, as Prisoners of War Day in Alabama, and urge all of my fellow citizens to join me in praying for the welfare and humane treatment of all prisoners being held in Vietnam, and to pray for their speedy return to their friends and loved ones.

ANNIVERSARY OF BYELORUSSIAN INDEPENDENCE

Mr. TAFT. Mr. President, March 25 commemorated the 53d anniversary of the declaration of independence of the Byelorussian people. On March 25, 1918, the All-Byelorussian Congress met in the city of Miensk and proclaimed the Byelorussian Democratic Republic. Unfortunately, like her neighbors, the Baltics, this new state was unable to enjoy her sovereignty for long. The Russian Communists consolidated their forces and the Red army invaded Byelorussia.

Despite the Communist rule, and German occupation during World War II, the Byelorussian people revived their national institutions and convened a second Congress in 1944, which reaffirmed their desire for complete political independence.

On March 25, 1918, the highest aspirations of the Byelorussian people for a free and independent life were fulfilled. Today, March 25 stands as the symbol of their quest for liberty for all Byelorussians. Those Americans of Byelorussian descent thoroughly disapprove and deplore the regime in the land of their ancestors. Let us join them and express the hope that one day these sturdy and stouthearted people will again attain their national goal of independence and liberty.

CONCERN FOR OUR PRISONERS OF WAR

Mr. CHURCH. Mr. President, Congress and the President declared last week to be a National Week of Concern for Americans Who Are Prisoners of War or Missing in Action. Americans care very deeply about the well-being of all our men in Vietnam. Yet, last week we justly emphasized 1,600 men who face particular hardships through imprisonment at the hands of the North Vietnamese. Each day these men sacrifice for their country. They endure separation from family and friends; they live in physically and psychologically debilitating conditions; and, they must face the prospect of no early return to their own country. Along with other Senators, I wish to join in support of these brave men.

Mr. President, as we must both expect and cherish in a democracy, we find differences in opinion as to the best course of action for this country in the war in Southeast Asia. Yet, regardless of these differences, we all are united in our empathy for the plight of our young men who are known or thought to be prisoners. No one in Hanoi, or any other place in the world, should underestimate the strength and dedication with which all Americans support their young men who are prisoners of war.

As do my fellow Senators, I look forward to the day when our young men who are prisoners of war may be returned home again. Along with my colleagues, I have long been deeply concerned with the fate of those of our countrymen held prisoner by North Vietnam. Many will remember that in 1966 we heard persistent reports that the government in Hanoi had threatened to execute, as common criminals, American airmen who were prisoners of war. Accordingly, I prepared a statement, "A Plea for Sanity," in which I was joined by 18 other Members of the Senate. In that statement we said that—

Before the last remnants of reason are irrevocably abandoned, we call upon the Hanoi government to refrain from any act of vengeance against the American airmen. They are prisoners of war, fully entitled to the protection extended to men in uniform when captured in the performance of their duty.

Now we must renew that plea, for the underlying conditions have changed little in the intervening years. We still have no indication, much less a guarantee, that these prisoners are being treated in the manner to which they are entitled.

Continued North Vietnamese intransigence led me to submit before the Senate, on October 1, 1969, "An Appeal for Humanity in the Treatment of American POW's." In that statement I said that—

It is time for Hanoi to recognize that its treatment of prisoners of war is morally repulsive to people of all shades of opinion in the United States and the world.

Hanoi has still refused to recognize this unity of opinion, for the situation has remained unchanged. Therefore, we must again call on the North Vietnamese and the NLF to observe the canons of morality and international law in the treatment of prisoners.

Still again, in 1970, with a number of other Senators and Members of the House, I joined in cosponsoring a resolution calling for an exchange of prisoners held by North Vietnam, including Americans, for prisoners held in South Vietnam. In that resolution we urged—

Inspection of all prisoner of war facilities, humane care, attendance to dietary and health care needs, free inspection of American and allied prisoners of war held in Vietnam, with priority of release given to sick or injured prisoners and those who have endured long periods of confinement.

The tenets of that resolution have remained valid, but we have had no indication of any meaningful response on the part of the North Vietnamese. Therefore, with many other Senators, I cosponsored a resolution calling on the United Nations to intervene on the prisoners' behalf and to assure humane treatment for them and speed the day of their safe return home.

Yet, all of these calls have gone unheeded. Consequently, until the United States is assured of North Vietnam's compliance with the Geneva Conventions all of us must continue to exert ourselves in the active search to determine means through which humane treatment of those prisoners may be assured. In particular, we must seek a delineation of all our men who are held captive in order that the terrible uncertainty for the families of men missing in action may be ended. To these ends I recently have been privileged to join in cosponsorship of the resolution submitted by the Senator from Massachusetts (Mr. BROOKE) and the Senator from West Virginia (Mr. BYRD) which would create a Joint Committee to Investigate the Treatment of Prisoners of War in Vietnam. This committee could perform work which is undeniably important, for we continue to pose many questions, but those questions remain unanswered. In particular, among those questions which this committee must seek to answer are the number of prisoners held captive, the circumstances under which they are held, and the conditions under which they might be released or exchanged.

Mr. President, it is time for Congress, the President, and the American people to join together in ending the American participation in the hostilities in Vietnam. While there is disagreement on some of the particulars, there is no question about the country's common support of our young men who are captive and our joint determination to bring them just and equitable treatment.

Thus, in this time of national concern for Americans held captive, we highlight

what must be an unceasing pledge to maintain the highest possible amount of public and private pressure on the Government of North Vietnam. In so doing, we may hope to make more humane the treatment our young men receive in their hands, and bring nearer the day those men may return home.

DEMOCRATIC POLICY COUNCIL

Mr. HUMPHREY. Mr. President, the Democratic Policy Council of which I am Chairman, met last week and adopted a statement on Indochina. This statement is a joint effort by members of the Policy Council speaking for the Democratic Party. It was done in good faith and out of a feeling of deep concern for the present policy of the Nixon administration.

Because it represents a carefully thought out reply to present policies and offers constructive suggestions with regard to the Middle East as well as Vietnam, I ask unanimous consent that the statement be printed in the RECORD.

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

STATEMENT ADOPTED BY THE DEMOCRATIC POLICY COUNCIL, MARCH 24, 1971

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, in his State of the World message, President Nixon admits that his policy of Vietnamizing the war "cannot, except over a long period, end the war altogether." The message states that unless the other side agrees to a settlement, Vietnamization will lead to "perpetuating the war." Since the President has indicated he does not expect a negotiated solution, the Administration's policies offer the prospect of endless war.

Although the Administration claims credit for "winding down" the war, in fact it has been expanded into Cambodia and Laos. It is impossible to tell through the smokescreen of conflicting Administration statements and battlefield reports just what is happening in Laos, but it is plain that the decisive victory the President sought has not been attained. The invasions of Laos originally described as intended to run until about May 1 were suddenly described by Vice President Agnew on March 19 as already having lasted "longer than we projected they would." At least the Vice President characterized the South Vietnamese movement towards their own border as "orderly retreat" rather than the "mobile maneuvering" which had previously been used to obscure the realities. Whether a retreat during which cannon are blown up and troops cling to the landing skids of helicopters can be described as orderly is an open question. One uncontroverted fact is that the South Vietnamese forces are completely dependent upon American combat air support and on helicopter lift of men and material to advance or retreat.

Even though American casualties have declined, South Vietnamese troops 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 one-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 bombing both Cambodia and Laos. Under the guise of "protective reaction" 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 power anywhere in Indochina and declined to rule out an invasion of North Vietnam which President Thieu has threatened. Escalation of the war increases the risk of Chinese intervention. The United States should not participate in any manner in an invasion of North Vietnam.

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 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 to end to the war.

There should be a firm, unequivocal declaration by the Government that all American forces will be withdrawn by the end of this year. The Congress should share responsibility for this decision. An announcement of complete withdrawal this year should be used to negotiate the safe withdrawal of our troops and the speedy release of our men who are prisoners of war. Vietnamization of the war offers no prospect for obtaining their freedom. Such an announcement could also result in the beginning of real, substantive negotiations in Paris and an early ceasefire. At the negotiations we should seek an agreement prohibiting future reprisals by either side against supporters of the other side and providing for international supervision. We should also seek agreement on a plan for the rehabilitation and development of all Indochina, once peace is achieved. Having helped to create the devastation, we have an obligation to assist in the restoration. This would also provide an incentive for North Vietnam to adhere to a peace agreement. Other issues should be left to negotiations among the Vietnamese themselves.

The choice does not lie, as the President asserts, between "neoisolationism" or "bugging out" as the one alternative and Vietnamization of the war as the other. A decision should now be made for responsible withdrawal. This would be welcomed by the great majority of our allies and would strengthen our international position and influence.

We call for the enactment now of legislation such as the proposed Vietnam Disengagement Act of 1971, which will prohibit the use of any funds for American military operations in Indochina after December 31, 1971, with adequate provision to assure the return of our prisoners of war.

In the interim we categorically oppose any expansion of the war by American or South Vietnamese forces in Cambodia, Laos, or North Vietnam or by the bombing of North Vietnam.

In 1965, facing steadily increasing American military escalation, North Vietnam rejected President Johnson's offer to contribute one billion dollars to a Southeast Asia Development Fund from which all countries in the region could benefit. We now renew the call for reconstruction and pledge our support for major U.S. participation in that effort.

MIDDLE EAST

We are encouraged that the differences between Egypt and Israel are being clarified and to some extent narrowed. While full support should be continued for Ambassador Jarring's mission, every effort should now be made to bring about direct talks between the parties to reach the compromises necessary for settlement of the highly emotional issues. The four powers should continue their consultations and stand ready to guarantee the settlement which must be negotiated between the parties. The United States should clarify the security assurances upon which it is asking Israel to rely. Our objective remains a lasting peace with secure and agreed upon borders—a peace that will assure independence and security to Israel and all other nations in the area.

THE ECONOMIC SITUATION IN CONNECTICUT CONTINUES TO WORSEN

Mr. RIBICOFF. Mr. President, the serious economic situation confronting our Nation continues to worsen. According to figures released last week, 50 major labor areas now suffer from substantial or persistent unemployment. This is the highest number since June 1962. The unemployment rate in these areas is at least 6 percent and in several areas runs as high as 12 percent.

In Connecticut, four communities are listed in the substantial unemployment category. Included are: New Haven, Bridgeport, New Britain, and Waterbury. So-called "moderate" unemployment of from 3 to 5.9 percent exists in Hartford and Stamford.

Promises of future assistance are not satisfying to men and women who desperately need help today. Immediate steps must be taken to aid those men and women who have lost their jobs due to circumstances they cannot control.

The amendment being offered today would provide immediate relief to 300,000 unemployed Americans who have exhausted their unemployment benefits. This amendment is identical to S. 973, which I joined the distinguished Senator from Indiana in introducing on February 25.

This legislation would amend the Federal-State Compensation Act of 1970 so that workers laid off their jobs for 26 weeks would be eligible for 13 additional weeks of Federal unemployment compensation. This additional aid to jobless workers, it should be stressed, would be started immediately with the Federal Government assuming all costs.

Present law provides for extending unemployment insurance from 26 to 39 weeks only when the national insured jobless rate reaches 4.5 percent for 3 consecutive months, a requirement that has never been reached. This legislation reduces that requirement to 4 percent for 3 consecutive months. The rate of unemployment has exceeded this 4-percent insured figure since September of 1970. Costs of this extension of coverage, which were to have been shared 50–50 with the States, would be taken over completely by the Federal Government.

The amendment also provides potential relief for more than 1 million Americans who are fast approaching the point of benefit exhaustion and who have already been unemployed at least 15 weeks. With the Federal Government funding the extended coverage, benefits could begin now—and not 10 months from now or longer, as called for by the 1970 act.

Mr. President, a recent article by Frank C. Porter, published in the Wash-

ington Post, discusses the sad fact that one-third of the Nation's major labor areas are now suffering "substantial" unemployment. 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:

JOBLESS RATE PASSES 6 PERCENT IN 50 MAJOR AREAS

(By Frank C. Porter)

A third of the nation's 150 major labor areas are now suffering "substantial" unemployment—6 per cent or more—with the addition of five new cities in March, the Labor Department announced yesterday.

And Seattle joined the classification of 12 per cent or more joblessness, the first mainland U.S. city to do so in at least nine years.

The 50 major areas in the substantial category is the highest since June, 1962, when the country was emerging from its last recession. There were only eight so listed at this time last year.

Yesterday's report helped cloud hopes raised by two successive monthly declines in national unemployment—from 6.2 per cent to 6 per cent in January and to 5.8 per cent in February, although the number of jobs and the average work week also dropped in the latter month.

The new list was drawn, however, on the basis of two-month-old data from January. Any subsequent improvement in the over-all employment statistics could be reflected in later reports.

The five additions are New Haven, Conn. (6.5 per cent unemployment); Rockford, Ill. (6.7); Terre Haute, Ind. (7); Worcester, Mass. (7), and Binghamton, N.Y. (6.6).

Two areas already listed as substantial—Bridgeport, Conn., and Lawrence-Haverhill, Mass.—moved up to the 9 to 12 per cent category this month. There are 10 areas in this group now; there were none a year ago.

Seattle, which stands to lose another 5,000 jobs as the result of the defeat of the SST program in Congress Wednesday, moved up from this latter category to the highest group, those with at least 12 percent unemployment.

Two Puerto Rican cities, Ponce and Mayaguez, have been listed under this classification for a number of years. A Labor Department spokesman said he could find no mainland cities so listed at least as far back as 1962.

The following compares the status of 150 major labor areas today with February and a year ago:

Groups	This month	Last month	Year ago
A. (Less than 1.5 percent unemployed)	0	0	0
B. (1.5 to 2.9 percent)	8	13	52
C. (3 to 5.9 percent)	92	92	90
D. (6 to 8.9 percent)	37	34	6
E. (9 to 11.9 percent)	10	9	0
F. (12 percent or more)	3	2	2

The Labor Department describes Group A as "overall shortage," B as "low unemployment," C as "moderate unemployment," and D, E and F all as "substantial unemployment."

Larger cities included in Group D (6 per cent to 8.9 per cent unemployed) are Los Angeles, Detroit, San Diego, New Orleans, Jersey City, Buffalo and Portland, Ore.

Washington is one of the eight areas falling in Group B (1.5 to 2.9).

The eight areas besides Bridgeport and Lawrence-Haverhill in the next to highest category, Group E (9 to 11.9), are Stockton, Calif.; New Britain and Waterbury, Conn.; New Bedford and Lowell, Mass; Muskegon-Muskegon Heights, Mich; Takoma, Wash., and Wichita, Kans.

An area is classified as having substantial unemployment if its rate of at least 6 per cent is expected to continue for two months or more. This is intended to rule out temporary aberrations or seasonal variations.

The Labor Department moved two areas—Muskegon, Mich., and Fresno, Calif.—onto its list of "persistent" unemployment. This means the average unemployment rate has been at least 6 per cent for a year and has been at least 50 per cent above the national average for several years.

CUBAN SUCCESS STORY IN UNITED STATES

Mr. CHILES. Mr. President, as a Senator elected to represent the people of Florida, I am deeply aware of the influences Cubans who have emigrated to the United States have had on my State, and I know also that with the passage of a few years these people have made an almost unbelievable transition from heavy dependence on our government and its resources to a degree of accomplishment and self-reliance that seems impossible.

While the State of Florida has received the greatest impact from this immigration, it has certainly had an effect on the whole country. It is well that all of us have an understanding of the Cubans' developing role in our country and how well they are adapting to it. The Washington Post for Sunday, March 28, 1971, published a comprehensive story on the subject, which I feel should be brought to the attention of the Senate. I therefore 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:

SUCCESS STORY: U.S. CUBANS—REFUGEES MAKE STRIDES IN INCOME, EDUCATION

(By Haynes Johnson)

MIAMI.—Twice a day, five days a week, year in and out, the planes leave Florida empty, touch down at Varadero 75 miles east of Havana and return filled with men, women and children. The passengers arrive at Miami International Airport virtually destitute, with only the clothes on their backs. They are the latest line in an old American story—the immigrants.

It is an emotional scene as the Cubans are reunited with relatives. Old men and women meet their grandchildren for the first time. Often, they find they cannot understand the Americanized Spanish the children speak. There are tears, embraces and frantic conversations.

Sometimes women proudly display wedding rings they have worn on their toes to avoid last-minute confiscation, the last link to a life they have left behind. Then, after processing, the refugees disappear to begin a new life in a strange society.

One Cuban recalls the sense of bewilderment after he first arrived. It was 10 years ago, on the eve of the Bay of Pigs invasion. He was wandering down a street in Southwest Miami, stopping other Cuban refugees and asking about mutual friends. "Where is Enrique?" he asked. "He's in the training camps." "Camps?" he asked again. "What camps?" "Why, the training camps for the invasion."

The Cuban colony at that time was in ferment, a place where refugees clung stubbornly to their language and customs. Older Cubans still maintain their native customs—cooking the pig at Christmas in a large hole dug in the ground covered with banana leaves and gathering at parties to sing Cuban songs—but the emigres long since have been assimilated into American culture.

Grocery stores now sell as standard items such Cuban staples as black beans, plantains and yucca, along with Wheaties and frozen TV dinners. Cubans who started in business by selling their country's food and delivering it to homes have branched out into restaurants appealing to all tastes. Others who began by shining shoes or as stock boys have saved and moved up into broadly based businesses.

The Cubans today have written one of the most notable American success stories.

"Some historian some day writing a sociological history of the United States might well analyze what happened to the Cuban people in the essentially Anglo-Saxon society that we have," Robert Hurwitch, Deputy Assistant Secretary of State for Inter-American affairs, has said. "A remarkable story."

NOTHING BUT ABILITIES

Since Fidel Castro seized control of Cuba in 1959, more than 410,000 Cubans have emigrated to the United States. A quarter of a million have come to America on the daily flights that began in December, 1965. They arrive with nothing but their abilities, and often without knowledge of English.

The age and occupational breakdown of those leaving Cuba has changed since the airlift began. The largest single group, accounting for nearly 24 per cent of the refugees, are between the ages of 6 and 18. The next largest, for almost 20 per cent, are between 30 and 39. The prime military age category from 19 to 29 accounts for nearly 9 per cent.

By occupation, more than 6 per cent are professional, semiprofessional or managerial, with an additional 11.5 per cent in clerical and sales and 9.2 per cent skilled workers. Children, students and housewives form 64 per cent of all refugees. These figures lie at the heart of the Cuban success. By and large, they are highly trained.

Today, 83 per cent of the Cubans are fully self-supporting. Many refugees have risen to positions of prominence in business and industry after starting over again, with nothing, in a new country.

Miami is now a bilingual city. There are some 4,500 Cuban-owned businesses—everything from small restaurants to posh nightclubs, cigar and shoe factories, heavy and light industry concerns—and the economic level of Cubans is rising steadily. The mere figures tell a dramatic story.

HIGH INCOMES

The average income of the Cuban family is approximately $8,000 a year. In the higher-educated and professional groups, it is $18,000 or more per year. Some 49 per cent of the Cubans own their homes, and 22 per cent are in the process of buying one. Hundreds of Cuban teachers work in public schools attended by tens of thousands of Cuban refugee children. There is hardly an area of life on which the Cubans have not left their mark.

Americans who have dealt closely with the Cubans characterize them as extremely well-adjusted and well-motivated: thrifty, hard-working, willing to try anything.

"They have," one government official said, "made it on just pure guts."

COLLEGE PROGRAM CITED

Howard Palmatier, director of the Cuban refugee program for the U.S. Department of Health, Education and Welfare, cites one government program as an example. The government operates a loan program for needy Cuban college students. Already, 11,000 loans have been made.

"The repayment rate is fantastic," Palmatier says.

What is most striking about the Cuban experience is that few expected them to adjust to America so successfully. Ten years ago if you went to Miami, you could find scarcely a Cuban who didn't think he was here only temporarily. Everyone was waiting to return to Cuba. The stories of Cubans sitting in their small rented stucco homes along Southwest Eighth Street with their suitcases already packed for departure while anxiously telling the latest rumor of Castro's imminent overthrow were legion—and true. Then, in the bitterness of the Bay of Pigs disaster, a great sense of betrayal welled up in the Cuban colony.

For months and even years afterward, Miami was a cauldron, the breeding ground for plots and vain-glorious schemes for action. Today, all that has changed.

"I am so different today that sometimes I hardly recognize myself," said Roberto Sanroman, one of the commanders of the Bay of Pigs invasion. "The hardest thing, I think, is to face reality. But it is the bravest thing."

He was talking about the prospects of returning to Cuba. "I would like to go back to Cuba," he said. "Of course. But I know it would be different. It will not be the same Cuba. Sometimes I think I would just like to be able to travel through Cuba—and then come back to my home here."

A CHANGE IN TONE

His is not an unusual view. Sit with Cubans at night in their homes and you will hear similar expressions. Their tone has changed from an ardent militancy to philosophical reflection. Now, there is more of an acceptance of conditions as they are, not as they might have been. And then, subtly but significantly, the conversation will switch from Cuba to Vietnam or the economy or their children.

"I used to stay involved, and try to keep up on what was happening in Cuba," said the wife of another Bay of Pigs invader who was captured and later ransomed with the survivors of the Cuban brigade. "But I don't anymore. We work too hard, and we're too busy in our own lives."

That doesn't mean the old fire—and desire to return to the homeland—has disappeared. One Cuban was talking about the success his people have made in business here, and how the drain of talent (2,000 Cuban doctors have left Cuba since 1959, for instance, about half the total number on the island then), is bound to hurt Castro. Then he said:

"You know, Fidel calls those of us who have left gusanos (worms), and the Cuban people call him El Caballo (the horse).

"Never forget, the worms always eat the horse."

PRESIDENT OR MONARCH?

Mr. CHURCH. Mr. President, is it possible that the President of the United States is surrounded by a court like that of the emperors of old? Can it be that the men who serve the President behave quite like the sycophants who served such tyrants as Adolf Hitler and Joseph Stalin?

Two prominent American journalists think so. Russell Baker, of the New York Times, and Charles Peters, of the Washington Monthly, present their case in a provocative review of three recently published books.

I ask unanimous consent that their article, published in the Washington Monthly for March 1971 be printed in the RECORD.

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

THE PRINCE AND HIS COURTIERS: AT THE WHITE HOUSE, THE KREMLIN, AND THE REICHSCHANCELLERY

(By Russell Baker and Charles Peters)

The analogy between the modern presidency and the royal European court, bewigged, bejeweled, and beset with intrigue, is not original with George Reedy, but he is the first to alarm us with notice that court government is undergoing a 20th-century rebirth in the White House. This renaissance of the princely court, Reedy insists, is breeding immense danger for American government, for much the same reason that the 17th and 18th-century courts of Western Europe contributed to the development of violent revolutions.

In both France and England, our immediate political forebears, kings lost their heads because they had become unable to sense or hear the intent and passion of their peoples through the barriers of courts erected to glorify and, ironically, to protect them. Reedy suggests that the presidency is in somewhat the same danger, and for essentially the same reasons.

The President, needing "access to reality" in order to govern effectively, too often has access, instead, only to a self-serving court of flunkeys, knights, earls, and dukes in business suits, whose best chances of advancing their separate fortunes usually lie in diverting reality before it can reach the President. The result is a dangerous presidential isolation, which may be compounded in its peril because court life works to persuade the President that he is more closely in touch with reality than anyone else in the realm.

Thus, we had those repeated assertions from Lyndon Johnson that only the President had all the facts on which to base decisions about Vietnam, when in truth he lacked the first fact that was most essential of all for a leader and easiest to learn outside the White House court: to wit, that his people were not behind him as he waded deeper and deeper into the quagmire. This isolation from reality kept Johnson, and has since kept Richard Nixon, obsessed with Southeast Asia as a prime problem of government at a time when very few among the people could sustain more than a flickering interest in it, and then only when aroused by White House theatrics.

Reedy suggests that the presidency may be confronted, if not with the headsman or guillotinist, with an institutional arteriosclerosis no less fatal at a time when the interests of government seem increasingly alien to the interests of the governed.

When Reedy's book was first published, its importance as a work of political science was discounted by some reviewers on grounds that Reedy, as a member of the Johnson staff, had based his treatise on a singularly peculiar presidency, one in which parallels to the Sun King were ludicrously easy to draw.

Reedy's discussion of courtiers insulating the President against reality was taken by many readers as sour grapes, a subtle intellectual's way of taking his vengeance upon the cleverer players of the court game who had eased him into retirement. John Roche, who stayed with President Johnson's staff to the end, refers with mild contempt to the notion that presidential staff aides can seriously be likened to royal courtiers.

Members of the Kennedy circle—that strange, apparently indissoluble court in search of a king—contend that Johnson was, of course, susceptible to royal isolation by slick courtiers. But not their man, not Jack. The court analogy had no validity when applied to a President of superior competence.

And yet. . . . And yet. . . .

There were signs, not altogether superficial, that the development of something remarkably like court life had been rapidly accelerating at the White House since the arrival of Franklin Roosevelt. With Roosevelt, the presidency—for reasons not too difficult to understand in an era that was dotting the rest of the earth with strutting Caesars—entered a period of apotheosis. There had been strong presidents before, but now we were embarked on the time of the strong presidency, a time which is still with us.

THE TRAPPINGS OF COURT

In sheer body density alone, the insulation around the presidency has thickened rapidly. Herbert Hoover had a staff of only 42 persons. A generation later, General Eisenhower, who prided himself on taut administration, had more than 2,000. Under Kennedy and Johnson, foreign-policy management groups were moved into the White House, and institutional divisions between domestic- and foreign-policy barons began to develop. In the Nixon White House, an expanding foreign policy dukedom has been established under Henry Kissinger with a staff of his own moving in independent orbit around Kissinger, who simultaneously maintains a great-lord's orbit around the President in the larger White House universe.

The trappings of court began, simultaneously, to multiply. The custom-built carriages, magnificently engineered automobiles built expressly for the White House. Great ocean-spanning jets kept constantly at the ready. Special helicopters. Presidential appearances were preceded and surrounded by the inevitable, ineffectual showing of the private presidential bodyguard. Security at the White House thickened. First, there were the gates through which ordinary mortals might not step. Inside, the lobbies swarmed with hangers-on, most especially the press, waiting for some emanation to filter out from the ruler burrowed deep behind offices occupied by gentlemen of ascending importance. The elite might have entree to the Oval Room, equivalent of the Royal Bedchamber. For the sub-elite there were certain Presence Chambers where the Presidential Magnificence might be seen in the flesh, might indeed grant the boon of a smile, of a casual "Hi, there!" to the fortunate. And there was the White House Mess, where the etiquette of who might eat at what table was of an intricacy that would surely have bemused Louis XIV.

American fears of monarchy at the head of government are familiar to schoolboys—the debate at the beginning about how the leader of the new country should be styled, the fears of the more republican founders that the President might develop into a king and that the seat of government might develop into a court.

These fears survived from memories of the abuses of the English court of the 17th and 18th centuries, at which people and Parliament were frequently dealt with according to the advice of some royal favorite, whose grasp of statecraft ended with a mastery of sycophancy. The most notoriously inept of the courtiers whimsically given power by kings was perhaps the Duke of Buckingham, who seems to have bewitched King James I with his male beauty and skills at flattery and royal companionship. Buckingham survived James to continue incompetent government into the reign of King Charles I. When Buckingham was eventually murdered, all England lit bonfires to honor his murderer. The experience of such government, repeated in differing degrees in the reigns of Charles II and James II and later under the Hanovers, was part of the intellectual heritage of the men who founded the Republic. Hence, the distaste for courts.

Reedy's thesis holds that the time the Founders feared may have arrived at last, unnoted under all the mock-serious political uproar about kings, tyrants, and courtiers that has been part of the currency of political campaigning throughout American

history. Reedy, in fact, gives us a full-length portrait of the courtier's life at the modern presidential court.

And what is a courtier's life like at the White House? Why, surprising to tell, not terribly different from court life at the Reichschancellery in the reign of Adolf Hitler, where a courtier's life was surprisingly like life in the Kremlin, at the court of Josef Stalin.

SERVILITY BECOMES ENDEMIC

By an extraordinary publishing coincidence, Reedy's memoir appears in the same year that Albert Speer and Nikita Khrushchev have given us their memories of life at the top in Germany and Russia.* Neither the Speer nor Khrushchev book concerns itself consciously with court life under Hitler and Stalin; yet, when they are read in context with Reedy, we are startled to discover that the styles of government being described by all three are remarkably alike.

At each court, for example, we find the leader, or prince, treated with a deference approaching reverence, which must inevitably tempt all but the humblest souls (who are rarely to be found running large aggressive states) to assume they possess a superiority bordering on divinity. In time, the man treated with such distinction begins to expect it as his due. The sycophantic Buckingham repeatedly signed his notes to the king, "Your faithful slave and dog," and James seems never to have told him that a friend's groveling was embarrassing to the king. Jack Valenti, who knew his man as well as anyone in Washington, knew that Lyndon Johnson would not bridle if Valenti told the world he slept better for knowing Johnson was in the White House. Princes, whether monarchist, fascist, communist, or democratic, become accustomed to feeling like very special people.

Reedy writes of the White House:

"There is built into the presidency a series of devices that tend to remove the occupant of the Oval Room from all of the forces which require most men to rub up against the hard facts of life on a daily basis. The life of the White House is the life of a court. It is a structure designed for one purpose and one purpose only—to serve the material needs and the desires of a single man. . . .

"He is treated with all the reverence due a monarch. No one interrupts presidential contemplation for anything less than a major catastrophe somewhere on the globe. No one speaks to him unless spoken to first. No one ever invites him to "go soak your head" when his demands become petulant and unreasonable."

Speer found a similar condition under Hitler. He writes:

"There is a special trap for every holder of power. . . . His favor is so desirable to his subordinates that they will sue for it by every means possible. Security becomes endemic among his entourage, who complete among themselves in their show of devotion. This exercises a sway over the ruler who becomes corrupted in turn."

And in Moscow, at about the same time Speer and colleagues were competing to persuade the Fuehrer of his surpassing excellence, Khrushchev and comrades in Moscow were busily laboring to show Stalin that there was no duty more vital for them than humoring his whims. At the end of a brutally exhausting day, Khrushchev recalls:

"We would meet either in his study at the Kremlin or, more often, in the Kremlin movie theater. Stalin used to select the movies himself. . . . When a movie ended, Stalin would suggest, "Well, let's go get something to eat, why don't we?" By now it was usually one or two o'clock in the morning. It was time to go to bed. . . . But everyone would say, yes, he was hungry, too. This lie was like a reflex. We would all get into our cars and drive to the dacha."

UNCOMFORTABLE TRUTHS

The prince, having become accustomed through the assurances of the courtiers to the sensation of being an extraordinary human being, becomes more difficult to deal with at certain times. One such time is the moment when an uncomfortable truth is delivered at the palace door. A courtier's first instinct is to protect the prince, and there are rationalizations for doing so in the unwritten court protocols, as Reedy notes:

"It is felt that this man is grappling with problems of such tremendous consequence that every effort must be made to relieve him of the irritations that vex the average citizen."

It vexes the average citizen, fully aware of his own incompetence, to be forced to dwell upon the fact that in life, things frequently don't work out. Imagine, then, the difficulty of having to confront a prince, conditioned to believe in his peculiarly excellent superiority, with the fact that his policy is failing. There must be many of Lyndon Johnson's dukes and earls who, remembering the Vietnam years, would find it possible to sympathize with Hermann Goering's lines in an anecdote related by Speer.

About to board his train to leave Berlin, Goering was visited by General Adolf Galland. Goering took the occasion to reprimand Galland for having told Hitler that American fighter planes had penetrated German territory. Galland said they would soon be flying even deeper into Germany. "Fantasies!" Goering said. Galland said American fighters had already been shot down at Aachen. "Impossible!" said Goering. And yet, Galland insisted, the downed planes were at Aachen.

"Goering finally declared: 'What must have happened is that they were shot down much farther to the west. I mean, if they were very high when they were shot down they could have glided quite a distance farther before they crashed.'

Not a muscle moved in Galland's face. "Glided to the east, sir? If my plane were shot up. . . ."

" 'Now then, Herr Galland," Goering fulminated, trying to put an end to the debate, "I officially assert that the American fighter planes did not reach Aachen."

"The General ventured a last statement. 'But, sir, they were there!'

"At this point Goering's self-control gave way. 'I herewith give you an official order that they weren't there! Do you understand? American fighters were not there! Get that! I intend to report that to the Fuehrer.' "

It can't happen here? After the Sontay raid failed to discover a single American prisoner of war, much less rescue one, Secretary of Defense Laird went to the White House. What was this? A failure? Not at all, Laird explained. It had been a triumph for American intelligence.

Communism occasionally has the bad news problem, too; and apparently deals with it just as fascists and democrats do.

Khrushchev tells a story that had been told to him by Mikoyan. Demchenko, a member of the Ukrainian Politburo, called on Mikoyan in Moscow.

"Here's what Demchenko said: 'Anastas Ivanovich, does Comrade Stalin—for that matter, does anyone in the Politburo—know what's happening in the Ukraine? A train recently pulled into Kiev loaded with corpses of people who had starved to death. It had picked up corpses all the way from Poltava to Kiev. I think somebody had better inform Stalin about this situation.'

" 'You can see what an abnormal state of affairs had developed when someone like Demchenko, a member of the Ukrainian Politburo, was afraid to go see Stalin himself.' "

Actually, according to the evidence of our three memoirists, it wasn't abnormal at all. Rather than disturb the prince by becoming the delivery agent for bad news, and thus perhaps lose favor, the courtier elects to withhold from him information essential to realistic policy decisions. Or, to put it more bluntly, his own interests are placed above the interests of the prince and the state he professes to serve.

Experienced courtsmen may find it naive that anyone should expect them to behave otherwise. The rationale has been finely worked out; it has been articulated many times by men explaining why they chose not to voice their dissent from the Johnson war policy. Open dissent ends one's chance to exercise his benign influence within the government, and creates job openings to be filled by less high-minded men. In brief, he who runs away shall live to run away another day.

THE KEYS TO THE KINGDOM

Reedy, Khrushchev, and Speer give us comparable pictures of the advancing corruption created in the courtiers by their impulse to establish and protect their intimacy with the leader.

The White House assistants, writes Reedy, constitute "the greatest of all barriers to presidential access to reality." For them:

"There is only one fixed goal in life. It is somehow to gain and maintain access to the President. This is a process which resembles nothing else known in the world except possibly the Japanese game of *go*, a contest in which there are very few fixed rules and the playing consists of laying down alternating counters in patterns that permit flexibility but seek to deny that flexibility to the opponent. The success of the player depends upon the whim of the President. Consequently, the President's psychology is studied minutely, and a working day in the White House is marked by innumerable probes to determine which routes to the Oval Room are open and which end in a blind alley."

This world sounds remarkably like the court of King James I, at which the Catholic faction, finding the King between favorites and knowing his weakness for handsome young men, kept thrusting a lovely young man of their choosing across the King's path, in hopes of obtaining the keys to the kingdom.

In Johnson's White House, the technique at least must have been rather duller. The basic method, Reedy reports, was "to be present either personally or by a proxy piece of paper when 'good news' arrives and to be certain that someone else is present when the news is bad."

Speer found precisely the same principle at work around Hitler. Writing of Martin Bormann, his *bête noire*, he states:

"Bormann followed the simple principle of always remaining in closest proximity to the source of all grace and favor. He accompanied Hitler to the Berghof and on trips, and in the Chancellery never left his side until Hitler went to bed in the early morning hours. . . .

"The powerful men under Hitler were already jealously watching one another like so many pretenders to the throne. Quite early there were struggles for position among Goebbels, Goering, Rosenberg, Ley, Himmler, Ribbentrop, and Hess. . . . But none of them recognized a threat in the shape of trusty Bormann. He had succeeded in representing himself as insignificant while imperceptibly building up his bastions."

"To be close to Stalin," Khrushchev remembers, "this seemed to be the crowning moment of my career."

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* *The Twilight of the Presidency* by George E. Reedy—World Publishing, 197 pages, $6.95. *Inside the Third Reich*, Memoirs by Albert Speer—The Macmillan Company, 675 pages, $12.50. *Khrushchev Remembers* translated and edited by Strobe Talbott—Little, Brown and Company, 618 pages, $10.00.

And elsewhere, "I believed that everything Stalin said in the name of the party was inspired by genius, and that I had only to apply it to my own life." As this comment suggests, the courtier may, at some early stage in the relationship, develop such a psychological identity with his particular prince that he will abandon his own judgment and, like a lover, submerge his identity in that of the prince. The sweet delirium of ecstasy is produced when the prince returns the worship with some small gesture of recognition.

"For me to speak with the idol of a nation," writes Speer, "to discuss building plans with him, sit beside him in the theater, or eat ravioli with him in the Osteria" was simply "overwhelming."

"Now I was completely under Hitler's spell, unreservedly and unthinkingly held by him. I was ready to follow him anywhere."

On occasion, when Speer would greet Hitler with, "Heil, Mein Fuehrer!" Hitler would reply with, "Heil, Speer!" At such moments, Speer recalls, he felt "as if a medal has been conferred upon me. . . . All the intrigues and struggles for power were directed toward eliciting such a word, or what it stood for."

YES MR. PRESIDENT, I AGREE

Receiving the recognition and approval of the leader becomes a pleasure so powerful that the strongest of courtiers find it difficult to deny themselves. The empty-headed thrills which the younger Khrushchev and Speer derived from the notice of their leaders may be dismissed as the natural response of innocence in the presence of a celebrity. But what are we to make of the account of a National Security Council meeting under Lyndon Johnson, as recounted by Chester Cooper in *The Lost Crusade?* Cooper writes:

"The President, in due course, would announce his decision and then poll everyone in the room—Council members, their assistants, and members of the White House and NSC staffs. 'Mr. Secretary, do you agree with the decision?' 'Yes, Mr. President.' 'Mr. X, do you agree?' 'I agree, Mr. President.' During the process I would frequently fall into a Walter Mitty-like fantasy: When my turn came I would rise to my feet slowly, look around the room and then directly at the President, and say very quietly and emphatically, 'Mr. President, gentlemen, I most definitely do *not* agree.' But I was removed from my trance when I heard the President's voice saying, 'Mr. Cooper, do you agree?' And out would come a 'Yes, Mr. President, I agree.' "

The courtier's need to please his leader often has disastrous consequences for the people on the other end of royal decisions. When the Russians surrounded Hitler's Sixth Army at Stalingrad, at a critical moment in World War II, a black reality began to threaten the Fuehrer's notion that the Wehrmacht could not be defeated. At the timid suggestion of a general, he was even considering an effort to save the Army by breaking out into a retreat until Reichsmarshal Goering entered the room:

"Depressed, with a beseeching note in his voice, Hitler asked him: 'What about supplying Stalingrad by air?' Goering snapped to attention and declared solemnly: 'My leader! I personally guarantee the supplying of Stalingrad by air. You can rely on that.' "

His delusion of invincibility thus restored, Hitler would hear no more talk of retreat. He ordered the Sixth Army to stay and fight it out in Stalingrad, where it slowly faced extinction when Goering's promise proved totally fabricated—as everyone on the General Staff knew it would. Finally a group of generals persuaded Chief of Staff Keitel to recommend to Hitler an evacuation of the Army's helpless survivors. It was the only sane thing to do, and Keitel promised that he would. The courtier's instinct, however, overwhelmed him at the critical moment, as Speer recounts:

"But at the situation conference, when Hitler once again stressed the necessity of holding out in Stalingrad, Keitel strode emotionally toward him, pointed to the map, where a small remnant of the city was surrounded by thick red rings, and declared: 'Mein Fuehrer, we will hold that!' "

It is enough to make one sympathize with a tyrant, for the determination of his courtiers to deceive him for their own personal ends—if he is aware of it—confronts him with problems as baffling as those posed by an enemy state's diplomacy.

Rarely is combat among the courtiers pursued to much political purpose in these 20th-century courts. Old scores are settled. There is intrigue, jealousy. One may win prerogatives that can be gloated upon. There is the satisfaction of public recognition, of being written about with awe in the press, and other small chaff. On great issues, however, the court is rarely a court in the Elizabethan sense, but rather more like that self-applauding cheering section which modern American politicians like to call a "team." Members are permitted to work out personal rivalries behind the arras, but on issues of substance every man must shape up, and work with the team.

With court struggle fought out along petty personal lines, the courtiers are inevitably reduced to demeaning little maneuvers to protect their backs, while working into good knife position vis-à-vis their immediate opponents.

Bormann, Speer recalls, avoided long business trips and vacations for fear another would insinuate himself during the absence into Bormann's place. "The man with the hedge clippers," Speer calls Bormann. "He was forever using all his energy, cunning, and brutality to prevent anyone from rising above a certain level."

Speer himself was not without skill at the struggle. Hitler often explained the elimination of important men on grounds that they were in ill health. Politicians, therefore, "pricked up their ears" when they heard of Hitler's associates being "sick." And so, to keep his profile discreetly low, Speer, even when he became "really sick," deemed it "advisable to remain as active as possible."

Khrushchev, referring to personal competition for favor in the Kremlin, describes Stalin's men as "tearing at each other's throats." Indeed, as his version of the Beria story reveals, Khrushchev himself, by the time of Stalin's death, had become superbly adept at tearing throats.

"The life of a courtier," Reedy comments, "is to be Sammy Glick or to fight Sammy Glick."

KENNEDY AND O'DONNELL

This composite portrait of the new courts which seem to flourish around great political power in our century explains a great deal about why things go wrong in modern governments. The court imbues the prince with both religious and antionalistic characteristics that make him a figure of awe. ('I support the President," Americans will say, on most issues in which they have no immediate financial or blood interest. It is closely akin to saying, "I support the flag.")

The courtiers tend to identify the prince with the state. ("What is good for Josef Stalin is good for the Soviet Union," to paraphrase the young Khrushchev in American.) To help the state, the courtier must reach a position of intimacy with the prince, and to do this he must block or eliminate other courtiers moving toward the same goal. Above all, he must please the prince. And a prince who has been conditioned to consider himself a quasi-divine blend of flag, cause, and country is most unlikely to be pleased at being exposed too frequently to reality.

The danger becomes obvious, and Reedy has stated it. Our leaders, whatever their ideology, may very possibly be out of touch with the world that the rest of us live in. That hostile grille fence which keeps us away from the White House has two sides. The other seals off the President from the country he thinks he is governing.

As all this suggests, the courtier-prince relationship is almost inevitably corrupting to both parties. Consider the relationship of John Kennedy and one of his finest courtiers, Kenneth O'Donnell. In his memoirs published last year in *Life*, O'Donnell stated that Kennedy planned in 1963 to end the Vietnam war in 1965, after his reelection had been assured. O'Donnell, with his courtier's tendency to identify prince with state and place the welfare of ruler above all, saw nothing morally wrong, and to this day apparently fails to see anything out of order, with Kennedy's willingness to let men continue dying through 1963 and 1964 because it was politically awkward to end the war before assuring his own reelection.

What motivates the courtier? Money has something to do with it. Throughout history, the non-rich have tended to seek the patronage and protection of the rich. But money is far from the whole story. Another factor is the need to function, the opportunity the courtier gets to use his talents, to prove his mastery of special skills. Men wielding the pen or the brush naturally gravitate to the castle. Italian artists, for example, were given liberal use of church walls and domes to turn their talents to issues of ethereal importance in return for ignoring the rapacity and decadence of the princes who gave them their chance. Likewise, Albert Speer was able to blur away Hitler's final solution for the Jews as he focused on his own job performance. "I often ask myself what I would have done if I had recognized Hitler's real face and the true nature of the regime he had established," Speer said. "The answer was . . . my position as Hitler's architect had become indispensable . . . I was in accord with the system so long as it permitted me to function effectively."

But the need to function is not the whole story, either. Note that Speer did not say "my position as architect," but rather, "my position as *Hitler's* architect" (our emphasis). This is finally what is most depressing of all: the compulsion of men to seek their identities in the gaudier identity of someone they perceive to be greater than they. It is the religious impulse perverted so that one's allegiance is to LBJ rather than to an idea of what the President should be.

THE PRINCE-SUBSTITUTE

Of course, most of us do not have a real prince to have faith in. We have evolved something like a prince-substitute, however, in the governmental and corporate bureaucracies, the universities, organized labor, foundations, with which so many of us are so unhappily familiar. Here we see working most of the same principles which animate life at the great political courts. Speer's willingness to overlook Hitler's mass murders as irrelevant to his specialty is similar to Khrushchev's position on Stalin's purges, as Khrushchev recalls:

"A list was put together of the people who should be exiled from the city. I don't know where these people were sent. I never asked. If you weren't told something, that meant it didn't concern you."

And although these examples are perhaps more dramatic, the attitudes are identical to those of today's corporate specialist—say the advertising men at General Motors, who didn't feel responsible for the unsafe cars produced by their company. Modern institutions remind us in other ways of the courts—the elevation of the organization to suprahuman importance, the minuet of the courtiers, the increasing difficulty of perceiving reality.

The universities, for example, are still puzzled about "what the kids really want." AT&T is still trying to figure out why it didn't anticipate a rising demand for phone service in New York. Penn Central executives are still amazed that there was no one around the office who knew how to run a railroad. The unions are irritated because blacks excluded from jobs by union policy accuse them of racism. And so on, and on, and on. The organization man has already become the characteristic man of our time, the man who shapes our destiny after the princes have finished reciting their ghost-written (by organization men) speeches.

A prophetic article in *The Observer* of London, written about Speer in 1944, is worth recalling, for what it says about our own time.

"Speer is, in a sense, more important for Germany today than Hitler, Himmler, Goering, Goebbels, or the generals. They all have, in a way, become the mere auxiliaries of the man who actually directs the giant power machine—charged with drawing from it the maximum effort under maximum strain . . . In him is the very epitome of the 'managerial revolution.'"

"Speer is not one of the flamboyant and picturesque Nazis. Whether he has any other than conventional political opinions at all is unknown. He might have joined any other political party which gave him a job and a career. He is very much the successful average man, well dressed, civil, noncorrupt, very middle class in his style of life, with a wife and six children. . . . [He] symbolizes a type which is becoming increasingly important in all belligerent countries: the pure technician, the classless bright young man without background, with no other original aim than to make his way in the world and no other means than his technical and managerial ability. It is the lack of psychological and spiritual ballast and the ease with which he handles the terrifying technical and organizational machinery of our age, which makes this slight type go extremely far nowadays. . . . This is their age; the Hitlers and Himmlers we may get rid of, but the Speers, whatever happens to this particular special man, will long be with us."

And so they are, the new courtiers, rising at their most efficient to heights where they seem very close to becoming the organization, but never quite. One day, we are surprised that the organization has sloughed off one brilliant young man and found another immediately to replace him.

In a thousand conference rooms, where the smell of moral sterility is as strong as ether in a hospital corridor, the new courtiers do their minuet each day and the organizations slip further and further from reality.

"How many of us [Reedy asks] have sat without protest through meetings where glorified nonentities expounded profound platitudes in the non-thought and the 'innovative' non-proposal? How many of us have writhed in secret agony while 'dedicated' mediocrities have responded with the organization man's version of Alleluia: 'That grabs me. Run it up the flagpole and I'll salute it'?

"These obscenities have become the condition of life in the modern world—in business, in labor, in liberal and conservative organizations, in publishing, in education, and even in our churches. And when they reach government, where decisions are life and death for hundreds of millions of people, they reach the ultimate of the intolerable. . . .

"Somehow this thing must be made human again. Somehow we must learn to govern our people from an office that is secular and not from a court that is sanctified. If our destruction comes, it will be because we placed our faith—our unquestioning faith—in institutions that were only brick and wood and in men who were only flesh and blood and this seems to be the condition of the last half of the twentieth century."

Speer's personal lament may already apply to thousands who have never dreamed of Nazism and serve as epitaph for generations to come. "Years later, in Spandau," he writes, "I read Ernst Cassirer's comment on the men who of their own accord threw away man's highest privilege: to be an autonomous person.

"Now I was one of them."

DRASTIC CHANGES NEEDED

Mr. HUMPHREY. Mr. President, the need for health care reform in this country is generally accepted, although the method for accomplishing it is not.

The problem facing us is twofold—there is, first of all, an imbalance between supply and demand; there are great shortages of well-trained medical personnel and a need for adequate facilities. The second part of the problem is that those personnel and facilities which we do have are poorly distributed geographically.

To put it another way, we must develop a health care system that will provide the same high level of service to everyone at prices all can afford.

There is no official in our Government, reports Victor Cohn in today's Washington Post, "with proper authority to help, declared responsible for developing possible solutions to the growing health crisis."

Mr. Cohn is an able and articulate observer, and what he has to say should be read by all persons interested in this pressing national problem. Therefore, Mr. President, I ask unanimous consent that his column be printed in the RECORD.

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

DRASTIC CHANGES NEEDED FOR BETTER NATIONAL HEALTH

(By Victor Cohn)

What this country needs for its health is a secretary of health. It needs someone in charge of this floundering area—an official with proper authority and help, declared responsible for developing possible solutions to the growing health crisis.

Strange as it may seem, it has no one such official now, and even under President Nixon's new federal reorganization plan—which includes a Department of Human Resources, including health—it will have none without some drastic further changes.

This conclusion seems inescapable to this reporter after some weeks spent watching the highly partisan debate over how to provide us with better national health. Consider these sickly results of recent federal nonplanning:

The Nixon Administration proposal for national health insurance would omit a large part of the population, though insuring the health of many private health insurors.

The most publicized counter-plan the Kennedy-Griffiths health bill, promises more. But a health specialist for the National Urban League says that: "Nowhere in the myriad of bills, resolutions or plans advanced to date is there any clear mandate to establish and implement with speed any coordinated health system."

The administration and Congressional health forces are vying to construct a new crusade against cancer to cost an extra $100 or $200 million a year just to start—while research lags on many other diseases whose victims also sicken and die. Research areas like over-population, alcoholism, heart disease, cerebral palsy, mental retardation and children's diseases need funds too.

Health in the United States is a $70 billion a year industry. Medicare and Medicaid are costing millions more than anyone ever predicted. The national health bill may reach $200 billion in another 20 years. Yet only in the past year has this administration even begun to think about cheaper health delivery. Last year it spent $1.6 billion for biomedical research, but less than $18 million for health delivery research.

There has been equally little systems study of health, as versus the narrower subject of medical care. Sweden has 83 doctors per 100,000 population, yet has half the death rate among middle-age men as the U.S. with 140 doctors per 100,000. Is training more doctors and paying for more care our most economical health strategy? No one is asking this question on any respectable scale.

Who should? No one knows. Examine the huge Department of Health, Education and Welfare, which may soon become part of an even more Pentagonian Department of Human Resources, and you find an astonishing lack of health planning at any point, Who's responsible? No one—or every one.

A parade of secretaries has failed to master HEW's appalling machinery, though a few—the best was Wilbur Cohen—made a pretty good show of it. Secretary Elliot Richardson is able, bright and extraordinarily well informed on health for a layman. But he would probably be first to testify that he lacks time to be a "secretary of health" as well as secretary of HEW.

The department's highest health official is not even an undersecretary but one of seven assistant secretaries. All with some pieces of health action. This assistant secretaryship for health and scientific affairs was slated to go to Dr. John Knowles (director of Massachusetts General Hospital) at the outset of the Nixon era. The American Medical Association and the late Sen. Everett Dirksen of Illinois (AMA headquarters) opposed Knowles. And health lost. During a fight that lasted for months, HEW's various health tasks were grabbed by various assistant secretaries, deputies, "assistants to," etc.

A nice man, Dr. Roger O. Egeberg, finally got the job. He had been a good dean of the University of Southern California Medical School. Washington was different. He never did get control.

Suddenly health heated up. Sen. Kennedy began calling it "the country's fastest-growing failing business" and proposing solutions. Says one administration official: "In September there was a decision that this was a year of health. So a hysterical exercise began. There were no health plans on the shelf, as there should have been."

In February, practically panting, HEW Undersecretary John G. Veneman (ex-Medicare-Medicaid chairman in the California legislature), Deputy Undersecretary Robert Patricelli (a lawyer) and Assistant Secretary for Planning and Evaluation Lewis Butler (a lawyer) presented the Nixon "National Health Partnership." It would require businessmen and employees to chip in for a high minimum level of group insurance; it would provide most low-income families private policies paid for entirely or in part by the government.

But part-time employees would be excluded from the group plan. Low-income families would get only 30 days' hospital care per illness. Low-income singles or marrieds without children would still get only present welfare medicine or Medicaid. Those 65 and over would be left with Medicare, which is paying

less than half their health costs. They would have to start paying part of their hospitalization on 13th instead of 61st day (while being relieved of one $5.30-a-month charge).

Health experts immediately told the Kennedy health subcommittee that Mr. Nixon apparently wanted to charge the old less when they're well but more when they're sick. Under the group plan, a $7,000-a-year worker might have to pay $1,800, a quarter of his salary, for a $5,000 illness.

Also, critics have emphasized, the administration plan rests almost entirely on extending private (Blue Cross, Blue Shield and commercial) insurance. The commercial sector may be a weak reed.

The February Social Security Administration Bulletin showed that operating "expenses" of commercial insurors for group health policies averaged 13 per cent of premium income in 1969. Expenses of non-profit Blue Cross plans averaged 6 per cent. Social Security's expenses in operating Medicare were between 2 and 3 per cent (omitting rent and many other hidden costs).

Major health insurors like Prudential and Aetna replied that their expenses were only about 4½ per cent for large groups—and, given a government mandate to cover much of the country, they could do as well as Blue Cross.

Maybe so. Scrutiny of the 1969 figures of even the biggest, most efficient firms (like Aetna, Equitable, Metropolitan Life) shows that their overall group coverage of expenses ran 9 and 10 per cent. Expenses of smaller firms ran as high as 26 or 50 or even nearly 100 per cent in a large number of cases.

Bankers Multiple Life Insurance Co. of Chicago, an advertiser of "Medicare supplemental protection" in The Washington Post and Washington Sunday Star of Feb. 28, "earned" $5,270,399 in premiums in 1969, but paid out only $2,248,273. The rest was "expenses." (Figures from Chilton's Spectator, annual health insurance review issue, September, 1970).

The Administration has promised legislation to regulate health insurors. It is clear that it will have to regulate most of them out of existence—or that Sen. Kennedy may be right when he questions putting a national system in the hands of a demonstrably high-cost industry.

Yet no one has clearly demonstrated that a new government plan can control costs any better than the government has under Medicare. Sen. Kennedy's hearings have shed some light and more heat—because they have mainly been an adversary procedure between the Massachusetts senator and his administration, AMA and private health insurance foes.

It is perfectly true politically that Kennedy must build support for his own national health plan or see it tossed in the wastebasket when Wilbur Mills introduces *his* plan.

But is there any better way to develop a national health plan? In Great Britain during World War II, Conservatives, Labor and the British Medical Association agreed one was needed. The famous Beveridge Commission produced a plan, which was then submitted to political debate. It had defects. But it at least followed dispassionate examination of all the alternatives.

The United States is sick, of course, of dead-end commissions as substitutes for action. But in this case—where there is already wide agreement among all parties that a new health plan is necessary—why couldn't Congress: (1) agree by resolution on the goal (as much health care for everyone as the country can afford): (2) create a commission to propose either one or alternate plans; (3) then subject these to political debate?

As to the missing health boss or planner in the Department of HEW or whatever it becomes, Dr. Edmund D. Pellegrino of the State University of New York at Stony Brook has now been asked to succeed Dr. Egeberg. He is, it is said, a good and strong man. But if the President's new reorganization is adopted, he will find himself (as mere "administrator for health") topped by a secretary, deputy secretary, undersecretary and assistant secretary, and who knows how many "assistants to."

The canny Wilbur Cohen's current answer is: make the top health official (and the top education and welfare officials) "secretaries" too—under the secretary of the larger department. This may sound like a small change, he argues, but "you could get a better man for the job; it would give him more prestige in the government; it would give him acceptance by the professionals in his field." It is at least one mechanism that might say clearly: this is the responsible health man, where no one with real prestige and authority is responsible now.

SUBCOMMITTEE ON SEPARATION OF POWERS HOLDS HEARINGS ON EXECUTIVE IMPOUNDMENT OF APPROPRIATED FUNDS

Mr. ERVIN. Mr. President, on March 23, 1971, the Judiciary Subcommittee on Separation of Powers, of which I am chairman, began 3 days of hearings on a very important question involving the separation of powers doctrine.

The impoundment, by the executive, of funds appropriated by Congress is an occurrence which has been practiced by the executive branch of the Government since almost the beginning of the Republic, but which has increased enormously in the past few years. During the hearings, the subcommittee has been fortunate to hear from several witnesses who voiced grave concerns over our system of checks and balances in the face of executive thwarting of congressional intent when funds appropriated by Congress are manipulated by the administration to effect a policy not in conformity with that which Congress directed.

For the benefit of Members of Congress and all other interested persons, I ask unanimous consent to have printed in the RECORD my opening statement at these hearings and a partial list of impoundments by the executive branch as of February 23, 1971, supplied to the subcommittee by the Office of Management and Budget. The list does not include $1.925 million for low-rent public housing and $732.1 million for the model cities program which were impounded in the Department of Housing and Urban Development as of March 1, 1971.

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

OPENING STATEMENT OF SENATOR SAM J. ERVIN, JR., CHAIRMAN, SUBCOMMITTEE ON SEPARATION OF POWERS OF THE COMMITTEE ON THE JUDICIARY AT HEARINGS ON EXECUTIVE IMPOUNDMENT OF APPROPRIATED FUNDS MARCH 23, 1971

The Subcommittee on Separation of Powers today begins hearings on a subject that goes directly to the heart of the separation of powers doctrine: the impoundment by the Executive branch of funds duly appropriated by the Congress.

The growing practice of Executive impoundment is yet another in a long line of developments in the operation of our national Government which erode the powers of the legislative branch and contribute to the steady deterioration of the constitutional principles upon which this nation rests.

Impounding—or reserving, freezing, withholding, sequestering, depending on semantical choice—is not a new concept, and when undertaken for proper purposes, it may be quite useful in effecting economy. Various procedures have been used over the years, the most common being the reserving of funds to prevent deficiencies in a Federal program, or to effect savings. Impoundment also sometimes occurs when Congress, for some special reason such as war or economic unrest, passes appropriations as nothing more than ceilings on expenditures, leaving it within the discretion of the Executive branch to expend the funds. Moreover, impoundment may occur as the result of a specific congressional mandate. Under any of these forms of impoundment, the Executive branch is permitted—or required—to withhold funds under certain specified conditions.

However, impoundment unfortunately occurs under circumstances when the Executive branch, for reasons of its own, wishes to avoid expending sums which the Congress has explicitly directed to be spent for some particular purpose. It is this situation which poses a threat to our system of Government and which so patently violates the separation of powers principle.

Let it be established at the outset that neither I nor my colleagues in the Congress who are concerned over this problem wish the Executive branch to expend the taxpayer's money foolishly. On the contrary, it is well known that I advocate a balanced national budget and ever greater economy in the Government. Nor is this a partisan problem. Impoundment has occurred under Democratic and Republican administrations, and is as objectionable under one as under the other.

In fact, the Anti-Deficiency Acts of 1905 and 1906, provide that appropriated monies may "be so apportioned by monthly or other allotments as to prevent expenditures in one portion of the year which may necessitate deficiency or additional appropriations to complete the service of the fiscal year for which said appropriations are made."[1] These Acts were passed as an aid to economy, but the impoundment process has, over the years, evolved into a major policy tool. By employing impoundment for policy reasons, the Executive branch has, on many occasions, nullified policies of Congress which had been enacted into appropriations statutes.

Under the Constitution, all legislative power is vested in the Congress, including the power to appropriate money. Article I, section 9, provides that "No money shall be drawn from the Treasury but in Consequence of Appropriations made by Law." As one scholar, Leonard D. White, in his book, *The Federalists*, said, the Founding Fathers took the utmost care ". . . to ensure that public funds would be legally expended, to prevent either misapplication or embezzlement, and to guarantee that *the immediate representatives of the people would bear the responsibility for determining how much money should be provided, the sources from which it should be derived, and the purposes to which it should be applied.*" [Emphasis supplied.]

The President, on the other hand, is given no role in legislation save for the power to recommend "such Measures as he shall judge necessary and expedient" provided in Article 2, section 3, of the Constitution, and the power granted him under Article I, section 7, to veto measures passed by the Congress, subject to being over-ridden by a two-thirds vote of both houses. He does have the clear

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[1] Act of February 27, 1906, Chapter 510, Section 3, 34 Stat. 48–49).

responsibility to "Take Care that the Laws be faithfully executed," as required by Article 2, section 3. Certainly the Founding Fathers did not intend to give the President any discretion when they imposed that duty upon him. On the contrary, they intended that he execute all laws passed by the Congress, irrespective of any personal, political, or philosophical views he might have.

He has no authority under the Constitution to decide which laws will be executed or to what extent they will be enforced. Yet, by using the impounding technique, the President is able to do just that. He is also able to effect policy by determining which of the laws passed by Congress he will enforce and to what extent.

It is equally evident that the Founding Fathers intended to limit the veto power of the President to the procedure outlined in Article I, Section 7, which gives him only a limited veto, subject to being overridden by the Congress. Yet under the impoundment procedure the President is, in effect, able to veto measures absolutely, after they have been passed by the Congress and signed by him.

Perhaps even more shocking is the fact that impoundment enables the President to effect an item or line veto. Such a power clearly is prohibited by the Constitution which only empowers him to veto entire bills. Thus, by impounding appropriated funds, the President is able to modify, reshape, or nullify completely, laws passed by the legislative branch, thereby making legislative policy through Executive power. Such an illegal exercise of the power of his office flies directly in the face of clear constitutional provisions to the contrary.

In this era, the powers of the Executive branch have become dominant in the operation of the governmental structure. The "power of the purse" is one of the few remaining tools which Congress can use to oversee and control the burgeoning Federal bureaucracy. Congress is constitutionally obligated to make legislative policy, and is accountable to the citizens for carrying out that obligation. The impoundment practice seriously interferes with the successful operation of that principle and places Congress in the paradoxical and belittling role of having to lobby the Executive branch to carry out the laws it passes.

The impoundment practice has existed throughout this century, although it did not reach its height until the depression and the war years, when it became a means of coping with economic pressures and the necessity of centralizing the management of the nation's war effort. While many observers feel that impoundment during the war years appeared at the time to be necessary to give effect to the President's war powers, the practice unfortunately did not abate following the war, but has expanded steadily since that time, spreading from military spending to the civilian sphere.

The increase in impoundment has attracted the attention of the Congress from time to time, and individual members have decried its use; however, the practice has never been studied in depth by a congressional committee and one administration after another has engaged in impounding with the apparent acquiescence of the Congress.

This Subcommittee in 1969 attempted to gather information from the Executive branch of the Government regarding the extent of impoundment, the amount of money being impounded and for what projects, and the constitutional grounds upon which the practice was based. The Subcommittee wrote every department, agency, commission, and board in the Government requesting that they submit a complete listing of impounded funds appropriated for their use for the fiscal years 1945–1969. The nearly 40 polite replies received by the Subcommittee demonstrated the difficulty in obtaining substantive information about impoundments. One particular example was the response submitted by the Director of the Bureau of the Budget, which has since been reorganized as the Office of Management and Budget. The document, entitled "Examples of Reserves Established Under Specified Circumstances, 1945–1969", presented a very sparse listing of so-called "reserving" actions, and failed to mention many examples of impoundment cited by scholarly writers on the subject. In fact, the only "examples" included were those which least brought the impoundment practice into question. The report did not even allude to such blatant incidents of impoundment as the cancellation of the aircraft carrier *Forrestal* in 1950.

From fragmentary reports, of course, we know that impoundment has been a widespread practice since World War II. It has been used extensively where Congress has appropriated money in addition to what the President has requested in his budget. These "add-on" funds have been impounded on a number of occasions by Presidents Eisenhower, Kennedy, Johnson, and Nixon.

One question we shall try to answer in these hearings is whether impounding is being practiced more today than in the past. Within the last few weeks, it has been revealed that the Nixon administration has placed in reserve or otherwise left unappropriated a total of more than $12 billion of appropriated funds. A list submitted by OMB to the Senate Appropriations Committee revealed that $11.145 billion was in this status as of February 23, 1971. Later testimony before the House Subcommittee of the Senate Banking Committee indicated that another $1.124 billion appropriated for urban programs was also in reserve. According to my off-hand calculations, this total of $12.2 billion represents nearly 20 per cent of the total of controllable items in President Nixon's budget for fiscal year 1971. If I am wrong on this score, then we want to clear this matter up during the hearings.

At this time, I will insert into the record (1) the list of monies in reserve or otherwise unapportioned as of February 23, 1971, (2) a list provided by the Secretary of Housing and Urban Development of funds for his department's programs which were in reserve on March 1, 1971, and (3) the letter of May 28, 1969, from the Bureau of the Budget to the Subcommittee.

Participating today in our discussion of the questions involving the President's power to impound appropriated funds will be Stewart L. Udall, a former Secretary of the Interior; Joseph L. Alioto, mayor of San Francisco; Representative Charles E. Bennett of Florida; F. C. Turner, administrator of the Federal Highway Administration; and William J. Driver, a former administrator of the Veterans Administration.

On Wednesday, we expect to have with us Caspar Weinberger, deputy director of the Office of Management and Budget; Professor Harvey Manefield of Columbia University; Raymond C. Coulter, deputy solicitor of the Interior Department; and Dr. Warren J. Wisby, director of the National Fisheries and Aquarium.

On Thursday, panelists will include Professor Joseph Cooper of Rice University; Professor Brownlee Sands Corrin of Goucher College; William G. Rehnquist, assistant attorney general, Office of Legal Counsel, Department of Justice; Elmer B. Staats, comptroller general of the United States; and Robert Keller, assistant comptroller general.

We are pleased to have with us for all three days Professor S. Loch Johnson of the University of North Carolina at Chapel Hill. Professor Johnson was instrumental in assisting Senator Church assemble materials and research for his article on impoundments which was published last year in the *Stanford Law Review*. I will insert Senator Church's article in the record at a later time.

We are also pleased to have with us Professor Preble Stolz of the University of California School of Law at Berkeley, now Visiting Professor of Law, Yale University, who will take part in these discussions throughout the three days. Professor Stolz has aided this Subcommittee in its past studies of the Federal judiciary.

The Library of Congress has been kind enough to lend us the services of Louis Fisher, an analyst on the staff of the Congressional Research Service, formerly assistant professor, Queens College, who has written three very helpful articles on this subject, which I shall also insert in the record at a later period. We are delighted to have Mr. Fisher with us during the course of these hearings as a special consultant.

I also would like to acknowledge at this time the valuable contribution to this inquiry which has been made by Mary Louise Ramsey, a legislative attorney in the American Law Division of the Congressional Research Service of The Library of Congress. Three years ago, Miss Ramsey did exhaustive research at the Committee's request and prepared for us a memorandum on impoundment. Recently, she updated this earlier work, and I will insert these two outstanding memoranda in the record at a later time.

Last—but not least by any means—we are pleased to welcome the Subcommittee's distinquished professional consultants, who have rendered great service to the Subcommittee during the past several years. I welcome Professors Philip B. Kurland of the University of Chicago Law School, Alexander M. Bickel, and Ralph K. Winter, Jr., of Yale Law School, and Arthur S. Miller of The George Washington University National Law Center.

STATUS OF AMOUNT RESERVED OR OTHERWISE UNAPPORTIONED AS OF FEBRUARY 23, 1971

[In millions of dollars]

Human resources:	
Special milk program, Agriculture	2
Community education	5
School assistance in Federally affected areas	10
Higher education	13
Health Services and Mental Health:	
Regional medical programs	34
Buildings and facilities	4
Indian health facilities	1
Medical facilities construction	2
National Institutes of Health:	
Buildings and facilities	7
Research institutes	10
Rehabilitation services and facilities	2
Programs for the aging	1
HEW trust fund (permanent)	21
National Science Foundation	10
Economic development:	
Appalachian regional development	191
Regional development programs, Commerce	1
National security:	
Foreign military assistance	200
Department of Defense—Military	1,334
Other:	
Executive Office of the President	*
Foreign economic assistance	215
Agriculture:	
Farmers Home Administration	180
Other Agriculture:	
Current	81
Permanent	236
Commerce	8
Corps of Engineers	43
Panama Canal and other civil functions	1

Housing and Urban Development:	
Basic water and sewer facilities grants	200
Urban renewal	200
Interior:	
National Park Service road construction	71
Indian Affairs road construction	64
Reclamation loan program	19
Other Interior:	
Current	33
Permanent	56
Transportation:	
Federal Aviation Administration	970
Federal Highway Administration:	
Current	411
Permanent: Highway trust fund	5,852
Federal Railroad Administration	39
Coast Guard	1
Atomic Energy Commission	170
General Services Administration	71
National Aeronautics and Space Administration	20
Farm Credit Administration	260
District of Columbia	87
Other agencies	9
Total	11,145

"THE SELLING OF THE PENTAGON" REVISITED

Mr. HANSEN. Mr. President, last week, the Columbia Broadcasting System—CBS—rebroadcast its visual and audio production, which the network called a documentary, entitled "The Selling of the Pentagon."

Some have suggested that CBS intentionally made the lack of objectivity in the production obvious in order that there would be a public outcry against it to stimulate interest for a rebroadcast with the resultant profit made available by commercial sponsors for the second time. If this were the intent of the network, its venture was successful. There certainly was public outcry against the biased nature of the production, and its inaccuracies. The public was aghast.

At least this is the impression I have got from reading my mail—both from Wyoming and from other States—in regard to the original broadcast and the rebroadcast. I am pleased that CBS made the decision to rebroadcast the program. In my view, the program was a prime example of the failure by a major network to hold to the precepts of fairness and accuracy. The second broadcast came at a time when many of the inaccuracies had been brought to the attention of the public, and the average viewer was thus enabled to see for himself just how far afield CBS had strayed in the production. I commend CBS for having the decency to rebroadcast the program in the light of the facts about it.

However, Mr. President, with the second showing, CBS also broadcast a 20-minute program which was billed by the network as a rebuttal to "The Selling of the Pentagon."

I had expected that the network intended to provide the over-the-air time for a point-by-point rebuttal by a Defense Department representative who had conducted an in-depth study and appraisal of the CBS production. This was not the case. Instead, CBS again used film clips, edited as before by CBS editors. These clips featured comments by Vice President AGNEW, Secretary LAIRD, and Congressman HÉBERT on the CBS production. Mr. AGNEW's remarks were apparently cuts from a speech he made, and from a news conference, and a CBS commentator commented on the clips. There was no attempt by the network to allow presentation of a point-by-point analysis of the inaccuracies of its production.

Fortunately, such an analysis, in brief, appears in the April issue of Air Force magazine, written by Senior Editor Claude Witze. I ask unanimous consent that the article be printed in the RECORD at conclusion of my remarks, for examination by Senators.

Following the portion called "rebuttal" by the network last week, there was presented what was supposed to be, I presume, a rebuttal to the rebuttal. This was the last word from the network—featuring the president of CBS News, Richard S. Salant, reading his prepared statement. Mr. Theodore F. Koop, a CBS vice president in Washington, provided me an uncorrected proof of Mr. Salant's statement. The St. Louis Globe-Democrat, in an editorial comment on Salant's prepared statement, in which he did not subject himself to questioning by nonpartisan reporters or by any reporters, said that Mr. Salant made the brunt of his defense a sweeping statement that all of the charges could be refuted. Yet his answers to most of the specific accusations were evasive.

I ask unanimous consent that the brief Globe-Democrat editorial also be printed in the RECORD following my remarks.

Mr. President, Mr. Salant read the following first sentence of his statement:

> No one has refuted the essential accuracy of the Selling of the Pentagon.

This first sentence in itself reflects the lack of objectivity CBS used in presenting "The Selling of the Pentagon." If Mr. Salant chose to be objective, he would have said: "In my opinion, no one has refuted the essential accuracy of the Selling of the Pentagon."

I presume that that is his opinion. I hold to the other view.

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

FOLLOWING IS THE COMPLETE TEXT OF THE COLUMN "AIRPOWER IN THE NEWS," BY SENIOR EDITOR CLAUDE WITZE, AS IT WILL APPEAR IN THE FORTHCOMING APRIL 1971 ISSUE OF AIR FORCE MAGAZINE, THE PUBLICATION OF THE AIR FORCE ASSOCIATION

The winter issue of the *Columbia Journalism Review*, a quarterly published at the Columbia University Graduate School of Journalism, is devoted almost entirely to a study of how the press has performed in covering the war in Vietnam. The only possible conclusion a reader of these eight essays can reach is that the press has done a deplorable job. No matter what epithets you might want to hurl at the political administrations in Washington and Saigon, at the military hierarchy, at the military-industrial complex, and at the doves or the hawks, even more heated epithets could justifiably be thrown at the purveyors of ink and electronic signals.

There is one examination of television's performance, written by Fred W. Friendly, a former president of CBS News, who indulges in a bit of self-flagellation, confessing that the "news media, and particularly broadcast journalism" must share the responsibility for public misunderstanding of the situation in Indochina. Speaking of the years when he, Friendly, was the man in charge at CBS, he says, "The mistakes we made in 1964 and 1965 almost outran those of the statesmen."

One thing missing from Mr. Friendly's recitation is any suggestion that the television medium lends itself in a peculiar way to distortion of fact. This reporter has nearly forty years of experience on newspapers and magazines, including more than a decade operating from the copy desk of a metropolitan daily. Television news was born and brought up within that same forty-year period. I have watched it closely and confess that I never was impressed by its impact until Lee Harvey Oswald was murdeded on camera. No newspaper or magazine ever will duplicate that 1963 performance in Dallas. Yet, if I saw it today, I would demand confirmation that the event took place at all and that what we saw on the tube was not a clever compilation of film clips, snipped from a wide variety of source material and glued together to make a visual product that could be marketed to some huckster of toothpaste or gasoline, and then turn out to be a winner of the Peabody Award.

In support of this professional skepticism, we have the performance of Mr. Friendly's own CBS on February 23. The program was billed as a "News Special" and was called "The Selling of the Pentagon." It ran for one hour, with commercials, and featured a recitation of the script by CBS's charismatic Roger Mudd. Mr. Mudd did not write the script; he was burdened with it. The show's producer works in New York. He is reported to be thirty-four-year-old Peter Davis, who says he and his staff spent ten months working on this "documentary." Mr. Davis does not appear to make any claim to objectivity in his work. He is making a charge: that the Department of Defense spends a vast amount of money on propaganda designed to win public approval of its programs. Armed with cameras, scissors, and cement, he proceeded to make his case.

This magazine has neither the space nor the desire to do a detailed critique of "The Selling of the Pentagon," but we have examined enough of it to demonstrate that it leaves CBS with a credibility gap wider than the canyons at Rockefeller Center. Here is an example:

At one point, early in the script, Mr. Mudd, the narrator, transitions to a new sequence in Mr. Davis' portrayal with a paragraph of four sentences. We will examine the sentences one at a time:

MUDD. "The Pentagon has a team of colonels touring the country to lecture on foreign policy."

The team to which he refers comes from the Industrial College of the Armed Forces (ICAF), with headquarters here in Washington. There are four colonels on the team—two from the Army and one each from the Air Force and the Marine Corps. There is also a Navy captain, and, totally ignored by CBS, a foreign-service officer from the State Department. They are not "touring the country." They have a briefing on national-security policy that is given seven times a year, no more and no less. ICAF is not mentioned in the CBS script, and there is no reference to the mission of the college. A TV camerman who visited the school could easily take a picture in the lobby of a wall inscription that says:

"Our liberties rest with our people, upon the scope and depth of their understanding of the nation's spiritual, political, military, and economic realities. It is the high mission of the Industrial College of the Armed Forces

to develop such understanding among our people and their military and civilian leaders."

The quote is attributed to Dwight D. Eisenhower, who spoke those words at the dedication of the college in 1960. He understood the requirement, perhaps more clearly than any other man in our history.

The ICAF national-security policy briefing is designed for the education of Reserve officers from all branches of the armed forces, not primarily for the general public. The reason the team, including the State Department officer, gives it in seven locations each year is to reduce travel expenses by eliminating the necessity for Reserve officers to visit the college. None of this was explained by CBS.

MUDD. "We found them [the ICAF team] in Peoria, Ill., where they were invited to speak to a mixed audience of civilians and military Reservists."

Here we have a use of the word "found" that would not be permitted by a competent newspaper copy editor. CBS was told that Peoria was on the schedule, and the CBS camera crew spent three days at the seminar in that city with the concurrence and cooperation of the Defense Department, the ICAF, and the Peoria Association of Commerce. Before departing, CBS was given full information on the curriculum, the scheduling, the military and civilian participation, the costs, and the funding. The Association of Commerce was the sponsor, in this case, and was permitted to establish the rules under which civilians were admitted. Their seminar, billed in Peoria as the "World Affairs Forum"—a label not mentioned by CBS—covered all aspects of national-security affairs. That includes economics, resources, technology, social problems, and military affairs, as well as foreign policy.

MUDD. "The invitation [to Peoria] was arranged by Peoria's Caterpillar Tractor Co., which did $39 million of business last year with the Defense Department."

The Peoria seminar was not arranged by the Caterpillar Tractor Co. It was arranged by the city's Association of Commerce, which provided the auditorium and other facilities. The Association has no defense contracts. A spokesman for the Association, contacted by this reporter, said his group shared the sponsorship with the 9th Naval District. There were two chairmen for the meeting. The civilian chairman was Charles B. Leber, who in his business life is an officer of the Caterpillar Tractor Co. The military chairman was Capt. Paul Haberkorn, USNR. He is the owner and operator of Peoria's Ace Hardware Store. The hardware store also has no defense contracts, which probably explains why it failed to get a mention on the CBS show.

MUDD. "The Army has a regulation stating: 'Personnel should not speak on the foreign-policy implications of the US involvement in Vietnam.'"

The ICAF team, consisting of five military officers and a State Department officer, does not speak on the foreign-policy implications of our involvement in Vietnam, which would be in violation of Army regulations. The regulations governing ICAF say the material used must be cleared for accuracy, propriety, and consistency with official policy. Both the State Department and the Defense Department have a hand in this routine clearance of all ICAF presentations.

In the CBS show, the camera moves from Mr. Mudd, following his recitation of the above inaccuracies, to one of the lecturers at Peoria. CBS does not identify the speaker in this paste-together of film clips, but he is Col. John A. MacNeil of the US Marines, a veteran of World War II and Vietnam. If the TV audience sensed that the next five sentences, out of the mouth of Colonel MacNeil, sounded somewhat disjointed, there was good reason for it. They came from four different spots in the camera record, and the sequence was rearranged to suit the somewhat warped taste of producer Davis. Sentence by sentence, the quotes go like this:

MACNEIL. "Well, now we're coming to the heart of the problem, Vietnam."

This appears on page fifty-five of the prepared, and approved, text of the briefing. Next sentence:

MACNEIL. "Now, the Chinese have clearly and repeatedly stated that Thailand is next on their list after Vietnam."

That one was cut out of what the Colonel was saying back when he was on page thirty-six and discussing an entirely different aspect of the presentation. Then:

MACNEIL. "If South Vietnam beomes Communist, it will be difficult for Laos to exist. The same goes for Cambodia and the other countries of Southeast Asia."

This is found on page forty-eight of the script. What is most important is that the statement was not original with Colonel MacNeil or the drafters of the briefing. It is a quotation. The CBS scissors-and-paste wizard deleted the attribution. Colonel MacNeil made it clear, in the words immediately preceding the above sentences, that he was quoting Souvanna Phouma, the Prime Minister of Laos. In other words, Souvanna Phouma said it; CBS distorted the film to make its viewers think Colonel MacNeil said it. It is the kind of journalistic dishonesty that a reputable newspaper would not tolerate. Many reporters have been fired for lesser indiscretions.

MACNEIL. "So, I think if the Communists were to win in South Vietnam, the record in the North, what happened in Tet of '68 makes it clear that there would be a bloodbath in store for a lot of the population of the South."

To get this one, the CBS film clipper searched deeper into his filmed record. In the prepared script of the ICAF team, it appears on page seventy-three.

It is easy to see how this technique can be used to make a man say almost anything you want him to say. Once the right words are on tape, they can be rearranged, and were by CBS, in this instance, to make a presentation sound inept, stupid, wrong, vicious, or to reach any conclusions that the film clipper wants to get across to his audience. What the speaker actually put onto the sound track cannot be recognized.

Another example of this in "The Selling of the Pentagon" comes out of Roger Mudd's interview with Daniel Z. Henkin, the Assistant Secretary of Defense for Public Affairs. Two minutes and four seconds of the interview were used out of forty-two minutes of filmed conversation. Here is one breakdown:

MUDD. "What about your public displays of military equipment at state fairs and shopping centers? What purpose does that serve?"

Now, this is not easy to explain, but there are two answers to that question from Mr. Henkin. One is his real answer and the other is the answer concocted by the CBS cutting room from the available tape. TV viewers only know the answer CBS put together. We will give you both.

Here is the answer from the transcript of the Mudd broadcast:

HENKIN. "Well, I think it serves the purpose of informing the public about their armed forces. I believe the American public has the right to request information about the armed forces, to have speakers come before them, to ask questions, and to understand the need for our armed forces, why we ask for the funds that we do ask for, how we spend these funds, what we are doing about such problems as drugs—and we do have a drug problem in the armed forces; what we are doing about the racial problem—and we do have a racial problem. I think the public has a valid right to ask us these questions.

If the TV viewers thought that was a bit disjointed for a reply, and, more important, that it did not answer the question about displays at fairs and shopping centers, it was not Mr. Henkin's fault, because—except for the first sentence—that was not his answer to the question. In the transcript of the interview, the real answer appears, most of which ended up on the CBS cutting-room floor:

HENKIN. "Well, I think it serves the purpose of informing the public about their armed forces. It also has the ancillary benefit, I would hope, of stimulating interest in recruiting as we move or try to move to zero draft calls and increased reliance on volunteers for our armed forces. I think it is very important that the American youth have an opportunity to learn about the armed forces."

This reply, the real one, of course makes sense and is responsive to the question. The producer of "The Selling of the Pentagon," however, was less interested in responsive answers that made sense than he was in portraying Mr. Henkin as a bureaucratic buffoon. The Secretary, incidentally, is himself an experienced and sophisticated reporter of military affairs but can be portrayed otherwise with the television technique of clipping what amounts to a phony reply from his answer to another question. And the other question, TV viewers did not know, also ended up on the cutting-room floor.

It is not necessary to labor the point, although there are several other instances. Mr. Henkin, in a letter to F. Edward Hébert, Chairman of the House Armed Services Committee, said that after spending his life in the news profession he "could not be pleased by the fact that the program's producer [Mr. Davis] chose to rearrange my words. . . ."

Congressman Hébert himself stars in "The Selling of the Pentagon." He also is a former newspaperman and stands completely shaken by this experience with television, although he had been quoted earlier as considering network TV "the most vicious instrument in America today."

That opinion appears to have been reinforced. Lou G. Burnett, who is Mr. Hébert's press aide, testifies that he was contacted early in the CBS effort by one James Branon of the network's New York office. Mr. Branon said CBS was planning to do a documentary on the prisoner-of-war situation. He said the show would explore the plight of the POW and his family. He was seeking film clips that might contribute to this exercise. Mr. Burnett responded with alacrity because he knows his boss is deeply interested in the problem and eager to help the POW families. In New Orleans, he knew, station WWL-TV had a film clip from an old "Congressional Report" program, in which the Congressman had interviewed Maj. James Rowe, a former POW. The interview was in the form of a report to Mr. Hébert's constituents. Mr. Burnett, Mr. Hébert's press aide, had the film shipped from New Orleans to New York and helped CBS's Mr. Branon round up other films dealing with the POW problem. The Hébert clip wound up in "The Selling of the Pentagon" and was offered as an example of how "sympathetic congressmen" are used by the Pentagon "to counter what it regards as the antimilitary tilt of network reporting."

Mr. Hébert's ire, it should be suggested, was aroused more by his depiction as a patsy for the Defense Department than it was by the misrepresentations used to obtain the film. The chairman is, of course, proud of his reputation as a stern critic of military transgressions wherever they occur. In many years as an inquisitor for the House Armed Services Committee, he has never been accused of being unfair, but often accused of being tough. From the time

of his famous "Chamber of Horrors," which depicted military procurement waste and had officers squirming at their desks, to the most recent congressional inquiry into the My Lai incident, he has been one of the Pentagon's most uncomfortable hair shirts.

Mr. Henkin's office estimates that it expended 640 man-hours of labor assisting CBS in the production of "The Selling of the Pentagon." No reasonable request for help was denied. CBS reimbursed the government for the cost of one guard and one electrician employed during photography one day in the Pentagon.

Out of this day's effort came a short clip of a news briefing that was deemed suitable by CBS for inclusion in "The Selling of the Pentagon." The CBS crew filmed an entire DOD press briefing, at which Jerry M. Friedheim, a deputy to Mr. Henkin, responded to routine queries from the Pentagon's regular press corps. During the session, the reporters asked thirty-four questions. Thirty-one of them brought replies from Mr. Friedheim. In three cases, he was unable to be responsive. As the film was edited for broadcast, CBS used six of the thirty-four questions, including, of course, all three of the ones that could not be answered. Why couldn't they be answered? In one example, used by CBS, Mr. Friedheim was asked about the size of some warheads. He said he had nothing to give out on that. If he did have something, and gave it out, he could go to jail.

There are a number of small factual errors in the CBS script that represent nothing more than sloppy reporting. For example, narrator Mudd has a line referring to "30,000 Pentagon offices." There are only a few more than 26,000 persons employed in the Pentagon, all but the top executives sharing an office with many other people. An educated guess is that there may be 5,000 offices in the building.

One interesting fact, denied to viewers of "The Selling of the Pentagon" by CBS editors, is the origin of a clip introduced by Mr. Mudd as "an excerpt from a film called 'Road to the Wall' [in which] the Pentagon has James Cagney tell of a Communist plan that encompasses even more than the world." The excerpt was shown. What CBS did not disclose is that "The Road to the Wall" was produced by CBS itself in 1962 and that James Cagney was the CBS choice as star of the picture. Also, that CBS was paid about $100,000 of the taxpayers' money to turn out the picture. At the time, CBS Films said in a press release from its offices—on Madison Avenue, of all places—that the picture would be "an historical treatment of the Communist Party in operation throughout the world—its doctrine, its pronouncements." In 1962 CBS was far from derisive about the project and was proud that "it will be distributed for showing at all military bases inside and outside the USA and will be backed with pamphlets, posters, and other informational material on communism."

Once all the facts about "The Selling of the Pentagon" are on the record, and someone has examined the clips on the cutting-room floor, it will be interesting to find out what Fred Friendly will write about it in the *Columbia Journalism Review*. From where we sit, watching the tube, the broadcast industry continues to carry its share of responsibility for public misunderstanding. The incredible thing is that the camera is not to blame. It's scissors, paste, and a collection of calloused consciences.

WHO IS MISLEADING WHOM?

CBS's controversial television program on the Pentagon, rerun in St. Louis this week, offered food for thought, but no thought.

It was a sledgehammer blow designed to discredit the forces that protect America while simultaneously seeking to improve the image of critics who spend their waking hours finding sinister motives behind nearly all Defense Department actions.

This network overkill was demonstrated not only by the filmed tapes of Defense Department promotional material, but also by the narration provided by one of the nation's leading newscasters.

His account was marked by innuendo, antagonistic remarks in the midst of interviews with Pentagon spokesmen, and an openly slanted view of almost everything associated with our defense posture.

What was most significant was the conclusion provided by CBS President Richard Salant. Responding to criticisms of the program by such prominent leaders as Vice President Spiro T. Agnew, Defense Secretary Melvin R. Laird and U.S. Rep. Edward Hébert, Salant made the brunt of his defense a sweeping statement that all of the charges could be refuted.

Yet his answers to most of the specific accusations were evasive.

And, in the end, if it is true that the Pentagon is selling itself and the concept of a strong America, is that a vice? Was Congressman Hébert not correct when he asked: "What do you want them to sell—Communism?"

GOVERNMENT SERVICES TO RURAL AMERICA

Mr. HUMPHREY. Mr. President, under title IX of the Agricultural Act of 1970, Congress committed itself to pursuing a sound balance between rural and urban America in our national growth policies. It stated that the Congress considers rural-urban balance so important that we must give the highest priority to the revitalization and development of rural areas.

Title IX also required the administration to give the Congress information in five specific areas. Three reports have been received from the administration. On March 1 the President submitted to the Congress the required "Report on Government Services to Rural America." This report is pursuant to the following requirement in title IX:

> The President shall submit to the Congress a report not later than September 1 of each fiscal year stating the availability of telephone, electrical, water, sewer, medical, educational, and other government or government assisted services, to rural areas and outlining efforts of the executive branch to improve these services during the immediately preceding fiscal year.

Title IX provided that the President should submit the first report on December 1, 1970. However, due to the lateness of the enactment of this legislation the President did not submit the report until March 1.

I am greatly disappointed with the lack of substance in this report. On the basis of this limited information, neither the administration nor Congress could identify necessary corrective actions to implement an effective program of rural development.

Upon enacting this legislation the Congress had in mind detailed and specific information giving a true picture of the availability of Government services and Government assisted services in rural areas. In order to gage the adequacy of rural services, we must have some yardsticks by which to measure them. We must have comparisons of the availability of services in rural areas with the availability of services in urban areas. We must have 1970 services compared with services available in previous years. Unfortunately, none of this information was presented in the President's report.

The President's report consisted of three things: First, general statements about services in rural areas and the future of rural America; second, isolated and unrelated examples of the administration's accomplishments in rural areas, and third, expenditure levels of selected Government programs broken down into standard metropolitan statistical areas and nonstandard metropolitan statistical areas.

The problem with this report is twofold. First, most of the information is meaningless, and second, any information that has significance was already easily accessible to the Congress.

As for the examples of what this administration has done to improve rural services, they have no meaning because they are unrelated to the need for rural services, and the examples mentioned are completely unrelated to each other. Moreover, the examples of administration accomplishments are not even consistent with previous information received from the administration pursuant to title IX.

For example, the report states:

> Non-metropolitan area planning grants for HUD increased from the $1.2 million provided for 57 districts in 1969, to $2.7 million for 122 districts in 1970; $5.0 million is planned for 150 districts in 1971.

One would think from reading this item that the Department of Housing and Urban Development is really meeting the need to expand nonmetropolitan planning. However, in another report required by title IX—a report on the progress made under the joint HUD-Department of Agriculture program to provide assistance to rural multicountry areas—we find that we have barely scratched the surface. This previous report stated that—

> The demands on funds for planning assistance at the State, substate, regional, and local levels are so great that few non-metropolitan districts have adequate funding, even when state and local matching contributions are added. Such districts may not be assigned a high priority in a state's program because of the more pressing demands of urbanized areas.

The earlier report also stated that HUD's request for appropriations for comprehensive planning in fiscal 1970 was reduced nearly 25 percent, thus eliminating more than half of the amounts earmaked for funding programs of nonmetropolitan districts. The report further stated that of 600 multicounty area planning districts in the country, only 15 percent had funding from HUD.

The last part of the President's report deals with expenditures for selected Government programs broken down into standard metropolitan statistical areas and nonstandard metropolitan statistical areas.

Traditionally, a rural resident has been defined as a person living in places of

2,500 population or less, or in open country. The definition of "rural area" used in the President's report, however, is the definition of a non-standard metropolitan statistical area. A standard metropolitan statistical area is defined as a place containing one central city with 50,000 population or more. It includes the county in which the central city is located and adjacent counties which are found to be metropolitan in character and economically and socially integrated with the county of the central city. According to the census of 1970, 31.3 percent of the population lived in nonstandard metropolitan statistical areas.

The Presidential report gives a breakdown of a few Government services in terms of SMSA and non-SMSA. The problem with this classification is it gives us very little information about the kinds of services available in what have traditionally been identified as rural areas. For example, if someone were interested in comparing services in Vermont's principal city of Burlington with services in the most backward area of the State, he would get no help from the presidential report. The entire population of Vermont lives in a rural area according to this report. The same is true of Wyoming. Most people do not consider a town of 45,000 to be a rural area. The fact that a non-SMSA does not have a central city with 50,000 people in it does not mean it should be considered in the same light as an area with a town of 2,000 people.

The old definition of a rural area, a place with 2,500 population or less, is not adequate for the purpose of analyzing the need for additional rural services. However, the presidential report's breakdown in SMSA's and non-SMSA's is even less appropriate.

Another shortcoming of the expenditure figures given in the presidential report is that there is no good description of the selected Government programs which are the subject of the expenditure breakdown. These programs are not analyzed in terms of their purpose and their effectiveness.

More importantly, however, there is basically no new information about Government expenditures in this report beyond statistics which are already available to any Member of Congress upon request.

Mr. President, I hope we can work for a solution to the problems of rural America on a nonpartisan basis. One of the chief purposes of title IX was to develop a meaningful dialog between the executive branch and the legislative branch of the Government. I would hope that in the future the administration will be more cooperative in this effort.

The Senate Agriculture and Forestry Committee's efforts on rural development have been traditionally nonpartisan. I might point out that one of the original sponsors of the rural development title was the present chairman of the Republican National Committee, Senator ROBERT DOLE.

As chairman of the Subcommittee on Rural Development, I am putting the administration on notice that the issues raised by this report on "Government Services to Rural America," as well as other reports required under title IX of the Agricultural Act of 1970, will be gone into very thoroughly by the subcommittee. A genuine commitment to meeting the critical needs of our rural families, in the face of a heavy outmigration to the cities, demands that Congress have the facts by which to take informed legislative action on comprehensive national growth policies and programs.

MIDDLE-AGED AND OLDER WORKERS LOOK TOWARD NEW AND MORE REWARDING CAREERS

Mr. RANDOLPH. Mr. President, thousands of middle-aged and older workers now find themselves in a rut with regard to employment opportunities.

Many would like to embark on a new career, but they lack necessary training and education to make this major change. With the jobless rate now approaching 6 percent, it is becoming increasingly difficult for them to move into more gainful and satisfying employment. Nearly 1.1 million persons 45 and older have now lost their jobs.

In addition, mature workers represent a disproportionately high percentage of employees in declining industries, but a small proportion in the expanding occupations. Many also realize they are in dead end type jobs. Others are employed in occupations with no realistic opportunities for advancement.

However, our Nation still lacks an effective policy to help maximize job opportunities for persons 45 and older.

It was for these reasons that I recently introduced—with bipartisan support—the Middle-Aged and Older Workers Employment Act, S. 1307.

This measure would provide training and counseling directed at the unique and growing problemes of jobless individuals 45 and older. Moreover, it would offer special supportive services for employed persons to upgrade their occupational skills or to prepare them for new and more rewarding careers.

An article in Family Weekly on February 21, provides compelling arguments for these types of services for mature workers who are dissatisfied with their existing jobs and want to move into more productive employment.

Mr. President, I commend the article to the Senate and ask unanimous consent that it be printed in the RECORD.

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

IS THERE A NEW LIFE WAITING BEYOND A JOB YOU FIND UNPLEASANT?

(By Shirley Sloan Fader)

How some men and women in middle years can break free and find second careers.

To all outward appearances, Bill Vreeland was a man who had it made. At 39, he ran a successful car-wash business, owned a magnificent suburban home complete with swimming pool, and was a member of the best country club in the community.

Yet, last summer, he suddenly gave it all up. He sold his business and his home, moved his wife and two sons to Boston, and became a student all over again, this time at Harvard Law School.

Bill Vreeland and his family are part of a new American phenomenon. They are among the increasing number of people who have become so dissatisfied with their way of life that they are switching to a new career in midstream. In effect, they are embarking on a "second" life. Throughout the country, men and women in their 30's, 40's, and even 50's who have found themselves trapped in work that they no longer feel is important or rewarding, are finding the courage to try something else.

Because of this new American mood, for example, 44-year-old Dick Stota will be teaching elementary school math in Indianapolis this spring, three years after he quit his foreman's job in a mattress factory. Carla Hedwig, a housewife for 16 years, began training a few weeks after her 35th birthday and now is a pediatric nurse in a Los Angeles hospital; John Reitz, 32, who was a doorman and a stock clerk, is beginning work in Houston as an electronics technician; and Wendy Rasmussen, in her 40's, has completed her first month of work as a beautician in a San Francisco salon after many years as an unskilled factory employee.

Colleges, trade and technical schools are noticing these days that a substantial percentage of their students are now married men and women with families to support. Anxious to fit themselves for new occupations, these mature people are willing to pay tuition fees and juggle home and study obligations simultaneously, while they work hard for their second chance at life.

"It's inevitable that a whole family will suffer a variety of tensions if either parent is actively unhappy with his daily work," says the nationwide Family Service Association of America, which annually counsels 2,000,000 people. "If a person is always angry and resentful, constantly exhausted, or escaping frustration through drinking, overeating, or gambling, he may be the victim of a daily routine that he finds intolerable. Beginning a new career in mid-life is a way of 'living twice' and is a possible cure for both personal and family ills."

Bill Vreeland and his wife Helen frankly admit their parents thought them "insane" to give up the material comforts they enjoyed. "But those things didn't bring us happiness," Helen points out. "Bill used to work every night until nearly midnight. We never had time together. Our young sons never had a father's companionship. And Bill just didn't like what he was doing. I'll have to teach school now so that we can pay the bills until Bill gets his law degree and starts a practice. But I'm sure we're going to have a better life. We may have had affluence before, but it was 'dullsville.'"

While some people turn away from affluence, others may switch careers in mid-life for the deliberate purpose of finding it. Dr. Orville Helms was making $15,000 a year doing chemical research for a major firm when he quit to join his cousin in a mammoth car-salvage operation. "I felt frustrated in my work because I wanted to make a lot of money and enjoy luxuries," he says frankly. "When I had the chance to go into business with my cousin, I saw an opportunity to own a piece of something that was going to grow, perhaps to branch out into franchise units. I'll earn enough now to support the kind of life I want to live."

Children, too, often thrive on the new interest that their father or mother develops in mid-life.

"My children absolutely loved it when I started studying to become a librarian," says Natali Klingbern. "They were 11, 13, and 15, and they say I stopped 'bugging' them when I was occupied with my lessons and had something to think about besides them. My husband says the same thing. On the nights when I had a class, they were all delighted to pitch in and take care of the house."

Isabel Fleiss, who entered college when her twins began kindergarten, thinks her children don't even notice she is studying. She earned her bachelor's degree in music educa-

tion and is now working for her master's. "I'm home when the children come back from school," she says. "And they never think about what I do all day as long as I'm there when they want me."

A woman with young children must go to school during the day, Mrs. Fleiss believes. "The evening and afternoon are when the kids need you," she says. "It's important too, that you have an understanding husband. If he doesn't believe that what you're doing is worthwhile, then you're bound to fail. He'll fuss over housekeeping details and he'll refuse to help on those inevitable 'horror' days when you have an exam, when nothing has been cooked, and when one of the children has a dentist appointment.

"If he's not secure enough himself, or if he feels his wife's new ability will threaten him as head of the family, he's going to make things impossible. And he's certainly not going to be willing to pay tuition."

Counselors at the Family Service Association of America, teachers at colleges and trade schools, and men and women who have already lived through a career change agree that there are basic criteria indispensable to the success of such a change.

During an interview for this article, Dr. Morris Mintz and his wife, Sally, outlined these criteria.

Doctor Mintz, a former pharmacist who sold his drugstore and entered the Philadelphia College of Osteopathy at 34, was recently elected Chief of the Medical Staff of his hospital in New Jersey. "You must have a goal that you want desperately," he said. "You must also be completely dissatisfied with the kind of life you're living now. You need a spouse who will cooperate. Also, you need a realistic amount of savings for tuition and expenses. And you need solid self-confidence to keep telling yourself you can do it."

"A wife has to have interests of her own," said Sally Mintz. "Otherwise, she'll resent the husband being so busy. I had a baby. Also, I earned money for us by typing at home, and by selling diaper service over the phone. For a while, I worked part-time as a drugstore cashier. When Morris had to study for his exams, I used to take the baby and visit my mother for a week so he would have no distractions."

The Mintzes were financially and temperamentally suited to career change. Both feel their individual lives and their marriage have been strengthened by the experience. But FSAA experts emphasize that it is impossible to generalize as to whether a family will be strengthened or weakened by middle-life career change. Where it is an over-all plan that the whole family views as an improvement or as a necessity, the change should be a tonic for all who are involved.

Some people, however, are chronically discontented. With these people, job discontent may be only a symptom of deeper emotional problems. Changing their work will still leave their real problems unsolved. Also, a parent may selfishly wish to improve himself while placing an unreasonably heavy burden on his spouse and children.

Making a second life is not without its problem-causing demands, even for the most motivated of people. For instance, it takes a lot of energy to cope with the combined demands of part-time employment, parenthood, and home-making, while simultaneously going back to classes and homework. It is often difficult for the mature person to relearn good study habits. And the problem of living on a reduced income is sometimes too much to handle.

Arnold Cintron, for example, had his family's backing when he gave up a job as a successful shoe salesman to study architectural drafting in a trade school. But he dropped out of school three months later. "I just couldn't make enough money on side jobs to keep us going," he says. "We were carrying a big mortgage, and we didn't have enough money saved.

James Tichner's family had ample savings but faced a different kind of crisis. Like many people who change careers, Mr. Tichner decided he had spent enough time "just making money" and wanted more "meaningful" work. Giving up his prosperous insurance agency, he began studying for the ministry. Since his four children were happily settled in their local high school and elementary schools, moving the family 200 miles to the nearest seminary seemed wrong. The family's plan was for Mr. Tichner to live at the seminary and commute weekends.

The older children adapted to the change with ease. But Mrs. Tichner was lonely without her husband, and felt harassed by her new father-mother responsibilities, "Fortunately," she says, "I strongly approved of my husband's decision. This helps me live with my problems. But Billy, our eight-year-old, acted withdrawn at home and moody in school. He lost interest in his Cub Scout activities. On weekends, my husband has to devote hours of special attention to Billy. During the week I have to keep reassuring him that his father does still love him."

Skilled counselors at Family Service Agency offices in hundreds of communities across the country can explore with you the pros and cons of making such a career change. But, in the end, only you and your family can weigh the evidence, judge your own needs, and temperaments, consider your particular circumstances, and finally decide whether you want to "live twice."

DAIRY PRICE SUPPORTS

Mr. PEARSON. Mr. President, I had intended to introduce today a bill comparable to S. 1277, previously introduced by the distinguished Senator from Wisconsin (Mr. NELSON), to require that dairy price supports for the coming marketing year be not less than 85 percent of parity.

My decision to introduce such a bill had been prompted by the March 12 announcement of Secretary of Agriculture Hardin that the dairy price support level for the 1971–72 marketing year would remain at the $4.66 level in effect during the past marketing year. Because inflation has eroded the purchasing power of all Americans, and particularly the economic position of the American farmer, I had concluded that $4.66 per hundred weight of milk was wholly unacceptable as a support level for the American dairyman.

Apparently the administration has had the benefit of deep concern expressed by both farm State Congressmen and dairy farmers, for the Department has reversed its original ruling. The support price for milk for the coming marketing year has been increased to $4.93, or 85.1 percent of parity using the February 1971, cost-of-living indexes. I congratulate the Secretary for his courage and for his willingness to revise an original estimate which was clearly in error. Consumers will not suffer from this increased support price, for current market prices are above the support level. The support level, now at 85.1 percent of parity, will protect dairymen from precipitous price declines in the coming months.

Because of the Secretary's action, reversing his earlier decision, my intended legislation is not needed at this particular time. However, the situation in recent weeks has raised the question of whether or not the basic law should be changed to provide for a permanent support level of at least 85 percent of parity for manufacturing milk.

At the appropriate time I intend to introduce proposed legislation which would accomplish that objective.

SUPPORT FOR SST ALTERNATIVES

Mr. HUMPHREY. Mr. President, on Thursday, March 25, I joined the distinguished Senator from Maine (Mr. MUSKIE) in introducing a bill to provide $100 million to be used in the development of mass transit systems, improved aviation safety, and alternative air-service systems for areas of high population concentration.

I am delighted to be one of the original cosponsors of S. 1382. Clearly, the funds that would have been used to complete the SST prototypes and see them through their original testing can be better spent.

The expertise, technological and computer know-how of aerospace and defense oriented corporations, and their work force, are uniquely flexible and adaptable to the design, testing and production of the type of highly complex systems I mentioned above.

Mr. President, we were all aware that some jobs would be lost if the SST were eliminated. It was the most difficult part of any Senator's decision—knowing that 13,000 jobs depended on continuation of this aircraft program. However, Congress has made its decision and it is now up to Congress and the administration to work together to devise alternative modes for making sure that the unique talents of these companies and their employees are not wasted or underutilized.

I believe that S. 1382 plus resolutions designed to foster congressional-Executive cooperation in this endeavor are steps in the right direction. However, we must move swiftly and directly. Hearings should be held as quickly as possible, and a bill should be reported to the Senate that provides meaningful opportunities for redirecting the talented efforts of engineers, technicians, and other workers in aerospace and defense oriented fields.

America certainly has the ingenuity to design meaningful and challenging tasks for these corporations and workers. The need for jobs exists and continues to expand. The economic doldrums have doubled the unemployment rate in the past 2 years. Both the need and the opportunity face us. We can and we must match the two. This is both an economic and an ethical imperative with which we cannot proscrastinate.

SENATOR MATHIAS PUTS IMPOUNDMENT QUESTION IN PERSPECTIVE

Mr. ERVIN. Mr. President, the Judiciary Subcommittee on Separation of Powers, of which I am chairman, conducted hearings on March 23, 24, and 25 on the impoundment of appropriated funds by the executive branch of Government. A great deal of information and many opinions were developed dur-

ing the course of these hearings, upon which the subcommittee expects to report in the near future.

One of the most cogent presentations made at the hearings was a statement delivered by the distinguished Senator from Maryland (Mr. MATHIAS), who is making an extremely important contribution as the subcommittee's ranking minority member. I do not believe that any participant in our hearings put the question of appropriated fund impoundment in perspective as well as Senator MATHIAS, and I commend him for his excellent statement and his work with the subcommittee.

Mr. President, in order that his statement may have widespread dissemination, I ask unanimous consent that it be printed in the RECORD.

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

STATEMENT OF SENATOR CHARLES MCC. MATHIAS

Mr. Chairman, the investigative power of the Congress is its ultimate safeguard—the dependable lifeline to assure a proper balance between the authority and power of the three separate branches of government. Through investigation, exposure and acknowledgment of problems, the Congress serves as the trustee of the public's conscience and the watchdog of Constitutional intent.

Congress will never lose control over its constitutionally mandated responsibilities as long as we have men in Congress such as our distinguished chairman, who will perform the necessary watchdog function over this delicate balance. It is indeed appropriate that Senator Ervin be the Chairman of the Separation of Power Subcommittee. We are all grateful to him for his leadership.

We have seen in the area of foreign affairs how the Congress has not only ignored the dangers, but has actually watered and fertilized the beanstalk of growing executive authority. It is important to recognize the naivete of Congress which tolerated every form of abuse of the rules so long as it was in substantial agreement. We must assure through hearings such as these that a similar acquiescence not be made in the area of domestic affairs. The power of the purse—the power of Congress to determine the expenditure of public money, the money of America's taxpayers—must be preserved if we are to preserve fundamental balance between the legislative and executive branches.

What was tolerated in the foreign and military areas where facts were few, expertise limited and differences dangerous is not likely to be accepted at home even in an atmosphere of harmony. Let us make clear that Congress will not sit idle and watch its domestic authority slip away.

We are addressing ourselves to the role of Congress and the role of the Executive in the spending of appropriated funds. The question goes to the very lifeline of our government. The Constitution clearly delegates sole authority to Congress to raise and expend money. But what is the role of the Executive in the context of its responsibility to execute the laws and its inherent duty to have an efficient, effective and orderly government. The Executive must have some opportunity to fulfill its objectives, for as we know, it must suffer the political burden for any failure. These are fundamental questions—hard questions which must be answered. When we consider when and under what circumstances the Executive can play an independent role in the appropriation process.

Three separate classes of cases come to mind: a standard authorization and appropriation, a mandatory appropriation and the appropriation of unrestricted funds for "revenue sharing". Illegal impoundment takes place when the Executive holds up—impounds—money what the Congress clearly has directed to be spent. If language is permissive not mandatory—where we give the President the discretion to impound or build reserves—we then cannot be surprised at the Executive for the exercise of that discretion. We are on notice from previous experience and could have acted differently to prevent repetition.

We cannot allow, however, the President or the Executive branch to have an informal line item veto of appropriated money which cannot be overridden. This is in effect to *impound* declared Congressional policy and threaten Congress' very existence. This is clearly in violation of the spirit and intent of our Constitution. There are certainly instances when in the name of efficiency or Keynesian management of the economy the Executive branch would decline to spend certain appropriated monies. It would just not make good business sense to do otherwise. But where efficiency or Keynesism ends and infringement begins is a very thin yet fundamental line.

But the occasional and arbitrary use of this power may not be the best way to exercise it. Perhaps we should consider a formal line item veto with provisions for Congressional review and authority to override the President's objections. Some consideration of this possibility would not be inappropriate to this hearing.

The practice of impoundment is not an exclusive characteristic of any administration. Executives of both parties have been guilty. Impoundment has become a tradition—an incidental benefit and power to the Executive within the mushrooming growth of the Executive branch.

Impoundment affects us all. It affects the quality and integrity of government as well as the implementation of the needed programs which have been specifically approved by Congress. In the state of Maryland, for example, recent federal impoundment has caused harmful results in housing and education.

As we approach the concept of revenue sharing, it is particularly timely to inquire into the role of the Executive in the appropriation process. Billions upon billions of dollars may be passing through the Executive branch on their way to the states. It is important that these hearings lay the ground rules for the participation of the Executive branch. Revenue sharing cannot tolerate revenue impoundment. If Congress ever authorizes revenue sharing without a clear understanding with the Executive on subjects of importance, it will have sounded its own death knell. If Congress delegates the power of the purse to a President by authorizing him to share federal revenue sharing or withhold them at his sole discretion, then the purposes of the Congressional institution will have become obsolete. And I speak as cosponsor and friend of revenue sharing.

Mr. Chairman, opposing points of view are being advanced as to the authority, right and jurisdiction of both the Congress and the Executive branch in the area of appropriations. I hope we do not make this mere academic exercise—for it must be clearly understood that all rights must be qualified in the public interest. Also, I sincerely hope that this Committee makes strong legislative recommendation to remedy the problem. We must act now to preserve the balance of power.

WHAT IS THE CONFERENCE ON ECONOMIC CONVERSION ALL ABOUT?

Mr. GURNEY. Mr. President, I have been studying the program of the so-called Conference on Economic Conversion which is being held on Capitol Hill this week.

Oftentimes when confronted with a cute phrase of jargon, it is well to look into the background to find out what this term "economic conversion" means. I find that it is not so cute after all, particularly when it appears that the leading presidential contenders of the Democratic Party have chosen this conference to peddle their wares.

Some may think that this is an objective, high-level conference, where truth is being sought.

In point of fact, all the evidence clearly indicates that it is nothing but a massive propaganda operation which could well result in undermining the national security of our country. It is a subtle lobbying effort exploiting the cause of peace for narrow ideological concerns, which could have the exact opposite effect.

I have taken the trouble to look behind the fancy name of the so-called Conference on Economic Conversion. I find there that the conference is a concentrated effort of a group that calls itself the Coalition on National Priorities and Military Policy. I realize that everyone is concerned with setting the proper priorities for our Nation. Yet, here it is essential to look behind the catchy title lest we buy a pig in a poke.

The Coalition on National Priorities and Military Policy was an intensive lobbying group set up in May of 1969 to undercut our defense posture generally and to pull us precipitously out of Vietnam with no regard for the consequences or for the safety of the men committed to fighting there by the Democratic administration of President Johnson. It is highly interesting that this group had no such pangs of compulsion until the Republican administration was in office.

I am quite ready to acknowledge that anyone in our Republic is free to take such a position if they want to. The point is, however, that their propaganda activity should be labeled for what it is, and not pass as an objective group of scholars and leaders seeking the truth.

Only a year ago, the Coalition on National Priorities and Military Policy described its activities as follows:

The ABM and MIRV issues:

Participates in concentrated and coordinated Senate and House lobbying;

Sponsored anti-ABM rallies at Madison Square Garden and Los Angeles, June 25, 1969; and

Distributed the anti-ABM film made at the New York Rally throughout the nation.

Military Authorization Bill:

Contacts all Members of Congress urging support of amendments to reduce budget;

Follows up with visits to Members; and

Organizes groups of observers to follow debate and voting on the Bill.

Mr. President, this is plainly and simply a lobbying group representing a narrow faction. We are used to lobbies of all types here in Washington, but it has always been considered that the decent thing to do was to present lobbying activities as lobbying activities. Yet here we have them hiding behind the high-sounding name of a "Conference on Economic Conversion." I should think that if the

leading contenders for the Democratic nomination want to associate themselves with the lobbying efforts of a special interest group, that is perfectly all right, however, I think that they should have the good grace to tell the American people whose platform they are standing on.

A check of both the Clerk of the House and the Secretary of the Senate shows that no such group as the Coalition on National Priorities and Military Policy is registered as such as a lobby under the Nation's lobbying laws. Yet the group itself describes its principal activities in minute detail as lobbying.

And I thnk that there is something else that the American people should know about this group. In the past, it has been the principal cosponsor with the Vietnam Moratorium Committee of activities calling for an immediate withdrawal from Vietnam with no regard for the consequences. The honorary chairman of the coalition has appeared at press conferences with the moratorium leader, Sam Brown, who has frequently expressed his high regard for the Vietcong leaders, and his contempt for the President of the United States. It was Sam Brown who wrote as follows:

> In fact, most of us who have worked to end the War for some time believe that any semblance of a military victory in Vietnam would be disastrous for the United States.

Mr. Brown is free to make such statements if he so desires. The Coalition on National Priorities and Military Policy is free to cooperate with Mr. Brown if it so desires. However, when five contenders for the Democratic nomination appear on the coalition's platform, the public has a right to know what the coalition stands for, and what it has done in the past.

It is important to realize that a main force behind the coalition is the United World Federalists, a group which has never been described as in the mainstream of American politics.

Another member of the coalition is the Committee for a Sane Nuclear Policy, which also lacks a wide constituency in America.

Also included are the Women's International League for Peace and Freedom, and the Women Strike for Peace, which have seldom distinguished between the U.S. national interest and the interests of other superpowers.

The Americans for Democratic Action are also represented, along with the New Democratic Coalition.

It would be easy to go through the whole list of members and sponsors, but I have quoted enough to show that this is really a coalition of a narrow, leftwing spectrum of politics with, I might add considerable overlapping of trustees and officers.

It behooves us, therefore, to ask what this group from the far end of the political spectrum means by "economic conversion."

A good case can be made that the net effect of their program will be the conversion of the United States into a second-rate power.

They hope that this conversion will take place by reducing the U.S. defense capability and downgrading the constructive effort of the U.S. defense system.

The long-range, gradual dissipation of the standing of our national security will be further lowered by the reduction of the research and development programs in industries contributing to an improvement in our defense posture. The conference's bias is evident in the loaded question they propose to discuss: "Can defense firms undertake meaningful work?"

The conference claims that:

> Its objective is "to develop new government programs for redirecting human and capital resources to meet neglected national needs in an efficient manner.

Yet the reduction of the U.S. defense posture does not have, and cannot have, only the meaning of a transfer of funds and resources from the defense into social welfare and education. Rather, it is the process of creating an entirely new political and economic system. Economic conversion means the conversion of our free enterprise, democratic system into a system where the national objectives and the means of carrying them out are established by Government policy; or more precisely, by the policies of the small elite that advocates conversion.

The policies of conversion will affect the entire range of domestic and international problems, not just the defense expenditures which make such a fine target for demagogs. We will find that the ability of our economy to perform adequately, and to expand, will be diminished. The creativity of individual enterprise may well be constrained. The sudden shift into welfare-related spending will reduce individual and national productivity, with consequent further, serious inflation, and an increase in the cost of living and in the number who fall below the poverty line.

Internationally, we will see that our ability to provide positive leadership for peace will begin to fade. The conditions of leadership, and the independence of action necessary in the international political sphere depends directly on the ability to back up our leadership by adequate, credible, and viable economic and military force. A second-rate power has no friends, and no ability to command authority.

It would be wonderful if one could stop wars by a unilateral shift in the U.S. expenditures for defense. But the methodology of war prevention is much more complicated. It is also much more expensive than many would like to admit. The creation of peace cannot be attained by leaving the field to more powerful nations, particularly when these nations have an unparalleled record of military and ideological aggression.

This objective of the conference sponsors might conceivably be feasible in a really peaceful world; however, in fact we live in a world of so-called peaceful coexistence, in which one party preaches admittedly the continuation of the so-called class struggle by various means; for example, by wars of liberation, and so forth. The promoters of the conference overlook the fact that it is not the United States but the Communist countries and their allies which initiated and have perpetuated the struggle which claims such a high percentage of our national resources. Thus, in fact, the demands of the sponsors of the conference amounts to unilateral disarmament of the United States.

Furthermore, the sponsors of the conference seem to be oblivious to the fact that even if normal friendly relations between States should exist, the progress of science and technology would by now claim a high percentage of our national resources for military expenditures. If the sponsors of the conference honestly meant economic conversion from a wartime to a peacetime basis, they obviously do not know what they are talking about.

The United States devotes a relatively small share of its national resources to the demands made by the Vietnam war. The other national resources devoted to military purposes cannot be dissipated for the so-called important social needs—which the sponsors of the conference have never clearly defined—as long as the United States is not only doctrinally but also politically and development wise under ceaseless attack by the antagonists of this country.

Certainly, there are national needs other than military ones which have to be downgraded in view of the prevailing situation. However, the sponsors of the conference for their own reasons, attempt to put the blame for the neglect of these national needs on the United States rather than on this country's opponents which declare daily that they will strangle it if they only get an opportunity to do so.

The free enterprise system of this country depends in no way whatsoever on the allocation of a high percentage of national resources to military purposes. This is an entirely false, misleading, and unproved statement which has been so frequently made that is it accepted as true without ever having been proved.

Shock tactics to rock the economic boat have never been and will never be the way to achieve reallocation of national resources if and when this will be feasible. Such shock tactics can only lead to economic chaos, widespread unemployment, and the creation of a political situation and environment which the sponsors of the conference hopefully assume to be advantageous to their goals of imposing a collective socioeconomic system upon this Nation.

The scare propaganda emanating from these groups is a well-known device for political action. Certainly, the progress of science and technology has led to increased pollution, and the natural environment of man is not anymore what it used to be. But the Nixon administration and Congress have already taken good initial steps to combat pollution and are now in process of doing much more. Clearly the continuous repetition of political slogans like "environmentalism," "stop pollution," and so forth, are intended to drum up interest and sympathy for the coalition, whose main objective is really to hamstring the Department of Defense.

In conclusion, then, the Conference on Economic Priorities is not, as the invitation claims, an expression of widely divergent interests, but of a single group of political interests, the realization of whose goals will go a long way to disarm the United States unilaterally.

The reduction of military expenditures cannot be accomplished in a vacuum. We cannot ignore the reality of Soviet preparations for war, nor Soviet assistance and instigation of revolutionary wars in many theaters.

The two superpowers provide the basic umbrella of security for the rest of the world. The continuity in the symmetric balance of this umbrella is the only structure that can prevent the plunging of the world into wars of all kinds. One can remember the days when the umbrella of Prime Minister Chamberlain became the symbol of peace. I do not think that the American people wish to trade the umbrella of national security for the ineffectual umbrella of Chamberlain. Let us place this Conference of Economic Conversion in the proper perspective. Let us ask what the state of the world will be if the conversion of America takes place according to the biases and prejudices of this lobby on the left.

I ask unanimous consent that a list of participants in the coalition of national priorities and military policy, and other material be printed in the RECORD.

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

COALITION ON NATIONAL PRIORITIES AND MILITARY POLICY

Americans for Democratic Action.
Business Executives Move for Vietnam Peace and New National Priorities.
New Democratic Coalition.
SANE.
Southern Christian Leadership Conference.
Teachers Committee for Peace in Vietnam.
Women's International League for Peace and Freedom.
Women Strike for Peace.

CONFERENCE COSPONSORS

Committee for a More Effective Congress.
Common Cause.
Friends of the Earth.
Ripon Society.
Zero Population Growth.

MID-DECEMBER TOWN MEETINGS CALLED TO REVIEW PRIORITIES, MILITARY COSTS

Simultaneous town meetings on local needs and military spending will be held in some 30 U.S. cities Dec. 13 and 14, called by the Coalition on National Priorities and Military Policy with which ADA is cooperating.

"The need is to develop throughout the country a broadened base of political support for the concept of reordered priorities," the Coalition's announcement said.

"It is proposed that, in as many cities and counties as possible, simultaneous town meetings be held on Saturday and Sunday, Dec. 13 or 14, on the theme of local needs and military spending.

"If it is not feasible to hold the meetings on one of the designated dates they should be held December 15, 16, or 17. We hope to receive the benefit of national news coverage if the town meetings can be held within a few days of each other in communities across the country."

The Coalition said the meetings would be sponsored by local organizations, viewed as public hearings for and by voters and taxpayers, and would handle questions such as these:

How much income tax have the residents of this city paid to the federal government this year?

How much money have the taxpayers of this city spent to finance military activities? (The Coalition says that out of every tax dollar in fiscal year 1969, 54 cents went for current military outlays.)

How much federal money has come back to the community in the past fiscal year? In social programs? In defense contracts? for highways?

What are the unmet needs of the city in housing, health, education, transportation, pollution control, sanitation, recreation? How much would it cost to meet these needs?

It is expected that each town meeting will produce a written report based on the answers to the questions. The reports will include statistics on the community's unmet needs in housing units, classrooms, teachers, hospital beds, air pollution control centers, and the estimated costs of programs to meet these needs.

A national assembly and lobbying effort will be held in Washington in mid-January, centering on the information contained in the reports from the town meetings, "to raise the reordering of national priorities to a new level of visibility early in the next session of Congress," in the words of the Coalition's announcement.

A long list of distinguished citizens have agreed to act as "callers" of the meetings, including ADAers Reinhold Neibuhr, Joseph Duffy, John Kenneth Gailbraith, Jack T. Conway, Joseph S. Clark, and Walter Reuther.

[From the Washington (D.C.) Post, Dec. 7, 1969]

PROTESTS PLANNED IN 40 CITIES

A coalition of 29 private groups announced plans yesterday for 40 town meetings here and throughout the nation this month and next to discuss the conflict between domestic needs and military spending.

The meetings, sponsored by the Coalition on National Priorities and Military Spending, were endorsed by Sam Brown, a leader of the Vietnam Moratorium Committee. Brown called on moratorium backers to participate.

The coalition, whose chairman is former Sen. Joseph S. Clark (D.-Pa.), said its first town meeting will be held in Chicago today. A series of meetings is planned for the Washington area Dec. 12-19.

Clark said the aim is to allow each community to find out for itself how much of its federal tax money goes for military spending and "how much comes back for desperately needed programs."

Another objective is to assess unsatisfied needs in housing, health, transportation, pollution, sanitation, welfare, and other areas, and to determine the cost of meeting such needs.

Clark said he hoped testimony taken at the meetings could be sent to the President and Congress "to indicate that the silent majority wants the war ended and the military budget cut."

Most of the meetings here are scheduled during the Dec. 12–14 weekend. Moratorium activities have already been scheduled for Dec. 12 and 13, as well as Dec. 24.

The 29 peace, religious, labor and social action groups listed as affiliates of the coalition include Americans for Democratic Action, American Friends Service Committee, the Southern Christian Leadership Conference and the United Auto Workers.

Describing the coalition as including some "establishment types," Clark said. "We feel a bridge has now been made with youth by having the leadership of the moratorium" join in sponsoring the meetings.

A "town meeting" in Room 2175 of the Rayburn Building Friday is to serve as kickoff for several meetings throughout the Washintgon area, said Frederick T. Merrill Jr., coordinator of the D.C. Coalition.

Merrill said community leaders and representatives will testify on the city's needs at the 10 a.m. meeting.

Several members of the House District Committee have been invited to hear the testimony, he said.

Brown, co-chairman of the Moratorium, said that in some cities the meetings will serve as the only moratorium-related activity this month.

Meanwhile, the Young Americans for Freedom, a conservative youth group, announced it will hold a "counteroffensive" to moratorium activities on 600 campuses Dec. 12 and 13.

David Keene, national YAF chairman, said the activities will include teach-ins and circulation of petitions supporting the President.

PEACE GROUPS SEEKING TO MELD OLD AND YOUNG

Two major peace groups are combining their anti-war activities for the first time in an effort to bring the young and old together on the local level during the December Moratorium.

Joseph S. Clark, former senator from Pennsylvania and chairman of the Coalition on National Priorities and Military Policy, and Sam Brown, a national coordinator of the Vietnam Moratorium Committee, announced the plan.

Clark, who is also president of the United World Federalists, said the first joint venture would be to organize a series of town meetings, Dec. 13–14, in 36 cities to discuss local needs, military spending and federal taxes.

Results of the town meetings will be brought to Washington early in the next session of Congress.

Other activities planned by the Moratorium Committee include Christmas carol "sing-ins" and church services Christmas Eve.

The coalition was formed last summer by 29 peace, political action, labor and church groups which have represented the more traditional and older elements in the peace movement. Among the affiliated organizations are American Friends Service Committee, Americans for Democratic Action, SANE, United World Federalists, United Auto Workers, the American Baptist Convention and the Department of International Affairs of the National Council of Churches.

The Moratorium Committee represents younger elements in the anti-war movement.

A "counter offensive" to the antiwar efforts is planned by the Young Americans for Freedom, a conservative youth organization.

It announced yesterday it will sponsor, "Vietnam: Alternative Weekend" on 600 college campuses, Dec. 12–13. Activities will include teach-ins and the distribution of over a million copies of a tabloid entitled, "Tell It to Hanoi."

The group also will circulate petitions in support of President Nixon's Vietnam policies which will be delivered to the North Vietnamese delegation in Paris, said David Keene, national chairman of the YAF.

GENOCIDE IS A MATTER OF INTERNATIONAL CONCERN

Mr. PROXMIRE. Mr. President, genocide is a matter of international concern. On our shrinking planet, the massive destruction of human life in one country affects the lives and people of other countries. According to Richard Gardner, professor of law and inter-

national organization, of Columbia University:

Genocide is often associated with threats to or breaches of international peace and security . . . Genocide and internal repression may often be the handmaiden of external aggression. (Testimony before the Senate subcommittee on the Genocide Convention, April 27, 1970.)

Major international disputes often have their origin in racial, ethnic, or religious hatreds. International covenants, dealing with the promotion and preservation of human dignity and liberty, are rightly concerned with international matters and they are, therefore, a proper subject for the exercise of the treaty-making power.

Unfortunately, U.S. leadership in promoting the U.N. human rights covenants has been lacking in recent years. Ernest Gross, Assistant Secretary of State under President Truman, told the General Assembly of the United Nations in December of 1948 that—

In a world beset by many problems and great difficulties we should proceed with this convention before the memory of recent horrifying genocidal acts has faded from the minds and conscience of man.

Certainly the international promotion of human rights is in keeping with our most basic traditions. The need for such action is both compelling and urgent. Our ratification of the Genocide Convention would help to lay the foundation for basic international law dealing with the protection of human rights. The time to act is long overdue.

A NEW EDUCATION POLICY FOR AMERICA

Mr. HUMPHREY. Mr. President, I have been deeply concerned about proposed cutbacks in funds for Federal education assistance programs, proposed by the administration for the coming fiscal year. It is my firm belief that both our critical education financing needs and rapid developments in the general field of learning experience enrichment demand the drafting of a new education policy for America.

Basically, we must make an intensive effort to assure excellence, imagination, and full opportunity in American education. We must also look upon education as a total social experience, having learned by now that the finest in classroom resources can be dissipated by malnutrition, deprivation, a daily diet of tension and hostility, and neighborhood and national value-systems that conflict with the highest aspirations of mankind.

The immediate task confronting Congress is to assure that our schools, our colleges and students, and our supplementary and specialized education services are not left with empty promises, but instead obtain the essential financial assistance demanded in the face of clearly established need. It has now become sufficiently clear that the President's proposal for consolidating education programs under special revenue sharing would actually result in a net reduction of Federal aid. Nor is there any prospect for prompt institutional aid to the hundreds of American colleges that are now in dire financial straits.

I believe that a decisive emphasis must be given to America's educational priorities. This must be evident in establishing a high-level authority for education in the Federal Government a new Department of Education at Cabinet level. Also the full funding of present Federal education assistance programs, and in the enactment of new authorizations for the substantial expansion of our educational resources.

Mr. President, I recently had the opportunity to discuss the details of a new education policy for America, in an address in New York City at a luncheon held by the recently established Educational Facilties Corporation, for some 200 leaders in the education field and representatives of industries producing educational products and systems.

Mr. President, I ask unanimous consent that the text of my remarks on March 19, 1971, be printed in the RECORD.

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

REMARKS BY SENATOR HUBERT H. HUMPHREY

Ignorance is an alien force in America—the enemy of everything we seek, everything we stand for. Our Nation was born with the adoption of a Declaration of human rights. But from the outset it was recognized that the responsible exercise of these rights demanded the unrestricted development of human resources. As Thomas Jefferson expressed it, "Man cannot be both free and ignorant."

It is only in recent years, however, that we have spoken with conviction of the right to a quality education to the full extent of capability and need. Many forces in a world of rapid change have pressured us into the dramatic evolution of our educational resources. But there has also been a fundamental force operating from within each of us, as contrasted with the pressures from the outside world we live in.

I speak here of that basic discontent abroad in our Nation about the *quality* of human life. The fantastic pace of technological change explained the original extensive Federal investment in our educational resources over a decade ago. But now we are looking to education itself as a force for change—a decisive movement for ending the *in*equality of human life in America.

The hard task of enacting laws to redress the denial of civil rights and to break the cycle of poverty afflicting millions of our citizens brought us to a new understanding of basic human rights. The confrontation of these realities in the midst of unparalleled affluence produced a national commitment to the enrichment of human life in an entirely new context. Expressed in direct terms, we are saying today that our children and youth in and of themselves are a precious national resource—not to be either coddled or selectively pruned, but to be given every possible opportunity for self-development in achieving lives of meaning and purpose.

EDUCATION FINANCIAL CRISIS

And yet, precisely at the time we have come to this conclusion, our local school districts and institutions of higher education are stating that they have reached an absolute limit in financial resources. Local property taxes, devoted primarily to meeting the rising costs of public elementary and secondary education, have reached the saturation point. Our colleges have had to escalate their tuition fees simply to meet the costs of staying in business, much less undertake critically needed expension.

Both this national commitment and this financial reality demand the establishment of a new education policy for America. That policy should be directed toward paying the cost of a quality education at all levels, as a national investment that will be fully repaid. It should promote multiple approaches to providing educational opportunities that give the fullest recognition to the needs, problems, and abilities and interests of each child and young person. It should enable every adult to achieve self-sufficiency and respect as a contributing member of society. Finally, there should be a deliberate policy of innovation in educational processes and administration.

NEW EDUCATION POLICY

But while this demand for a new education policy ought to be self-evident, it is equally clear that the present Administration in Washington is marching to the beat of a different drum—a drum that signals retreat, rather than the advance this is essential at this critical time. President Nixon's proposal for consolidating education programs under special revenue sharing actually would result in a net reduction of Federal aid. Requested appropriations for elementary and secondary education amount, at best, to a "holding action," in comparison with appropriations enacted by Congress for the current fiscal year. But serious cutbacks are programmed in aid to Federally impacted areas and for vocational education and school equipment and remodeling, while the school lunch program is cut almost in half. And when we turn to the area of supplementary community resources in education, we find that the Administration plans to reduce funds for vitally important library services and construction programs by 62 per cent!

I find these funding reductions totally indefensible. It is one thing to call for reforms in elementary and secondary education programs to assure that Federal funds are directed where the need, in terms of educational deprivation, is greatest. But it is another matter entirely to seriously underfund these programs, making it impossible to fulfill expectations of equal opportunity and innovation in education.

It is all well and good to speak of streamlining the Federal-state-local fiscal machinery for education, and no one would question the wisdom of bringing together related categorical-aid programs to assure that specific needs are met efficiently. But we must carefully examine the other side of this "devalued" Administration coin. For, in the corrective actions already authorized in the Elementary and Secondary Education Amendments of 1969, Congress also expressed its judgment that there is no genuine streamlining in the speed with which Federal revenues may be simply handed over to the states. There are numerous competent state education administrations, but I remain unpersuaded that throughout the Nation these undesignated grants would necessarily be spent primarily and without discrimination to assist disadvantaged children and to aid local school districts where demand has far outstripped supply and fiscal resources. It is my understanding that, in fact, up to 70 per cent of special revenue sharing funds would be *immune* from the present law requiring that Federal education monies be spent over and above state and local funds, as an "extra" to help poor children catch up.

REVENUE SHARING

Let it be clear that I favor the concept of revenue sharing, coupled with the equitable federalization of public assistance programs. But I believe the bill I have introduced jointly with Representative Reuss offers a better approach than that of the Administration because it *supplements* ongoing categorical-

aid programs, as in education, guarantees the pass-through of funds to the cities, and provides strong incentives for the maintenance of fiscal effort by the states.

What disturbs me most, however, is that this Administration continues to address our serious education cost problems with words rather than dollars. Can these words be believed in the light of sharply reduced Budget requests and Presidential vetoes of education appropriations over the past two years?

When we turn to higher education assistance, the same low-profile Administration approach—the same absence of national leadership toward achieving full opportunity and excellence in education—is sharply evident.

The expiration of major higher education laws this year provides a vital opportunity to reform and expand these critically important Federal assistance programs. It has been estimated that 6.6 million undergraduate students alone are currently enrolled in our colleges (of a total enrollment of over 8.5 million), and that in five years this number will swell to at least 8 million. The cost of attending college is now the second largest expenditure a family will make—but unlike the home mortgage, this one falls due within four short years.

But for others, and for our Nation, there is the tragic cost of *not* getting a higher education. Only 7 per cent of our college students come from low-income families. Colleges across the Nation are trying to expand opportunities for the black and the poor, placing an additional strain on financial aid resources.

Now, the President's Task Force on Education has told him that during the next decade, resources available to colleges and universities must more than *double*, from the present $17.2 billion to $41 billion. And the respected Carnegie Commission on Higher Education has called for a decisive national effort to eliminate racial and economic barriers to higher education by 1976.

STUDENT AID

What has been the Administration's response? Basically it has proposed the creation of a National Foundation for Higher Education and the revamping of student aid programs. Student aid would generally be in the form of subsidized loans and work-study payments. Priority would be given to the neediest students. The Foundation would provide aid to post-secondary institutions seeking to develop new programs of national importance and new models of reform and restructuring of higher education.

I am encouraged by the basic purposes of these proposals. The only problem is that they fail to take account of the immediate crisis confronting higher education. No prospect is held forth for prompt institutional aid to the hundreds of American colleges that are now in dire financial straits. Nor do I believe that the primary dependence upon subsidized or guaranteed student loans can fulfill the prospects for success envisaged by the Administration, in light of the limited availability of private capital for this purpose in recent years. While this assistance mechanism removes current appropriations from the Federal Budget, the cost to the Government will be higher in the long run.

Such considerations have led me to strongly support the purposes of legislative measures for the reform and expansion of federal assistance to higher education, introduced by Senators Claiborne Pell and Walter Mondale. These bills retain the thrust of the President's proposals, but they go further in maintaining essential aid to our colleges and universities, and in establishing direct federal assistance to students as a matter of right, and on the basis of need. Particular emphasis is placed on creating effective educational opportunities for young persons from low-income families. And student assistance is coupled with cost-of-instruction aid to the respective institution.

A DEPARTMENT OF EDUCATION

In addition, and in keeping with my own publicly expressed commitments over the past years, provision is made for the reorganization of the educational bureaucracy of the Federal Government. I have always felt that a decisive emphasis must be given to America's educational priorities through consolidating the educational activities of the Federal Government and raising this vital function to a high level of visibility and responsibility within the Administration. This demands the establishment of a Department of Education headed by a Secretary of Cabinet rank. We must assure that education, a matter of paramount concern to our people, has a spokesman at the very summit of Government.

FULL FUNDING

Finally, I strongly believe that our higher education assistance laws must not only be extended but also fully funded. I have received many letters from Minnesota and across the Nation expressing deep concern over extensive cutbacks in the Administration's budget for the coming fiscal year. Over 11 million dollars, or 40 per cent of the funds appropriated by Congress for Fiscal 1971, have been taken from the college library assistance, training, and research programs which are of such great importance to small colleges and in providing stipends for graduate students in this field. Grants and direct loans for the construction of academic facilities are terminated in this Budget, with a preference again given to the mechanism of subsidized private loans. No funds at all are provided for college teaching equipment. These are but a few examples of the serious cutbacks proposed by the Administration for programs which are, in fact, a solid capital investment in the future of the Nation.

But Congress must not limit itself to holding the line against these Budget reductions in the field of assistance to higher education. We must instead undertake a major commitment to expanding post-secondary education opportunities in America. For example, an important new resource has become increasingly visible in our community and junior colleges and vocational-technical institutions. We must develop this resource to meet effectively the special educational needs of both our society and thousands upon thousands of our young people.

These, then, are the immediate legislative tasks before Congress in the development of a new education policy for America. But the blueprint for this policy demands much more before a solid foundation can be laid.

If we mean what we say about education, we should be willing to pay for it. The Federal investment in public education doubled between 1960 and 1968—from 4 to 8 per cent of total state, local, and Federal expenditures. During the present Administration, that investment has fallen to 6.9 per cent or only $2.9 billion.

I believe Congress should set the goal over the next few years of at least matching the rate of increase in the federal commitment to education accomplished by 1968—in other words, *doubling* federal expenditures.

I believe we must also *guarantee* this federal investment, instead of leaving our school administrators in a state of uncertainty on Congressional appropriations. To that end, I propose that a fixed portion of federal revenues should be annually allocated to an education trust fund.

I believe that education for the 20th century demands that we stop giving tenure to the 19th century classroom. We must seize hold of the electronic revolution and apply the finest insights of education psychology to adopt multiple approaches to an unrestricted and humanized educational process for our children. Tremendous advances are underway in the application of audio-visual equipment, television, and cybernetics to the classroom, enabling the teacher to give individual attention to the learning needs and discoveries of the individual child. Hopefully, federal education programs will be supportive of this renaissance, giving as much attention to the child with learning disabilities as to the gifted and talented child, and especially at the preschool level.

But we must also forge a partnership of our public and private resources to achieve excellence, imagination, and full opportunity in American education.

One important catalyst in producing this partnership is represented in the Educational Facilities Center, opening in Chicago in 1973. Jim Allen, our former U.S. Commissioner of Education, has correctly described the Center as "an excellent idea whose time has come." I know that George Fischer, chairman of the Board, long ago while President of the National Education Association, saw the need for such an international clearing house where educators could see, firsthand, new educational materials, products, and systems.

There is no question of the necessity of establishing a close working relationship between the businessman and educator in carefully evaluating the growth and impact of a whole new industry spawned by the "knowledge explosion." We must assure the intelligent investment of educational system funds in providing genuine and challenging learning experiences for our children and youth.

But in demanding the best education for our children, we must also demand the best of our society. Values imparted in the classroom too often seem hypocrisies in the outside world. By intensively examining what, how, and why we teach our children, we may discover answers to education's ills that also can help heal the sicknessses of our society. At root, we must rededicate ourselves to the unique worth and the kinship of every man as a fundamental truth in education and as a basic explanation of what America is all about.

This is why we must look upon education as a total social experience. Progressive learning cannot take place in an atmosphere of hostility, fear, racial bitterness, and deprivation.

The education of a child is the sum total of that child's native ability, the experience in an educational system, and the social environment in which that child lives and grows—the neighborhood, the community, and the nation, and indeed the world. He is conditioned by it. The best in education—facilities, teachers, books—is diminished by the inadequacy of the surroundings and the inadequacies of the social environment. Likewise, the capacity to learn is affected by the condition of one's health, the adequacy of one's diet, and the sense of mental peace in which one lives. Therefore, educators have a greater responsibility than just to advocate better teachers, teaching methods, modernization of school plant and facilities, and the use of the most modern techniques including modern educational technology. The true educator must be a spokesman for social justice, a crusader against the evils of poverty and deprivation, and an advocate of communities that are wholesome and safe.

Let us resolve here and now to make education in America the finest in the world. We in Congress need your help now if this job is to be done. But you will also be committing yourselves to a task of the highest importance to all the people of this great land of opportunity. The charge is laid before us by Thomas Carlyle, in these well-remembered words:

"That there should one man die ignorant

who had the capacity for knowledge, this I call a tragedy."

LAND SALES FRAUDS

Mr. MOSS. Mr. President, Metromedia Television and the George Washington University School of Law have recently established the Consumer Help Center, a form of public ombudsman sponsored by WTTG, Washington, and operated by law students from the university. Among the projects which the Consumer Help Center has studied are automobile repair frauds, moving and storage practices, appliance warranties, and land sales frauds.

As summer approaches and more and more people are inclined to purchase lots for camping, or to build summer residences away from the heat of the city, I feel it is particularly appropriate for us to be aware of some of the problems confronting land buyers. High pressure sales tactics are a sure sign that deeper investigation of the property is worthwhile. Among the warnings which Consumer Help has issued are the following:

Do not sign a contract the first time out.

Do not waive or cancel the 48-hour cooling off period provided by law for your protection.

Do not assume that because the development is registered with the Federal Government, that the Government has inspected, investigated or in any way endorses the land offering.

Do not take for granted the adage that you cannot lose investing in land.

Do not assume anything you are told unless it is written in the sales agreement.

During October and November 1970, when land sales development companies were flooding the Washington area with invitations to dinner, gifts, prizes, discounts, and reimbursement for gasoline, Metromedia broadcast a 20-part series on land sales practices.

I have obtained a transcript of the series of programs as well as the Consumer Help Center's "Lot Buyer's List of Do's and Don'ts." I have reviewed these programs and the pamphlet and congratulate WTTG for its responsible broadcasting and the students of the Consumer Help Center for their diligence and interest.

Mr. President, I ask unanimous consent that the do's and don'ts be printed in the RECORD.

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

LOT BUYER'S LIST OF DO'S AND DON'TS

DO

Be as cautious in buying a lot at a recreation vacation subdivision as you would be in buying a house or car. Remember, no matter how the deal is represented (i.e. $200.00 down and $25.00 a month), it will be a sizeable investment.

Ask for copies of the "Property Report," contract and any other pertinent documents. Ask to take them home so you may read them carefully, and perhaps show them to an attorney BEFORE YOU SIGN. If you are not allowed to leave with those documents in hand before signing . . . JUST LEAVE.

Take your time. If you are told that the "perfect" lot won't be there tomorrow, don't worry. Even if that is the case, there are many other lots in many other developments.

Contact the Office of Interstate Land Sales, H.U.D., Washington, D.C. 20411, if you want further information about a registered development or a copy of the development's "Property Report." There is a charge (presently 25¢ a page) for copies of documents. REMEMBER—all of this information was provided by the developer. H.U.D. has not checked the authenticity of the statements.

Seek legal advice if the investment is sizeable and you are willing to pay a little more to be safe rather than sorry . . . or consult friends or associates familiar with land/real estate transactions.

DON'T

Sign on the dotted line the first time out . . . the first time you visit the property and hear the sales presentation. To do so is to gamble with your money . . . not carefully invest it.

Waive or cancel the 48-hour "cooling off" period provided by law for your protection. WARNING: the waiver is built-in to many contracts. Always read contracts carefully.

Assume that because the development is registered with the federal government (The Department of Housing and Urban Development . . . H.U.D.), that the government has inspected, investigated or in any way endorses the land offering. It has not and does not.

Believe the old adage "you can't lose investing in land." A lot may be an excellent investment, but on the other hand it may be years before it appreciates in value enough to surpass an originally inflated price plus the finance charges. Balance investment possibilities with how much you'll be using and enjoying the land while waiting for it to increase in value.

Assume that anything you are told about the lot or development is gospel. As it says in almost all contracts: "no representations, oral or written, are relied upon which are not set forth in this agreement." In other words, it is what is written in the contract that counts.

J. EDGAR HOOVER

Mr. SPARKMAN. Mr. President, for several years, now, attacks and criticisms have been leveled at the Director of the Federal Bureau of Investigation, Mr. J. Edgar Hoover. I know that J. Edgar Hoover does not need to be defended. His long record of service in law enforcement speaks for itself. Since his appointment as Director of the FBI in 1924, J. Edgar Hoover has guided and shaped the FBI in such a way that his department has the overwhelming respect and admiration of professional law enforcement officers throughout the country and of the American people.

There are those in American society today who seem to feed on disrespect for law enforcement. It seems to me that attention should be called from time to time to the vital stake that our citizens have in effective law enforcement. I congratulate Mr. Hoover on a job well done.

SENATOR RANDOLPH COMMENTS ON PASSAGE OF S. 557—WAGNER-O'DAY ACT AMENDMENTS, MARCH 30, 1971

Mr. RANDOLPH. Mr. President, the thrust of social legislation today can generally be defined as an attempt to help the disadvantaged to help themselves, to make maximum utilization of our human resources, and to provide job opportunities to those who want most earnestly to become independent, self-supporting citizens.

Last Thursday the Senate unanimously passed legislation which I feel is admirably designed to accomplish all these goals, and more. As a cosponsor of S. 557, the Wagner-O'Day Act Amendments of 1971 and chairman of the Senate Subcommittee on Handicapped Workers, I commend the truly nonpartisan spirit in which this legislation was considered and approved. The Wagner-O'Day Act was effected 33 years ago, to utilize the unique talents of the blind in producing a number of articles offered for sale to the Federal Government. The program has grown steadily over the years until, in fiscal 1969, a total of 78 workshops for the blind in 35 States sold approximately $23 million worth of goods, employing about 5,000 blind workers.

A year ago, the Senator from New York (Mr. JAVITS) introduced amendments to the Wagner-O'Day Act in response to changes over the past three decades. During 2 days of hearings last June 9 through 10 before the Special Subcommittee on Handicapped Workers, of which I am chairman, we received testimony that the sheltered workshop program could and should be expanded. The Department of Health, Education, and Welfare estimates that there are more than 10,000 adult blind and approximately 77,000 severely handicapped who form a potential work force for nonprofit workshops to manufacture a wide range of products for sale to the Federal Government. The bill introduced in the last Congress was unanimously reported from the Committee on Labor and Public Welfare and passed the Senate. Its passage came too late for consideration by the House of Representatives. I am hopeful that S. 557 will receive prompt attention by the House in this current session.

Mr. Chairman, S. 557 has the unqualified support of the major national organizations for the blind and severely handicapped. The amendments to the Wagner-O'Day Act have two principal objectives: First, to extend the special priority in the selling of certain products to the Federal Government now reserved for the blind to the other severely handicapped, assuring that the blind will have first preference, and second, to expand the category of contracts under which the blind and other severely handicapped would have priority to include services as well as products. The blind would receive first preference for 5 years after the enactment of the bill.

Let me emphasize, Mr. President, that the proposed legislation is not a welfare measure. Rather it provides, at no added cost to the Government, an expanded opportunity for work sought by those who are both able and willing to help themselves. The blind and other severely handicapped are a special category of citizens who, too often in the past, were taken for granted and resigned to a role of dependency. Today we know that on the basis of performance under the Wagner-O'Day Act and other programs

for the handicapped, the innate abilities of these citizens, coupled with their determination and dedication to becoming taxpayers rather than tax burdens, represent a gratifying resource of untapped skills.

I wish to express my gratification to the Senator from New York (Mr. JAVITS) for his diligent work on this legislation, and to the able majority leader (Mr. MANSFIELD) for his guidance and counsel in producing this first major legislation on behalf of the thousands of blind and severely handicapped workers in America in the 92d Congress.

SCIENTIFIC REWARDS OF THE SPACE PROGRAM

Mr. CANNON. Mr. President, recently the State of Nevada had the privilege of honoring the crew of Apollo 14 during Nevada Astronaut's Day. As far as I know, this event marked the first time any State has so honored our space explorers. It is a fitting tribute to those men who have dared the unknowns of space in the service of this country and for the benefit of all mankind.

I wish to share with Senators a column written by Mr. Hank Greenspun, editor and publisher of the Las Vegas Sun, in which he reflects upon the enthusiasm and excitement many Nevadans felt during and after the successful flight of Apollo 14. At a time when some critics of the space program are questioning the continuation of our space efforts, I think it is worthwhile to pause and reflect upon the positive contributions being made by our space team. In addition to the scientific rewards and a tremendous sense of national pride, the space program has also been responsible for another triumph in this country. Hank Greenspun writes about this triumph, the triumph of enlarging our sense of the possible. I am hopeful that Senators will have an opportunity to read Mr. Greenspun's article. I ask unanimous consent that it be printed in the RECORD.

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

WHERE I STAND

(By Hank Greenspun)

A Las Vegas epic.

Watching the astronauts on television is as exciting as any science fiction film, but it hardly compares to shaking their hands or talking to them over a cup of coffee. That's the thing that really makes a believer.

This jaded old reporter has met practically all the luminaries of our society with less than more raising of the blood pressure. But meeting with Capt. Alan Shepard, Captain Ed Mitchell and Lt. Col. Stuart Roosa of the Apollo 14 mission is as epochal and emotional a feeling as any one man needs in an entire lifetime.

The thrill of meeting men who had gone all the way to the moon and back, is almost as great as knowing that man had explored the moon. Reality is what you experience even second hand.

The cry at McCarran Airport yesterday morning was "here they come" as thousands of Southern Nevada youngsters stood in trembling anticipation anxiously scanning the blue Nevada skies for a sign of the astronauts.

And if the school kids weren't trembling, I knew I was for I was listening to the words of Capt. Ed Mitchell talking to the kids over the loud speaker.

Capt. Mitchell had arrived in Las Vegas the night before after a visit to his hometown in Artesia, N.M. He was the local boy who made good and there was enough "country" in the boy to give his town the first crack at him.

Alan Shepard and Stu Roosa had flown their own planes here and were in the air holding over the Hughes Terminal for over 20 minutes until all the school buses arrived. No kid was going to be left out of this adventure and this is what made my day at the side of Ed Mitchell so thrilling and memorable.

Maybe that is the left-over child in a middle aged man just as Alan Shepard's golf shot on the moon or Ed Mitchell's ESP experiments on Apollo 14's nine-day mission.

When two tiny specks finally showed on the horizon Ed Mitchell told the crowd his partners in moon flight were 90 seconds away and to the second, they landed to cheers and handclapping from the kids assembled to greet them.

Childhood is an adventurous time of life and the appeal of the unknown, the mysterious and exotic was mirrored in the faces of the youngsters as they watched the astronauts.

Here were three men they could idolize for good cause. They represented everything that is thrilling to a child . . . adventure, courage and excitement. They had spanned the miles to the moon and two of them had walked on its surface. They had traveled far and fast. They are the Magellans, the Columbus', the Marco Polos, Kit Carson, Lindberg and Admiral Byrd all rolled into man's most exhilerating adventure into a last frontier—the universe.

Dressed in ordinary suits they hardly seemed as giant as they do in their space garb. But after talking and visiting with them there is instant recognition that these are good men, brave men and what is even more important, men just like us.

That fact has a lot of implication at a time when it is stylish to put down the human race as hopeless, confused and dwarfed in comparison to the great heroes of the past. Still, I think Christopher Columbus got just as big a thrill out of leading his voyage after disappointment and frustration as Alan Shepard did coming back to pass his physicals and qualify to lead the Apollo 14 mission. He did more for middle aged Americans than even he might realize.

There are a lot of people who have allowed that the space program is a waste of money, that it didn't do anything to solve our problems here on earth. There are some who even said it was wrong to send manned missions to the moon, that machines could do the job better.

Well, they are wrong.

We here in Las Vegas could see that for ourselves listening to these men, observing them and watching them share their knowledge with the young people in person and over Channel 10, the educational station. The program was beamed to all the schools in Clark County.

The tremendous knowledge stored in the minds of Shepard, Mitchell and Roosa and all the men of the space program which they so readily share with anyone who will listen is worth every dollar spent on space.

I urge Channel 10 to rerun this program during prime time so the adults can get the benefits of knowing how their tax dollars are being spent. Never again would there be even the slightest whimper of objection through the realization of the tremendous knowledge being gained for a minimal outlay of funds

The side effects are what's needed almost as much as the knowledge for the future.

The fact is we need heroes more than almost any other commodity. And we need national self respect showing that we can take on a challenge which men have dreamed of since ancient times and carry it through; a challenge that has nothing to do with war and destruction and is designed to improve knowledge and to unleash the perceptions of man.

It is the narrow people who oppose the space program. I'm not going to defend it on the grounds that space research brings technological advances here on earth. That should be obvious even to the uninformed. I say it is worth doing for the same reason Hilary climbed Mt. Everest—because it was there.

The problems here on earth would remain even if we never had the space program. And they'll be there until we find people with the same dedication, courage and imagination as the astronauts and the scientists who made their trip possible.

That is the point: the space program has enlarged our sense of the possible. When you think of it, that may be the whole triumph of our age. We may be too close to see what succession of impossibilities all of us have lived through from Orville Wright to Alan Shepard.

When we send men to the moon they can see us down here with a perspective impossible for the earthbound. And when they return they can share with us, as the three astronauts have done here in Las Vegas.

Those insights may be more valuable than all the moon rock they brought back, which also gives us insight to the creation.

The good wife and I have met many of the astronauts from previous trips. We felt real close to all of them watching Alan Shepard, Ed Mitchell and Stu Roosa with the young people, listening to them and breaking bread with them.

We have finally met some authentic heroes.

It should be Las Vegas' finest day.

NEED FOR IMMEDIATE ENACTMENT OF THE EMERGENCY EMPLOYMENT BILL

Mr. TUNNEY. Mr. President, later this week the Senate is expected to vote on S. 31, the Emergency Employment Act of 1971 which I have cosponsored. Since I must be in California this week on official Public Works Committee business, I would like to reiterate my strong support for the bill at this time and urge its unanimous passage.

The Economic Development Subcommittee of the Public Works Committee, of which I am a member, is holding hearings in Los Angeles beginning on Wednesday, March 31, and going through April 2. The subcommittee will be looking into the severe unemployment problem in the Los Angeles area with a view toward maximizing the Federal effort to assure that every person has a job. It will, therefore, be impossible for me to be here for the vote on the Emergency Employment bill.

The Emergency Employment bill would make available immediate job opportunities in needed public services during times of high unemployment and would provide effective mechanisms for moving people into these jobs.

Unemployment problems in California and throughout the Nation are so severe that this bill should, and, I am confident, will pass the Senate and House unanimously and should be signed by the President so that its provisions can be implemented immediately.

There are presently 5,442,000 persons unemployed nationally—almost 6 percent of the work force. In California, almost 700,000 people are unemployed—8 percent of the work force. This high unemployment rate has created huge increases in welfare costs. In Los Angeles County, for example, one out of every eight persons is on welfare and the number is increasing elsewhere in the State.

I will be looking into this serious problem this week in Los Angeles and I am hopeful that our Economic Development Subcommittee will be able to provide the Senate with recent information on new methods of maximizing the Federal effort in attacking the unemployment problem. Senator MONTOYA, chairman of the Economic Development Subcommittee, has described the hearings in the following manner:

> We will hold hearings in Los Angeles in order to examine in some detail the long-term development problems of a major metropolitan area which has large minority populations not benefiting from the general prosperity of the area.

RURAL AMERICA'S EXODUS

Mr. HUMPHREY. Mr. President, a recent series of excellent articles on the out-migration of our people from rural America has appeared in the Washington Post issues of March 15 and 21, 1971. Written by William Chapman, these articles pinpoint the causes of this profoundly disturbing exodus and raise serious questions about various concepts on how to revitalize our rural communities.

As chairman of the Senate Agriculture and Forestry Subcommittee on Rural Development, I have an immediate interest in such incisive analyses of the plight of rural America. But I also believe it is essential for all Members of Congress to be as fully informed as possible about the dimensions of this crisis. Mr. Chapman notes that:

> Some analysts believe that, unless the trend is reversed, by the year 2000, three-fifths of the population will live in four large megalopoli, most of the rest in large urban areas, and only 12 per cent in areas with under 100,000 in population.

While he is cautious about the "lesson" that "if the small and medium-sized cities are to flourish, only a large infusion of public aid will provide the initial momentum," he argues that "highways, public works, and indirect subsidies seem essential." He notes a frequent pattern of expanded higher education facilities and defense installations explaining isolated population increases in rural America, in the course of commenting on "the theory of natural growth centers." But he reflects the deep concern we should all share that "while the young leave, the older people stay on"—projecting the image of ghost towns financed by social security. And he provides the reader with stories of compelling interest where families have been separated as small farms have disappeared.

It is my intention to obtain a first-hand account of the problems confronting our rural families and their communities, in the course of hearings to be conducted by the Subcommittee on Rural Development across the Nation. It is my firm belief that there must be no further delay in implementing a national growth policy of balanced urban and rural development.

Mr. President, I ask unanimous consent that the articles by Mr. Chapman, entitled "Small-City Boom Deceptive" and "Rural America: The Exodus Continues," appearing in the issues of the Washington Post dated March 15 and March 21, 1971, be printed at this point in the RECORD.

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

HALT IN RURAL MIGRATION SOUGHT: SMALL CITY BOOM DECEPTIVE

(By William Chapman)

EMPORIA KANS.—By many standards, Emporia is an oasis of vigorous growth in a desert of declining rural America—a hopeful symbol that the vast migration out of the mid-continent can be stopped at last.

On the surface, it should delight those regional planners and population distribution experts who see in the Emporias of the country ways of anchoring the population in the slow-growing rural states and keeping it from flooding crowded urban areas. In their view, these could be the "natural growth centers" that absorb persons forced out of dying small towns and off the farms.

Amid the vast belt of failing counties stretching south from the Dakotas into Oklahoma and West Texas there are spots of growth like Emporia—such places as Grand Forks County, N.D.; Meade County, S.D.; Buffalo County, Nebr., and Riley County, Kan.

But the view from the Plains is not so clearly encouraging.

On closer examination, much of the growth appears to be artificial. These "growth centers" adjoin military bases, or have expanding colleges whose soaring enrollments show up on the books as population increases, or they are the seats of state government.

A smattering of new industry has come in, to. But it accounts for a minor proportion of the growth and has been bought at the expense of heavy public subsidization—tax exemptions and public bond issues to build plants and to buy land.

Emporia, for example, was a staid, stagnant college and farm-trading town for at least seven decades.

But its population jumped by nearly 20 per cent in the 1960's, while rural counties all around it declined anywhere from 4 to 18 per cent and Kansas as a whole grew only a modest 3.1 per cent.

FOUR NEW INDUSTRIES

It picked up four new small industries in the last decade and has an enviable unemployment rate about half that of the nation. There's hardly a house or apartment for rent in town, and the first signs of suburban sprawl are visible on Emporia's fringes.

More than two-thirds of the population growth in the 1960s is attributable directly to increased enrollment and faculty at the publicly supported Kansas State Teachers College and the private College of Emporia.

The new industry—principally a fast-growing beef processing company—brought in 1,800 jobs during 1960, a significant boom for this city and the surrounding countryside. Cheap, non-union labor and new plants subsidized by tax exemptions and municipal bond issues were major attractions for the new firms.

The lesson seems to be that if the small and medium-sized cities are to flourish, only a large infusion of public aid will provide the initial momentum. Highways, public works, and indirect subsidies seem essential.

At first glance, Emporia might seem atypical. Actually, it reflects what is happening in so-called "growth centers" in Kansas and other Plains States. Only three other sizable Kansas counties grew at a rate of 20 per cent or better. Two of them are big college towns and the third is a suburban bedroom community for Kansas City.

The theory of natural growth centers outside metropolitan areas has come to the fore in the past few years because of statistics showing a continued mass movement from countryside to the urban centers, particularly from the Midwest and South to the coastal regions.

More than half the nation's counties lost population during the Sixties and two out of three suffered an actual net migration loss—more people moving out than coming in. The big losses are most noticeable in the vast midland expanse stretching south from the Dakotas and across parts of the South and into Appalachia.

FLOCKING TO COASTS

The east and west coasts have attracted so many people from these sections that more than half the population lives within 50 miles of either coast, according to the U.S. Census Bureau.

Some analysts believe that, unless the trend is reversed, by the year 2000, three-fifths of the population will live in four large megalopoli, most of the rest in other large urban areas, and only 12 per cent in areas with under 100,000 in population.

To counter those concentrations, planners have encouraged the government to direct its aid and attention to alternate growth centers, feeding them with highways, public works, and job training to keep persons in regions surrounding those centers anchored.

There is sharp disagreement, however, over what a growth center is and how large it should be to attract government support. Rural enthusiasts, with many supporters in Congress, talk of towns with 10,000 people or less as being suitable bases. Such analysts as Prof. Brian Berry of the University of Chicago's Center for Urban Studies suggests the best opportunities lie with cities close to 250,000, because those that reach that mark usually generate a self-sustaining growth. Others, like Prof. William Alonso of the University of California at Berkeley, favor smaller centers.

Most recently, there has been revived interest in the small cities like Emporia—those roughly between 25,000 and 50,000. Researchers at the National Goals Commission spoke enthusiastically last year of expending government assistance to cities with populations ranging from 50,000 in size to 25,000. The U.S. Economic Development Administration, providing aid to depressed areas, is prohibited from dealing with cities over 250,000, and most of its efforts are directed toward potential growth centers much smaller.

HIGHWAY A FACTOR

That view of the small city growing rapidly to absorb population in rural states has been encouraged by a special study conducted by the Census Bureau. It has produced this

tentative finding: the city having between 25,000 and 50,000 people which has easy access to an interstate highway grew rather rapidly during the 1960s. On the average, those cities grew at the same rate as the nation—about 13 percent. And a large share of them were in distant, rural areas of general population loss.

An enthusiastic booster of small cities as growth centers is George H. Brown, director of the Census Bureau, who has said: "The growth in these counties contradicts the popular notion that our nation's population is on the high road to engulfing itself in a number of big, densely packed urban centers. In sports page parlance, smaller urban centers have and are running for daylight."

The experience of four midlands states—the Dakotas, Nebraska and Kansas—during the 1960s shows that some small cities of that type are, indeed, "running for daylight." But they are also fueled with heavy expenditures of public money and subsidies.

In North Dakota, for example, three counties grew faster than the nation while the state as a whole lost 2.3 per cent in the decade. All started the sixties in the 25,000-to-50,000 population range. All are on interstate highways, and technically, they prove the point.

But the faster-growing—Grand Forks County (25 per cent increase)—got its lift from both an expanding air force base and the Universtiy of North Dakota. The second is Ward County (up 24.4 per cent). It has the air base at Minot. The third is Burleigh County (up 19.7 per cent) which has the seat of state government in Bismarck.

Nebraska, where population increased 5 per cent in the Sixties, also had three counties in that range of population, all of which exceeded the national growth rate. One has both an Army ammunition depot and a technical school, another is the location of Kearney State College, and a third is a Strategic Air Command base.

Kansas is the arch-typical midlands state, and while three fourths of its counties lost population during the Sixties, four sizable ones increased in population at rates considerably exceeding the nation's.

FOUR COUNTIES GAIN

Only those four, according to state tabulations, had actual net in-migrations.

One is Johnson County, a suburb of Kansas City. It had an unusually large net in-migration of 48,700 people, the vast majority of them suburbanites.

Riley County grew by 35 per cent. But half of its growth is directly attributable to increased enrollments and faculty members at Kansas State University in Manhattan. Another large portion of the growth was made up of military personnel from nearby Fort Riley.

Douglas County's population went up from 43,700 to 57,900 during the decade, or about 32 per cent. About two-thirds of it is accounted for directly by students and faculty at Kansas University in Lawrence.

The smallest of the four is Lyon County, where Emporia is located, and at least two-thirds of its 19 per cent increase during the 1960's can be traced directly to the colleges.

The state's largest metropolitan county—Sedgwick, around Wichita—grew by only 7,000 and is now in a severe depression caused by a slump in its aerospace industries.

To some extent, the college towns of Kansas do provide a nucleus around which some private economic development takes place. They attract many service businesses—motels, restaurants, shops, all of which provide local employment. State economic development director Jack Lacy says that some industries seeking new sites prefer college towns because they provide some cultural amenities and athletic events. Middle-level executives prefer locating where their children can go to college.

But that impact is tangential and the colleges themselves do not play a large role in inducing corporate investment. Unlike such giant university centers as Berkeley and Harvard, there are no large-scale research and development plants coming in. "Until recently," said one college professor, "The administration here even frowned on professors taking on consultants' jobs on the side with any companies."

SOURCE OF LABOR

There are a couple of curious exceptions. A pattern-cutting plant opened at Manhattan and a greeting card company has a plant at Lawrence. Both use the large supply of cheap, female labor supplied by young women putting themselves or their husbands through college.

"To a great extent," says a Kansas State economics professor, "these industries are trying to get away from organized labor."

Whatever their motives, the industries which have come in do play a part in anchoring Kansans who might otherwise be off to the bigger cities.

Emporia offers a small but clear example with its new and largest industry, Iowa Beef Processors, Inc., which now employs 800 people in its cattle slaughtering and processing plants. Eighty per cent of them live within Lyon County and the rest commute up to 40 miles from surrounding communities. The alternative for many of them would have been Kansas City, St. Louis, or Chicago.

Its experience bears out the notion that sizable public investments—in this case, federal, state and local—are necessary to bring such companies to the countryside. Iowa Beef located its branch here because of good transportation in the cattle country and most of its collection of cattle and shipping of beef is done on two major highways—a new federal interstate route and a Kansas turnpike.

In addition, the company took advantage of Emporia's generous offer of financial assistance. The city issued $4½ million tax exempt industrial revenue bonds to build the plant and to buy the land and granted 10 years of real property tax exemptions. The company pays off the city's bonds with rental payments made directly to the local bank.

Was that assistance a major inducement?

"Very very definitely" says Howard McLean, manager of the comany's slaughtering division.

RURAL AMERICA: THE EXODUS CONTINUES

(By William Chapman)

MADISON, KANS.—Sam Schwab was born and raised only three-and-a-half miles from his farm here, an 800-acre spread where he has spent 40 of his 74 years farming and grazing cattle.

His seven children—five sons and two daughters—grew up here, helping him farm, going to school, and doing their 4-H work.

One son now teaches ROTC in California, another is a patent lawyer in Milwaukee, another is a helicopter pilot stationed in Hawaii, and two farm in Indiana.

One daughter moved to California. The other daughter is the only one of Schwab's seven children to settle in Greenwood County. The others, it seems, don't plan to return.

The story of Schwab's family is not unusual for this part of the country. It is a common account in Greenwood County and scores of other rural counties in a vast section stretching from the Canadian border south to Texas. A slow but steady depopulation is continuing.

As Alvin Maley, a county farm agent, summed it up: "It all comes down to this—you don't need many people on farms anymore."

It is a poignant commentary particularly for the Plains States, supposedly the bastion of rural individualism, the place where sturdy men and women spurn government aid in favor of hard work in the soil.

But in Greenwood County, as in other midland rural places, more personal income is derived from government payments—such as Social Security payments and agricultural subsidies—than from farming ($7.3 million as compared with $4.8 million).

Most counties have been losing people for decades. Some in Kansas peaked in population in 1890. Greenwood County's decline has been under way since 1900, with a steady population drop interrupted only by a temporary oil boom in the 1920s. The 1970 census records the latest ebb: Greenwood County slipped from a population of 11,253 to 9,141 during the past decade, a loss of nearly 19 per cent.

While the young leave, the older people stay on. More than 20 per cent of the population of Greenwood County is 65 years old or older—twice the national proportion in that age group.

Here, the generation gap is very real and growing wider. It shows up in curious ways: The Madison News, a weekly newspaper, has maintained a circulation of about 950 for many years. But now about one third of the subscriptions are mailed away to former residents who now live in California, Texas and other states.

In nearby Virgil, a shabby hamlet of boarded-up, paint-flaked stores, the postmaster for 21 years, George Shook, explains that he is down to 60 active mailboxes from a peak of 115. Most of the residents are old.

The big day of the month, he says, is "Social Security day—the day the checks come out. It's the third day of the month and you should see them line up here and wait.

"The RFD (rural free delivery) routeman says the same thing—they're waiting by the mail boxes on the third day of the month.

"We used to have a grade school and a high school here—we were a ball-playing town. We had a railroad spur and a bank—this post office used to be the bank. We lost it all."

Some small towns, such as Madison and the county seat of Eureka, manage to hold their own, while the crossroads communities and the open countryside are steadily drained of people. The plains and grasslands here are so lonely that they have spawned a new breed called "suit case farmers," men who live in town and commute to their farms.

A couple of decades ago, Quincy was a tiny but thriving community on a gravel road. It had grocery stores, a high school and gymnasium, two churches, and a branch line of the Santa Fe railroad, whose cattle cars annually hauled in thousands of head to be fattened for market.

No more than 100 people ever lived there, but it was a busy trading center for hundreds of rural residents around it.

Now Quincy has no stores, only 25 people, and a handful of empty homes, their windows smashed out and weeds growing all around. The railroad track has been ripped up, the high school torn down (except for the gymnasium, now used as a community building), and only one church remains (it has no resident preacher).

In its heyday, Quincy was the site of a hardware store operated by the parents of Stephen Gilman. They gave up after eleven years. Gilman runs the newspaper in Madison, his parents are dead, his brother lives in California and his sister in Missouri.

"There aren't any small farmers anymore," Gilman says, explaining why the Quincys collapse and the families leave.

"The young people go to Wichita or some other city. The old folks move into Eureka—they can at least get groceries and see a doctor there."

His analysis holds true for much of Kan-

sas and the Plains States—there aren't any small farmers anymore. While Kansas gained slightly in population during the 1960s, the U.S. Census Bureau found that the rural population dropped from 849,870 in 1960 to 761,708 in 1970. Many places ranging between 1,000 and 2,500 held their own or showed slight increases, but the farm country and crossroads communities lost heavily.

Kansas State University analysts estimate that the state had 131,000 farms in 1956 and only about 85,000 now. They also believe that the waves of migration out of the farmland are receding, simply because there are so few young people left who will move away.

For most of Kansas the decline is caused by familiar economic changes. In the big wheat country, farming is increasingly mechanized, the small farms become uneconomical, there is no need for hired labor. The small farmer sells out to the bigger one and more families move out.

But Greenwood County has been cattle county. It lies on the edge of the Flint Hills were the tall-growing "Bluestem" grass has been prime grazing country since the first cattle drives of the West.

EXODUS CONTINUES

Until the 1950s, the medium-size farm could flourish by grazing cattle on contract. Owners shipped in cattle from Texas and even Mexico. Local farmers fattened them on their grasslands, then shipped them on to slaughter in Kansas City.

Today, the fattening is done in huge feed lots—pens where thousands of head of cattle are branded, dehorned, castrated, and fed corn, hay and grain in large troughs. It all takes only about 120 days, less than half the time the farmer needed to fatten cattle on his grasslands 15 years ago.

Only the very prosperous survive—those who raise their own cattle or have crop acreages large enough to turn a profit. Gilman, the newspaper editor, observed that the only farmers able to keep their children at home are the affluent few.

Sam Schwab was asked why he thought his children would not come back to Greenwood County. While he pondered, his wife suggested that it was their college education; after a university experience, the Kansas horizon simply looked too bleak.

"No," said Schwab, "the word is 'profit.' We're not making any money here. It wouldn't have been profitable for them to stay. They can make their money so cockeyed more easier and get a retirement than they ever could out here on farms."

There is a special, sad irony about Greenwood County's decline because so many enthusiastic boosters have placed their faith in it over the years.

Its county seat of Eureka (Greek for, "I have found it") was named by an early settler, Edwin Tucker, who was searching for a place to build a new community in the rich grazing lands. Nearby, someone else established Utopia, a place that never got past hamlet stage.

In the 1940s, the late Roger W. Babson, a popular economist, looked upon Eureka as the very center of his "Magic Circle," a huge inland paradise so amply endowed with minerals, cattle and croplands that it inevitably would become a self-sustaining, dynamic region.

"If you now live in this 'Magic Circle'," wrote Babson more than 20 years ago, "continue to live there and urge your children to settle there and bring up a good family . . . Do not neglect the great opportunity which God has given you to live within this area."

He expressed his own confidence in Eureka by establishing a 2-year institution, Utopia College, as a training center for the children of those who followed his advice.

The college closed last year.

RAIL PASSENGER TRANSPORTATION DESTROYED BY RAILPAX

Mr. METCALF. Mr President, I am appalled that the National Railroad Passenger Corporation, which was created to improve inadequate passenger service, has as its initial action proposed to eliminate nearly half the passenger trains now running—365 to 184. If I follow this Catch-22 logic correctly, it has been necessary to destroy rail passenger transportation in the United States in order to save it.

For an initial $40 million investment, the taxpayers seem to have bought a lesson in warped logic and a great leap backward in rail passenger transportation.

The Railpax directors would eliminate the inadequate service still surviving in many areas of the country, including Montana, Wyoming, Arkansas, South Dakota, Ohio, West Virginia—in fact, just about everywhere but the Washington-New York-Boston Northeast Corridor.

The National Association of Railroad Passengers, a private group trying to represent the determined and patient people who still patronize passenger trains, has furnished me with a statistical analysis of the Railpax disaster outside the Northeast Corridor.

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

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

ANALYSIS OF RAILPAX SERVICE REDUCTIONS ANNOUNCED BY PASSENGER GROUP

Upon commencement of operations by the National Railroad Passenger Corporation (RAILPAX) on May 1, intercity rail passenger service will be slashed drastically in most parts of the nation.

Excluding the Northeast Corridor (Boston-New York-Washington) where only minor adjustments will be made in the present pattern of service, the number of trains will be cut 68% and daily train miles by 65%.

The following table compares present service and proposed RAILPAX service on the individual railroads, excluding the Northeast Corridor.

OTHER THAN NORTHEAST CORRIDOR SUMMARY

	Present service		RAILPAX proposed	
	Number of trains	Daily train-miles	Number of trains	Daily train-miles
Penn Central	57	26,436	30	11,080
Norfolk & Western	8	3,092	----	----
Delaware & Hudson	4	788	----	----
Chesapeake & Ohio	13	3,285	4	1,540
Southern (including Central of Georgia)	10	4,538	2	1,787
Louisville & Nashville	7	3,727	2	980
Georgia RR	2	342	----	----
Baltimore & Ohio	13	5,138	----	----
Seaboard Coast Line (including Richmond, Fredericksburg & Potomac)	26	17,392	10	9,954
Gulf, Mobile & Ohio	6	1,704	4	1,136
Illinois Central	15	7,618	4	2,456
Missouri Pacific	6	2,106	2	560
Denver & Rio Grande Western	1	570	1	570
Chicago & North Western	10	1,717	----	----
Chicago, Milwaukee, St. Paul & Pacific	14	3,169	8	1,352
Union Pacific	11	11,847	2	372
Southern Pacific	10	5,836	5	4,474
Chicago, Rock Island & Pacific	4	684	----	----
Atcheson, Topeka & Santa Fe	18	18,382	8	7,692
Burlington Northern	32	26,972	6	6,858
Grand Trunk Western	8	2,110	----	----
Total	275	147,453	88	50,811

Sources: For present service, Official Guide of the Railways, March 1971. For proposed RAILPAX service, National Railroad Passenger Corp. announcement of Mar. 22, 1971.

Mr. METCALF. Mr. President, to quote from the NARP analysis:

Excluding the Northeast Corridor, where only minor adjustments will be made in the present pattern of service, the number of trains will be cut by 68 per cent and daily train-miles by 65 per cent.

In other words, vast areas of our country are threatened with the loss of what meager service is now furnished. In view of how Railpax would interdict rail service outside the Northeast, I can only recommend to the Defense Department that it set up a Railpax for the Ho Chi Minh Trail. It would be cheaper, save lives, and probably be more successful in stopping traffic.

As the NARP statistics indicate, the number of trains outside the Northeast corridor would be slashed from 275 to 88 daily, and daily train-miles from 147,453 to 50,811.

So far as rail passenger service from Chicago to Seattle over the Burlington Northern is concerned, the number of daily passenger trains would be cut from 32 to six. That is somewhat more than the overall 50-percent figure being offered by Railpax.

The Railpax directors have totally disregarded an Interstate Commerce Commission recommendation to provide service on alternating days over both the old Great Northern and Northern Pacific routes across Montana, as well as a continuation of partial service between Butte and Salt Lake City.

The ICC called the Butte-Salt Lake run a necessary bridge between east-west

corridor routes that provided service to, among other areas, Yellowstone National Park. And it was a potentially profitable run. If I may quote from the ICC's recommendation:

The losses sustained were felt to be partially if not wholly incurred by the carrier's own doing.

The ICC felt so optimistic about the profit potential of this run it recommended daily operation. Under Railpax—no service at all.

Mr. President, I ask to have printed at this point in the RECORD a copy of the ICC recommendation on the Salt Lake City-Butte, Mont., run.

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

APPENDIX B. SECONDARY RECOMMENDATIONS

SALT LAKE CITY-BUTTE

The proposed basic system does not include a north-south service between Salt Lake City and Butte. Both of these points are intermediate points on those transcontinental routes from Chicago to the west coast.

The Commission has twice ordered continuance of the Butte-Salt Lake trains operated by the Union Pacific.[1] The first case allowed the carrier to reduce service to triweekly but the more recent case denied the proposed total discontinuance. Essentially, the Commission has found continuance warranted for four reasons: the reliance of people in the area on this service; the bridge this line provides between other transcontinental routings; the lack of adequate alternate service; and the carrier's failure to promote this service.

Of significance is the fact that the triweekly service has resulted in a patron retention rate of 83 percent, despite an overnight schedule and the railroads' failure to either publicize the trains or to arrange schedules facilitating expeditious connections.

Alternate service is widely circuitous and limited. Forty-six of the 51 stations have no bus service. Air service is infrequent and limited to the termini and two intermediate points. Roads are limited. There is only one through highway from Great Falls to Butte to Salt Lake City. It is only two-lane and not engineered to Interstate Highway standards. Heavy fog is frequent at the mountain passes throughout the year and frequently closes the highway and the airports. The Commission summed up the situation when it ordered a continuance:

"The severe nature of the terrain and weather, the very inaccessibility of certain subordinate areas to the general area involved as demonstrated by this record dictate a need for some rail passenger service since the alternate modes available are limited and uncompromisingly subject to the vagaries of weather". 333 I.C.C. 182, at 193; 338 I.C.C. 50 at 60, *supra*.

The Commisison furthermore hoped that under Railpax, the Butte-Salt Lake City service would be returned to a *daily* operation.

The Commission further found that the carrier did nothing to promote service on the line (338 I.C.C. 50, 62). Despite the fact that the train passes through wild and spectacularly scenic areas, and is the western gateway to Yellowstone National Park and the only rail gateway to Grant Teton National Park, there has been no advertising to attract the tourist trade. Because of these factors, the losses sustained were felt to be partially if not wholly incurred by the carrier's own doing. They therefore should not be considered too seriously in view of the countervailing public interest in the continued operation of these trains.

Despite the fact that the present service connections on the Butte-Salt Lake City run leave much to be desired, nonetheless feeder value of the line is estimated at 30%. Feeder value has increased since the discontinuance of the Twin City-Kansas City line for the reason that Butte-Salt Lake City line is now the only way for people living in the northern Great Plains to reach Salt Lake City-Los Angeles and points south without having to travel either east to Chicago, or west to Seattle, in order to obtain connecting service. The Butte-Salt Lake City line cuts about 1,000 miles from either of these routes.

In sum, the line constitutes a necessary bridge between east-west corridor routes.

Mr. METCALF. Mr. President, the proposed east-west Railpax routing over the old Great Northern tracks would deprive two-thirds of the residents of Montana of rail passenger service. Anyone who has seen winter weather in that part of the country would realize the undependability of alternate means of transportation during the winter months.

The Great Northern routing is also at variance with the ICC recommendations, which pointed out both the Great Northern and Northern Pacific routes showed healthy passenger revenues, despite intentional downgrading by the railroads. To quote again from the ICC recommendation:

There is clearly a need for some transcontinental service on both the former Great Northern and Northern Pacific corridors between St. Paul and Seattle-Portland—whether on alternate days or some basis.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the text of the ICC recommendation. I also ask for inclusion at this point of a letter from a Helena attorney, Mr. Thomas Mahan, that illustrates the economic insensitivity of the Railpax directors in recommending the northern Montana routing, and a letter from a conductor, Mr. Warren R. McGee, with his firsthand observations.

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

TWIN CITIES-SEATTLE

Presently, Burlington Northern operates eight trains daily between St. Paul and Seattle/Portland[1] over two separate main lines and via four different routings. Two pairs of trains use the former Great Northern route via Glacier Park. One of these trains, the Empire Builder, is a luxury express train providing the fastest ground service between Chicago and Seattle. It serves Williston and Minot, N.D. The other train, the Western Star, is routed via Alexandria, Minn., and Grand Forks, N.D., and provides the only direct connecting rail service to Great Falls, Montana, and Winnipeg, Manitoba. Both the Empire Builder and the Western Star serve Glacier National Park in the summer and the Whitefish Mountain ski area in the winter, popular rail destinations.

Two pairs of trains use the former Northern Pacific route via Yellowstone Park. One of these, the North Coast Limited provides luxury through service between Chicago and Seattle/Portland. This train serves Butte, Montana. The other train, the Mainstreeter, provides essentially local service and is routed via Helena, Montana rather than Butte.

In addition to providing the only all-year service to Yellowstone the Northern Pacific route serves Billings and Missoula, Montana, as well as Bismarck, the capital of North Dakota. In Montana, the Great Northern and Northern Pacific routes, while parallel, are almost 300 miles apart. In North Dakota, they are over 100 miles apart. Thus, for over 1,000 miles, they are not competitive with each other or any other rail passenger service.

All four pairs of daily transcontinental trains are well patronized. Indeed of these, only one, the Mainstreeter, has ever come before the Commission for discontinuance. And that we denied.[2] In analyzing the trains which the carrier itself regarded as the most likely prospect for discontinuance, we found in 1968 that 251,827 passengers used the Mainstreeter annually, and that unlike the general trend—usage was actually *increasing*. Pointing to these increases (which, even according to railroad figures showed an average of 345 passengers per trip), the Commission concluded: "We consider it clear beyond dispute that the public has not abandoned the Mainstreeter" (333 I.C.C. 15, 38). In 1969, when the carrier again unsuccessfully sought to discontinue the Mainstreeter, we noted that a decrease in patronage was attributable to intentional downgrading by the railroad. As we concluded " * * * there are good reasons for this decrease in patronage—reasons brought about by railroad management in contemplation of discontinuance" (336 I.C.C. at 38). Despite all of this, the Mainstreeter trains still carried "approximately 200,000 revenue passengers" in 1968 (336 I.C.C. at 40).

Such extensive use is in addition to the North Coast Limited, which except for the Butte cut-off, parallels the Mainstreeter route between St. Paul and Seattle. Significantly the North Coast has never even been the subject of a discontinuance proceeding. In these circumstances we think there is ample basis for such service in the basic national system.

The use of trains over the former Great Northern route is equally impressive, considered along with the fact that the carrier has never sought to discontinue its two pairs of transcontinental trains operated over this route. In 1969, approximately 200,000 people used the Western Star, which runs between St. Paul and Seattle.[3] During the same period approximately 400,000 people used the Empire Builder and its connections between Chicago and Seattle/Portland. (Id.) And these figures do not account for passengers formerly travelling trains discontinued in the cited case, but retained on the Western Star or Empire Builder.

In our judgment there is clearly a need for

[1] *Union Pacific Railroad Company Discontinuance of Trains Nos. 35 and 36 Between Salt Lake City, Utah and Butte, Mont.*, 333 I.C.C. 182 (decided May 16, 1968) and 333 I.C.C. 50 (decided August 26, 1970).

[1] Trains serve Portland directly with through cars being switched off at either Spokane or Pasco, Washington. Consequently, trains arrive at both Portland and Seattle at approximately the same time.

[2] *Northern Pacific Ry. Co. Discontinuance of Trains Nos. 1 and 2*, 333 I.C.C. 15 (1968), 336 I.C.C. 7 (1969).

[3] *Great Northern Ry. Co. Discontinuance of Trains Nos. 3 and 4, etc.*, 336 I.C.C. 477, 511–512 (1970). This proceeding dealt with other trains but furnishes a valuable source of information as to patronage of the Western Star and Empire Builder. Our figures here were computed by multiplying daily averages set out in the cited case.

some transcontinental service on both the former Great Northern and Northern Pacific corridors between St. Paul and Seattle/Portland—whether on an alternate day or some other basis. To insure preservation of transcontinental rail passenger service through the northern tier of states, the Commission finds that the establishment of St. Paul and Seattle as end points is essential and should be included in the basic system.

HELENA, MONT., *March 25, 1971.*

Hon. LEE METCALF,
U.S. Senate, Senate Office Building, Washington, D.C.

DEAR LEE: The purpose of this letter is to point out to you some of the points Railpax may have missed in setting a northerly route through Montana rather than following that of the North Coast Limited or Mainstreeter.

First of all, if you follow the route of the Mainstreeter which enters Montana near Wibaux, proceeds to Glendive, Miles City, Forsyth, Billings, Livingston, Bozeman, Helena, Missoula, Thompson Falls and then on to Idaho by using a radius of 80 miles on each side of the track you end up by serving 44 of the 56 county seats in Montana which represents 610,000 persons out of 694,000 people. In fact, it is estimated that the Hi-Line route announced by Railpax would serve a total of not more than 100,000 people.

But, in addition, these facts should be pointed out to Railpax. There are seven specific colleges and universities along this route. These include the University of Montana at Missoula, Carroll College at Helena, State University at Bozeman, Eastern Montana at Billings, Rocky Mountain at Billings, plus a college at Miles City and Glendive. Within the 80-mile radius you also have the School of Mines in Butte, the State College at Dillon and the College of Great Falls at Great Falls. In fact, the only college in Montana that you miss is Northern Montana College at Havre.

It should be pointed out to Railpax that the present clientele of the railroads are the students and the older retired people. They are restricted on funds and they have the time to use the train.

Point No. 2. There are two VA Hospitals in Montana—one in Helena, Montana, and one in Miles City, Montana. Both of these are on the current route of the Mainstreeter. They will be far removed from the northern Hi-Line route by Railpax. Many of these veterans, because of their physical condition, travel by train.

Point No. 3. The northern route through the Hi-Line completely wipes out rail access to Yellowstone National Park. The present terminal at Livingston is used by thousands of visitors every summer. In fact, it is reported that over 2,000,000 people visit Yellowstone Park each summer and the number is rising. Livingston is some 60 to 70 miles north of Yellowstone Park. With Railpax bypassing Wyoming and going through the Hi-Line of Montana, it is going to be virtually impossible for visitors to reach Yellowstone Park by rail.

It should be pointed out that Railpax has completely ignored coordination with other means of transportation in Montana. Perhaps the company did not have the time to go into coordination but the proposed route does not in any way, shape or form tie in with plane service, bus service or with the interstate highway system. I feel that this is a violation of the intent of Congress which set up Railpax for the convenience and necessity of the public.

The people in Montana were deceived by the officials of Burlington Northern when they pursued the merger plans between the Great Northern and the Northern Pacific. According to testimony before the ICC the Montana people were promised in city after city that this would not affect their existing passenger trains. As you know, the Northern Pacific was a land-grant railroad in which the Northern Pacific received thousands and millions of acres of land free from the government for the specific purpose of providing transportation for the public convenience and necessity. Many of the holdings of the Northern Pacific which have now been taken over by the Burlington Northern consist of minerals and timber given to them. For 610,000 people in Montana to suddenly lose all their rail service seems incongruous.

We realize in Helena that they need a train on the Hi-Line but we hope that everyone realizes that we also need a train to this area of Montana. We realize that the present North Coast Limited goes through Butte and misses the capital city of Helena and we are willing to predict that if given an even opportunity that Helena would show more passengers than Butte because of its unique situation as the seat of the government in which it is necessary for many more people to travel to Helena than to Butte throughout the year for various government functions. Helena has put up with taking the bus to catch the North Coast Limited for years and if it came down to that I suppose we could put up with it in the future.

Perhaps the solution would be to run alternate day trains. In other words, on Monday, Wednesday and Friday run the train through the southern part of the state and on Tuesday, Thursday and Saturday and Sunday run it through the Hi-Line.

Another solution would be to run diesel or electric self-propelled cars through Montana such as used to be run on the Great Falls-Helena-Butte segment—the so-called "Galloping Gooses." If these could be set up without too much overhead or union demands I am sure they could pay for themselves.

It certainly seems ridiculous to all the citizens in Helena to say that the northern route was selected because it saves one hour between Chicago and Seattle. If anybody wants to save one hour between Chicago and Seattle he is going to take an airplane.

But when you look to who it is really going to hurt in Montana, and initially it is going to hurt the older people and the students, you can see the hardships that are going to result. For instance, from Helena to Billings a train ticket round trip is $18.00, a plane ticket is $42.00. From Helena to Bozeman a train ticket is $3.75, a plane ticket coach is $15.00, a plane ticket youth stand-by is $9.00. In the meantime federal tax dollars continue to subsidize the airways, the airports and so forth while a system which is taking care of public convenience and necessity has been or is about to be entirely removed from this area on May 1st.

The people of Montana are going to have to rely upon your leadership and abilities in your office to watch the situation closely to keep Railpax and the Secretary of Transportation fully informed, to make sure that the Congressmen realize the tragic losses which will occur to the average citizen and to do everything within your power to help rectify the situation. All Railpax has to do is look at the transcript of the many proceedings involving the Mainstreeter to determine that thousands of passengers use the trains through the Montana area and that they will no longer be able to do so.

Thank you.

Yours very truly,

THOMAS H. MAHAN.

LIVINGSTON, MONT.,
December 18, 1970.

DEAR SENATOR METCALF: I am writing this letter to solicit your support for continued good passenger train service through Montana via the old Northern Pacific route.

In my attempt to assess the effects of the plan "Railpax" has designated for this section of the country, it appears to me that Mr. Volpe has left many doors open for himself to back out of, if the clamor for better service gets too vociferous in his direction. You, gentlemen, must do this.

No one out here knows just what trains he plans to keep on and I want to alert you to what I think should be retained under "Railpax" and the kind of service that should be maintained everywhere. Mr. Volpe's plan appears too skeletonized to define.

I have been a conductor on the "Mainstreeter" for the past year and have watched the full cycle of operations closely.

Special effort should be made to retain this train for Montanans' use, for it stops at 34 Montana stations, while the North Coast Limited serves but 13 stations in Montana. This ratio will be true in adjoining states as well. The NC Limited in heavy travel periods with its reservation "mess" has few seats to offer Montana patrons, because it is filled to capacity before arriving at the Montana boundaries, and the "Mainstreeter" is called upon to serve all stations for it has no reservations and it does serve those stations well.

The last nine days of November 1970 produced over $29,000 passenger revenues at Helena, Bozeman, Livingston and Billings. Most of these revenue patrons traveled via the Mainstreeter because the NC Limited was all sold out. Passenger head counts in this period ranged from 100 to 430 into major terminals, and one time after the coaches sleepers and diner seats were filled, 27 rode inside the baggage car. For this train turns no one away.

The needs in the future of the Postal Mail Service are supplied by this train and if one day soon, they retain their senses, the "Mainstreeter" is the train they will use extensively. The past year, this train has been delayed from 28 to 45 minutes at Miles City and Billings, loading and unloading U.S. Mail and a shorter time at Bozeman and Helena. The potential of a decent Express service will still rest upon the shoulders of this train. Once its continued service is assured. I believe these services will once again return to the rails. . . .

As for its schedule, the westbound NC Limited takes 36 hours to travel St. Paul to Seattle, the Mainstreeter takes 40 hours.

Eastbound NC Limited requires 42 hours Seattle to St. Paul and the Mainstreeter needs 44 hours over the same route (Time Zone changes not figured). All schedules have plenty of slack and could be improved, but I feel if our passenger trains all over the country were permitted 100 mph maximum speeds it would satisfy most all customers sensations of expedited service and not require extensive track renovations, for we traveled these speeds when we had steam engines and until the ICC put a maximum of 79 mph on trains without cab signals and which these managements voluntarily satisfied themselves that this would be their maximum speeds.

Contrary to RR Managements claim, the Public has not deserted these passenger trains, but the Public has been convinced that they were un-wanted and were being denied their "moneys-worth". Once this attitude is dispelled I predict a more profitable operation extending even to their freight business.

Finally: Some one of authority to Railpax must be designated in each State, to which complaints of poor service could be forwarded to. This information must be made available to the traveling public, for prompt correction.

Sincerely yours,

WARREN R. MCGEE.

Mr. METCALF. Mr. President, my distinguished colleague from Montana (Mr. MANSFIELD) and I have already written

the Senate Appropriations Committee to oppose further appropriations for Railpax, as well as to the Office of Management and Budget to try to stop further disbursal of public funds appropriated prior to the Railpax announcement.

It is clear that Railpax is acting in opposition to the public needs and the expressed intent of Congress. For instance the corporation, acting on the advice of the general counsel of the Transportation Department, decided that an environmental impact statement, required by the National Environmental Policy Act of 1968, was unnecessary in this case. It should be obvious there are some potentially serious environmental effects that require consideration, among them the possibility of an increase in automobile pollution in scenic areas such as Yellowstone National Park—where alternate transportation service would be eliminated.

The National Park Service has previously warned that automobile traffic in Yellowstone may have to be limited—and a cessation of rail service can only escalate the congested conditions.

The ramifications of this derailing of rail passenger service in the United States are just being realized. I ask unanimous consent to have printed in the RECORD an article published by Lewis Mumford in the New York Times, outlining reasons why the Railpax plan must be stopped.

Mr. President, I ask inclusion also of a letter from the Governor of Montana protesting the Railpax decision, and a recent article from the Christian Science Monitor, relating how passengers are beginning to realize what has been done to them.

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

[From the New York Times, Mar. 16, 1971]

TRANSPORTATION: HUMAN ENRICHMENT—THE FIRST STEP IS TO RESTORE PASSENGER TRAINS IN THE NATION

(By Lewis Mumford)

CAMBRIDGE, MASS.—The process that has been undermining our transportation system, with the progressive elimination of all but motor vehicles and jet planes, is what the biologist William Morton Wheeler, described in organisms as "de-building."

This brings on a lapse from a complex, multifunctioning unit of high potentialities to a lower state with limited means of interaction with other organisms or a larger environment. Should that process go at its present pace, would anyone, if the "locomotion machine" stops, remember how to use his legs? To call this de-building a technical advance or a human improvement is a shabby joke.

What has happened to the railroad points to similar lapses in other public sectors. Our postal system has been declining ever since the First World War and it is now being doomed by the same curious principle that has been applied to the "restoration" (destruction) of the railroad: it must show a mass demand and a profit or cease to exist as a public function.

This doctrine has been introduced so insidiously that, like our collective extermination of civilian populations in war, it has been accepted without a murmur. But surely that practice should cause general alarm, not least to other transportation services. On the same terms, air transport and eventually bus lines could be junked too. And why not the public schools?

At one time the nationalization of the railroads would have seemed to be a remedy; but this is an illusion. Under the canons of the corporate power complex, the same aims govern both private and national enterprises; and their respective bureaucracies, as the Department of Agriculture's promotion of pesticides, herbicides, and antibiotics, has taught us, work hand in glove. In the nineteen-fifties, the Tory Government of England, gauging the necessities of public service solely in terms of volume of traffic and earnings, cut back essential sectors of their nationally owned railway system and deliberately threw all the burdens of regional transportation on motor cars and trucks. The British public has had reason to regret this.

No adequate rebuilding of the transportation system is possible without introducing many coordinate measures outside the field of transportation itself. Anything like a constructive policy must be meshed in with closely related proposals for population limitation, energy conservation, industrial decentralization, low-income housing, urban reconstruction, pollution abatement, and even local agricultural production; and the money sufficient to accomplish these changes can only come from drastically cutting back on the whole Pentagon of Power, beginning emphatically with the military-industrial establishment.

Such a program would not be thinkable, still less acceptable, if there were not so many signs—from the miscarriage of the social welfare system to the rising tide of violence, crime, drug addiction, and organized blackmail—that the whole economy is becoming unworkable. What is in store is not merely a change of pace, or a reallocation of individual priorities, but a basic change of purpose and direction. This transformation will be directed toward shifting from an overheated economy, based on war, waste, forced consumption and meretricious affluence to a temperate "steady state" economy, such as J. S. Mill theoretically described a century ago. That new economy will be based, not on power, productivity, and pecuniary enrichment, but on well distributed plenitude and the general enrichment of human culture.

I am not alone in making this interpretation. There is already a study center in the State University of New York that is investigating the desirability of such an economy, and references to Mill's long-neglected description of its advantages now keep popping up.

No responsible mind will venture to write out in detail the prescription for such a deep-seated ideological and social change. Once the problem is faced, one must recognize that there are no easy answers; nor are instant solutions possible, except destructive or negative ones. We need time, not merely to make a more thorough canvass of "unprofitable" human needs, but also to change our minds and to reformulate our purposes—an even slower process. But meanwhile the first step can be taken: to slacken the pace of deterioration and destruction. With regard to transportation alone, the most imperative negative steps should be obvious.

First: We should not only oppose the Railpax plans to bleed to death the stricken railroad system, but demand the rapid building of an even more complete national network, with at least as many passenger trains restored on the timetable within the next decade as were in service in 1950.

Second: Trucks and trailers of freight-car dimensions must be prohibited on the public roads; jumbo freight planes and jumbo passenger jets for mass travel should be phased out; while supersonic planes should be permanently eliminated as both an ecological misdemeanor and a human disaster.

Third: To find funds for manufacturing the new rolling stock, restoring the neglected equipment, and reassembling a new body of trained workers, superhighway construction should be halted and the available moneys should be turned over to the railroad system.

Hold your breath: this is only a beginning. If these proposals are shocking enough to cause discussion, that will perhaps be their best service. Once we awaken to the real situation, better measures—possibly more drastic ones—will doubtless come forth.

MARCH 22, 1971.

CHAIRMAN,
Board of Governors, Railpax Corporation, Washington, D.C.
REGINALD N. WHITMAN,
Administrator, Federal Railroad Administration, Washington, D.C.

DEAR SIR: As Governor of Montana I believe it is my duty to actively protest the final designation of the Railpax route in this state. Your decision, if it stands, will eliminate convenient railroad passenger service for approximately 80 per cent of the population of Montana. The northern route you have selected will serve only one of the ten most populous cities in the state. Rail passenger service to the gateway cities of Yellowstone Park in Montana will cease, and rail passenger service on a North-South axis in the Rocky Mountain region will be impossible.

I am not suggesting you reconsider and substitute the southern route you have already designated. That would also not solve the problem. The fact is that Montana is too huge and too sparsely populated to be served by a single rail passenger route.

The stated intention of the Railpax System was to improve and assure the continuance of rail passenger service in this country.

I cannot imagine how you can possibly meet this objective when you ignore the transportation needs of approximately 80 per cent of the population of Montana.

I strongly urge reconsideration of this precipitous and detrimental decision.

I will continue to protest this action until another route is designated in Montana or all possibilities, including congressional intervention, are exhausted.

Sincerely,

FORREST H. ANDERSON,
Governor of Montana.

PASSENGERS SPEAK UP TO RAILPAX

(By Merelice K. England)

CHICAGO.—U.S. railroads are generally pleased. But passenger complaints are loud—and rising.

Meanwhile railroad unions, assured of job protection even though rail passenger service is being cut, wait to see precisely where their salaries will be coming from.

These are early reactions to the sweeping changes in American passenger railroad service announced earlier this week by the National Railroad Passenger Corporation (Railpax).

The new routes, slicing daily service almost in half, were announced before Railpax had signed contracts with the 22 passenger railroads which will provide track and crews for the new corporation as of May 1.

For now, the 22 railroads being approached to provide the minimum network of passenger service, covering 114 major cities, are staying noncommittal about their plans.

CONTRACT DETAILS AWAITED

Until the contract terms are negotiated, some railroads say they have not decided whether they will join. But no knowledgeable observer anticipates a railroad's refusing to become part of the new passenger service.

Seven of the nation's existing 29 railroads will give up passenger services altogether. They are delighted at the opportunity to concentrate on more profitable freight service. One example: the Chicago and Northwestern line.

The National Association of Railroad Passengers says it is pleased with aspects of the overall plan, but complains, in particular, that the Cleveland area is left out completely from new passenger services and that major cities in Michigan are similarly ignored.

Local communities in Ohio and Michigan are expected to protest at their exclusion; the state of Arkansas may also lodge a complaint.

Railroads which join Railpax can drop their own passenger service on May 1 in exchange for payments based on their current passenger losses.

NET TO LINK 114 CITIES

Railpax, having made its own choice of passenger routes, plans to use the 22 lines with which it is negotiating to connect 114 major cities with more than 100,000 population. The basic network would provide 184 passenger trains a day in nationwide service, roughly half of the present 365 trains. Railpax wants to pool the best 1,500 passenger cars out of existing supply of 3,300.

Even with such curtailments, Railpax estimates it will lose about $100 million during its first year of operation—compared with current railroad losses estimated at twice that.

A private study illustrates in greater detail the expected cutbacks in passenger service. Leaving aside the highly traveled trains in the northeast corridor, the number of trains elsewhere across the nation will actually be cut 68 percent, from 275 to 88. And the number of train-miles, excepting the northeast, will drop 65 percent from 147,453 per day to 50,811.

In response, Joseph Vranich—executive director of the National Association of Railroad Passengers—concedes: "We will gladly bargain off a number of trains for a 200 percent improvement in service."

The fact is, however, the routes designated by Railpax—with some fanfare and earlier than anticipated—cannot be confirmed until contracts for providing the service have been signed by Railpax and the individual railroads.

Mr. METCALF. Mr. President, I think that when the full extent of this administrative and financial botchery is realized, Railpax, potentially a good idea to improve a bad situation, is going to be in serious trouble. It has already been established that passenger trains are too important to be left to railroad executives, and it seems they are also too important to be left to the directors of Railpax.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The time originally agreed to for the transaction of morning business has expired.

INTEREST EQUALIZATION TAX EXTENSION ACT OF 1971

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair lays before the Senate the unfinished business, which the clerk will state by title.

The assistant legislative clerk read the bill (H.R. 5432) by title, as follows:

A bill to provide an extension of the interest equalization tax, and for other purposes.

The Senate proceeded to consider the bill.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the first committee amendment.

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

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

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. LONG. Mr. President, H.R. 5432 basically is a very simple bill. Its most significant feature is that it extended the interest equalization tax for 2 more years, from March 31, 1971, to March 31, 1973. Because March 31 is almost here, it is important that we act on this bill promptly. To allow this tax to expire, and then be reinstated, could involve serious administrative problems both for the Government and for the taxpayers. Both the House and the committee, in addition to extending the tax for 2 years, have included technical amendments to the interest equalization tax. These amendments for the most part are technical perfecting amendments which do not, in any sense of the word, change the basic purpose of the tax. Two of the amendments, however, rise above the level of merely technical amendments and these two I will explain in just a moment.

Let me first explain quite briefly the purpose of the interest equalization tax. Its purpose is to protect our balance-of-payments position by restraining capital outflow from the United States. This is accomplished by increasing the cost to foreigners of borrowing in the United States. To achieve this end, the tax provided is equivalent to raising the interest rate on funds borrowed from the United States by as much as 1½ percent. The President has discretion to vary the tax to an interest rate equivalent of anything up to this rate. Presently, he has imposed a tax equivalent to an interest rate differential of three-fourths of 1 percent.

The extension of the interest equalization tax is necessary at the present time because the expiration of the tax would add significantly to our already excessive balance-of-payments deficit. Although for a number of years we succeeded in reducing this deficit, in 1969 it amounted to $7 billion and in 1970 to almost $4 billion.

Our capital markets are much better organized than those of foreign countries and any time our interest rates are lower than those in foreign countries, there is a temptation to borrow here. This is particularly important now because our interest rates are below those in many foreign countries. For example, in December 1970, the yield on long-term U.S. Government bonds was 5.97 percent; the average for western European Government bonds was 7.77 percent, a differential of 1.80 percent. The differential on industrial issues is also significant. In January, 1971, the rate on U.S. industrials was 6.98 percent, while the rate in foreign countries ranged from a low of 7.37 percent in Germany to a high of 9.42 percent in Italy. These differentials between the foreign interest rates and the lower U.S. rates are clearly large enough to attract a significant amount of foreign borrowing in the absence of the tax.

In addition, during the period we have had this tax in effect, and also controlled to some degree direct investments abroad, U.S. companies have issued large amounts of foreign securities abroad to finance their direct investment in various countries. If the tax were not to continue there would be a strong temptation to refinance these amounts in the United States. At the end of 1970 the volume of these securities outstanding amounted to $5.6 billion not counting bank loans. As a result, the tax is essential to prevent the refinancing of this large overhang of securities held by foreigners which are associated with U.S. companies.

Even apart from this special situation of U.S. companies with securities held by foreigners, the interest equalization tax has also been effective in preventing foreigners from both financing new securities here and selling outstanding securities here. Based upon past trends, and experience in those areas where the tax is not operative it appears that even apart from the special situations that I have referred to the tax, on the average, prevents foreigners from borrowing something like $2 billion a year in our markets. With a balance-of-payments deficit of $4 billion in 1970, the significance of such an increase is readily apparent.

The interest equalization tax is also important because it is a part of a larger program designed to reduce capital outflows. Not only do we have the interest equalization tax which applies to so-called portfolio investments—that is, where the investment is not so large as to be a factor in the control of the foreign company—but we also have the direct investment control program run by the Department of Commerce and also the program run by the Federal Reserve System to limit short-term bank credit abroad. If the interest equalization tax were not to be continued, therefore, not only would we have the increase in capital outflow arising from portfolio investments, but it seems unlikely that it would be possible to maintain our capital outflow controls in the direct investment area, if this eventuality were to come to pass.

Finally, we need the extension of the interest equalization tax because of the reaction of foreign officials and private holders of dollars if we fail to extend it. We have heard much about how foreigners are concerned with the amount of dollars they are accumulating and often the question is raised as to how long we can expect them to go on increasing their dollar holdings. We know, for example, that their holdings of dollars are many times our total gold supply. In fact, one foreign country alone has a dollar balance in excess of our gold supply.

The willingness of foreigners to continue to hold dollar balances depends

upon whether they believe we are trying to control our balance-of-payments deficit and whether they believe that, in the long run, we will control price rises as well, on the average, as the leading foreign trading nations. If we were to allow the interest equalization tax to expire, this would certainly be regarded by foreign holders of dollars as a sign of our lack of concern with our balance-of-payments problem. This would very substantially increase the international pressure on the dollar and on the whole international monetary system. This is a risk we simply cannot take.

As I indicated when I began, the Finance Committee did make two amendments to the interest equalization tax which I believe are of sufficient significance to deserve explanation. The first and more important of these is that we have provided discretionary authority to the President to extend the interest equalization tax to debt obligations with maturities of less than 1 year. Presently, the tax only applies to those with maturities of 1 year or more.

The committee is concerned about these short-term obligations, particularly bank loans, because of the increases which have occurred in these loans in recent months. In 1970, for example, we note that these loans have increased to a level of $1.1 billion. This is up from much lower levels which have prevailed since 1965. With one exception these prior levels have not been much over $700 million.

A major reason for giving the present discretionary authority to apply the interest equalization tax to these short-term obligations is that in the absence of a tax in these cases the monetary authorities might attempt to discourage short-term capital flows by keeping interest rates higher than is consistent with the domestic requirements of our economy. Monday's Wall Street Journal, for example, indicates that a discount rate cut from the current level of 4¾ percent is considered less likely at present than it was a week ago. The article goes on to state that one of the principal reasons why the discount rate cut is viewed as unlikely is because the Federal Reserve Board believes that a reduction in short-term interest rates would lead to a dollar outflow to foreigners. This is the very problem with which the committee was concerned: the tendency to maintain higher interest rates here than would otherwise be needed merely to protect us against an outflow of dollars. In providing this discretionary authority the committee has been careful to provide the President with as much latitude as possible so that he will be able to impose the tax with respect to those short-term securities which are going abroad merely to seek higher interest rates as distinct from those funds which are needed to facilitate export and other transactions.

The second amendment which I believe should be called to the attention of the Senate relates to mutual funds. Present law provides that mutual funds set up before the interest equalization tax became effective may continue to operate free of tax with respect to the transactions of the fund itself even in the case of new investments made in the fund. Other new funds have complained of this advantage of the existing funds, and your committee has restricted the tax-free rollover privilege of existing funds to investments in the funds before March 24, 1971, the date of the committee press release on this restriction.

I point out again that it is vital that we act on the interest equalization tax today, because the tax expires at midnight on Wednesday of this week. To allow the tax to expire and then be reimposed would give rise to many administrative problems and would, in my view, not constitute responsible action on the part of the Senate. I am sure that we do not want this eventuality to occur.

Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc and that the bill as amended be considered as original text for the purpose of further amendment.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The amendments agreed to en bloc are as follows:

On page 2, line 5, strike out:

(a) TREATMENT OF DEBT OBLIGATIONS OF CORPORATIONS OBTAINING FUNDS FROM FOREIGN PERSONS AS TAXABLE.

(1) Section 4912(b) is amended by redesignating paragraph (4) as paragraph (5), and by inserting after paragraph (3) the following new paragraph:

"(4) SPECIAL ELECTION TO SUBJECT DEBT ISSUES OF A UNITED STATES CORPORATION TO TAX. Any domestic corporation may elect to have any class of its debt obligations which is an original or new issue (and any class of stock into which such debt obligations may be converted) deemed to be debt obligations (or stock) of a foreign obligor (or issuer) the acquisition of which by a United States person will be subject to the tax imposed by section 4911, notwithstanding any other provision of this chapter other than section 4911(d), at the rate provided on the acquisition of stock under section 4911(b). The documents evidencing such debt obligations (and the certificates evidencing any stock into which such debt obligations are converted) shall clearly indicate that their acquisition by a United States person is subject to the tax at such rate. Notice of an election under this section shall be given to the Secretary or his delegate prior to the issuance of the debt obligations with respect to which the election is made. Any such election shall be effective as of the date of issuance of the debt obligations with respect to which the election is made and shall be irrevocable. The Secretary or his delegate shall prescribe such regulations as he may deem necessary to carry out the provisions of this paragraph."

(2) The amendments made by paragraph (1) shall apply with respect to debt obligations issued after the date of the enactment of this Act.

And insert in lieu thereof:

(a) ELECTION TO TREAT CERTAIN DEBT OBLIGATIONS AS SUBJECT TO TAX.—

(1) Section 4912 is amended by adding at the end thereof the following new subsection:

"(c) ELECTION TO SUBJECT CERTAIN DEBT OBLIGATIONS TO TAX.—

"(1) IN GENERAL.—A domestic corporation or domestic partnership may elect to have its debt obligations—

"(A) which are part of a new or original issue, or

"(B) which are part of an issue outstanding on the date of the enactment of the Interest Equalization Tax Extension Act of 1971 and are treated under subsection (b)(3) as debt obligations of a foreign obligor,

to be treated as debt obligations of a foreign obligor the acquisition of which by a United States person (other than the issuer) will, notwithstanding any other provision of this chapter, be subject to the tax imposed by section 4911 at the rate applicable on acquisitions of stock under section 4911(b).

"(2) ASSUMPTION OF OBLIGATIONS.—For purposes of paragraph (1), the assumption by a domestic corporation of debt obligations of an affiliated corporation shall be treated as the issuance of a new or original issue of debt obligations by such domestic corporation. For purposes of this paragraph, a domestic corporation shall be treated as affiliated with another corporation if both corporations are members (or would be members if they were both domestic corporations) of the same controlled group (within the meaning of section 48(c)(3)(C)).

"(3) ELECTION.—An election under paragraph (1) with respect to any issue of debt obligations shall be made at such time and in such manner as the Secretary or his delegate may prescribe by regulations, and such election may not be revoked. In the case of a new or original issue, such election shall be made prior to the issuance (or, in the case of an issue treated as a new or original issue under paragraph (2), prior to the assumption) of any debt obligations of such issue.

"(4) INDICATION OR ENDORSEMENT OF TAXABILITY.—In the case a debt obligation which is part of a new or original issue (other than an issue treated as a new or original issue under paragraph (2)), an election under paragraph (1) shall apply to such debt obligation only if the document evidencing such debt obligation indicates that its acquisition by a United States person is subject to the tax imposed by section 4911 as provided in paragraph (1). In the case of any other debt obligation, an election under paragraph (1) shall apply to such debt obligation only if the document evidencing such debt obligation is marked or endorsed, subject to such regulations as the Secretary or his delegate may prescribe, so as to indicate that its acquisition by a United States person is subject to such tax."

(2) Section 861 (a)(1) is amended—

(A) by striking out the period at the end of subparagraph (F) and inserting in lieu thereof ", and", and

(C) by adding at the end thereof the following new subparagraph:

"(G) interest on a debt obligation which was part of an issue with respect to which an election has been made under section 4912 (c) and which, when issued (or treated as issued under section 4912(c)(2)), had a maturity not exceeding 15 years and, when issued, was purchased by one or more underwriters with a view to distribution through resale, but only with respect to interest attributable to periods after the date of such election."

(3) The amendments made by this subsection shall take effect on the date of the enactment of this Act.

On page 9, line 4, strike out the following:

"(1) Section 4914(c)(5)(B) is amended by striking out "a substantial portion of which is extracted" and inserting in lieu thereof the following: ", where a substantial portion of the ores or minerals (or derivatives thereof) to be stored, handled, transported, processed, or serviced in or through such facilities, or in or through all of the facilities of the obligor for the storage, handling, transportation, processing or servicing of the same types of ores or minerals (or derivatives thereof), is extracted".

(2) The last sentence of section 4914(c)(5)(B) is amended by striking out "such facilities" the first place it appears and inserting in lieu thereof "the facilities with respect to which the loan is made".

(3) The amendment made by this subsection shall apply with respect to acquisitions made after the date of the enactment of this Act."

And insert in lieu thereof:

(1) Section 4914(c)(5) is amended by adding at the end thereof the following new sentence: "For purposes of subparagraph (B), if the proceeds of the loan are to be used by the foreign obligor (or by a person controlled by, or controlling, the foreign obligor) for additional facilities, the substantial portion requirement contained in such subparagraph, and the one-half of the percentage of cost of requirement contained in the last sentence of such subparagraph, shall be treated as satisfied with respect to such loan if it is established that an additional amount of ores or minerals (or derivatives thereof) extracted outside the United States by the United States person, or otherwise taken into account for purposes of such subparagraph, will be stored, handled, transported, processed, or serviced in the existing and additional facilities of such foreign obligor or person, and that, with respect to such additional facilities, such additional amount fulfills such substantial portion requirement or such one-half of the percentage of cost requirement, as the case may be."

(2) The amendment made by paragraph (1) shall apply with respect to acquisitions made after the date of the enactment of this Act.

On page 12, line 6, strike the following:

(e) INVESTMENTS BY FINANCIAL INSTITUTIONS IN CORPORATIONS ENGAGED IN FINANCE BUSINESS ABROAD.—

(1) Section 4915 is amended by adding at the end thereof the following new subsection:

"(e) SPECIAL RULE FOR INVESTMENTS BY FINANCIAL INSTITUTIONS.—

"(1) For purposes of section 4912 and this section, a corporation which is—

"(A) a domestic corporation described in section 4920(a)(3)(C), or

"(B) a foreign corporation which is primarily engaged in the lending or finance business outside the United States,

shall be treated as a foreign corporation which is not formed or availed of for the principal purpose described in subsection (c)(1) with respect to an acquisition of stock from such corporation (whether or not as a result of a contribution to capital) by a corporation which is (or is affiliated with) a financial institution and which is affiliated with such domestic or foreign corporation, but only upon compliance with paragraph (2).

"(2) Paragraph (1) shall apply only if it is established to the satisfaction of the Secretary or his delegate, pursuant to rules and regulations promulgated by the Secretary or his delegate, that the amounts received by the domestic or foreign corporation as a result of the acquisition will not be used to acquire stock of foreign issuers or debt obligations of foreign obligors or utilized in any other way outside of the United States.

"(3) For purposes of this subsection, two corporations are 'affiliated' with each other if they are members (or would be members if they were both domestic corporations) of the same affiliated group (within the meaning of section 48(c)(3)(C)).

"(4) In any case where a domestic or foreign corporation has been treated as a foreign corporation which is not formed or availed of for the principal purpose described in subsection (c)(1) with respect to an acquisition of stock by another corporation as provided in paragraph (1) of this subsection, but the amounts received by such domestic or foreign corporation as a result of such acquisition are (before the termination date specified in section 4911(d)) used to acquire stock of foreign issuers or debt obligations of foreign obligors or utilized in any other way outside of the United States in violation of the rules and regulations promulgated under paragraph (2), then liability for the tax imposed by section 4911 shall be incurred by the acquiring corporation (with respect to such acquisition) at the time such amounts are so used; and the amount of such tax shall be equal to the amount of tax for which the acquiring corporation would have been liable under such section upon its acquisition of the stock involved if such domestic or foreign corporation had not been so treated."

(2) The amendment made by paragraph (1) shall apply with respect to acquisitions made after the date of the enactment of this Act.

And insert in lieu thereof:

(e) DIRECT INVESTMENTS IN CERTAIN LENDING AND FINANCING CORPORATIONS.—

(1) Section 4915 is amended—

(A) by striking out subsection (c)(3), and

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

"(e) SPECIAL RULE FOR INVESTMENTS IN CERTAIN LENDING AND FINANCING CORPORATIONS.—

"(1) IN GENERAL. For purposes of this chapter, a corporation described in paragraph (2) shall be treated as a foreign corporation which is not formed or availed of for the principal purpose described in subsection (c)(1) with respect to an acquisition of its stock, if it is established to the satisfaction of the Secretary or his delegate, pursuant to regulations prescribed by the Secretary or his delegate, that—

"(A)(i) the amounts received by the corporation as a result of the acquisition will not be used to acquire stock of foreign issuers or debt obligations of foreign obligors or utilized in any way outside of the United States, or (ii) the funds used for such acquisition were obtained from sources outside the United States; and

"(B) such information and records with respect to the corporation as are necessary for the administration of this chapter will be made available to the Secretary or his delegate.

"(2) CORPORATIONS.—The corporations referred to in paragraph (1) are—

"(A) a domestic corporation described in section 4920(a)(3)(C),

"(B) a domestic corporation which is a qualified lending and financing corporation (as defined in section 4920(d)) during any period during which an election under section 4920(a)(3B) is in effect, and

"(C) a foreign corporation which is a qualified lending and financing corporation (as defined in section 4920(d)) and has given notice to the Secretary or his delegate of its status as such a corporation.

"(3) MISUSE OF AMOUNTS RECEIVED.—In any case in which paragraph (1) applied to an acquisition of stock and—

"(i) the amounts received by the corporation whose stock was acquired as a result of such acquisition are (before the termination date specified in section 4911(d)) used to acquire stock of foreign issuers or debt obligations of foreign obligors or utilized in any other way outside of the United States in violation of the regulations prescribed under paragraph (1), or

"(ii) information or records with respect to the corporation, which the Secretary or delegate has determined (before such termination date) necessary for the administration of this chapter are not, after reasonable notice, made available to the Secretary.

then liability for the tax imposed by section 4911 shall be incurred by the acquiring corporation (with respect to such acquisition) at the time such amounts are so used or such information or records are not so made available; and the amount of such tax shall be equal to the amount of tax for which the acquiring corporation would have been liable under such section upon its acquisition of the stock involved if paragraph (1) had not applied to such acquisition."

(2) Section 4920(a)(3B) is amended to read as follows:

"(3B) CERTAIN DOMESTIC LENDING OR FINANCING CORPORATIONS.—

"(A) IN GENERAL.—The terms 'foreign issuer', 'foreign obligor', and 'foreign issuer or obligor' also mean a domestic corporation which is a qualified lending or financing corporation (as defined in subsection (d)) and which elects to be treated, for purposes of this chapter, as a foreign issuer and foreign obligor.

"(B) ELECTION.—An election under subparagraph (A) shall be made in such manner as the Secretary or his delegate prescribes by regulations. Any such election shall be effective as of the date thereof and shall remain in effect until revoked. If, at any time, the corporation ceases to be a qualified lending or financing corporation, the election shall thereupon be deemed revoked. When an election is revoked, no further election may be made. If an election is revoked, the corporation shall incur liability at the time of such revocation for the tax imposed by section 4911 with respect to all stock or debt obligations which were acquired by it during the period for which the election was in effect and which are held by it at the time of such revocation; and the amount of such tax shall be equal to the amount of tax for which the corporation would be liable under such section if it had acquired such stock or debt obligations immediately after such revocation."

(3) Section 4920(d) is amended to read as follows:

"(d) QUALIFIED LENDING AND FINANCING CORPORATIONS.—For purposes of this chapter, the term 'qualified lending or financing corporation' means a corporation—

"(1) substantially all of the business of which consists of—

"(A) making loans (including the acquisition of obligations arising under a lease which is entered into principally as a financing transaction),

"(B) acquiring accounts receivable notes, or installment obligations arising out of the sale of tangible personal property or the performance of services,

"(C) leasing tangible personal property (but only if such leasing accounts for less than 50 percent of its business),

"(D) servicing debt obligations,

"(E) carrying on incidental activities in connection with its business described in subparagraphs (A), (B), (C), or (D), or

"(F) any combination of the foregoing;

"(2) all debt obligations of foreign obligors acquired by such corporation, and all tangible personal property not manufactured or produced in the United States acquired by such corporation for leasing, are acquired and carried solely out of—

"(A) the proceeds of the sale (including a sale in a transaction described in section 4919(a)(1)) by such corporation (or by a domestic corporation described in section 4912(b)(3) which is a member of a controlled group, as defined in section 48(c)(3), of which such corporation is a member) of debt obligations of such corporation (or such domestic corporation) to persons other than

"(i) a United States person (not including a foreign branch of a domestic corporation or of a domestic partnership, if such branch is engaged in the commercial banking business and acquires such debt obligations in the ordinary course of such commercial banking business),

"(ii) a foreign partnership in which such

corporation (or one or more includible corporations in an affiliated group, as defined in section 1504, of which such corporation is a member) owns directly or indirectly (within the meaning of section 4915(a)(1)) 10 percent or more of the profits interest, or

"(iii) a foreign corporation, if such corporation (or one or more includible corporations in an affiliated group, as defined in section 1504, of which such corporation is a member) owns directly or indirectly (within the meaning of section 4915(a)(1)) 10 percent or more of the total combined voting power of all classes of stock of such foreign corporation, except to the extent such foreign corporation has, after having given advance notice to the Secretary or his delegate, sold its debt obligations to persons other than persons described in clauses (i) and (ii) and this clause and is using the proceeds of the sale of such debt obligations to acquire the debt obligations of such corporation (or such other domestic corporation),

"(B) the proceeds of payment for stock, or a contribution to the capital of such corporation, if the payment or contribution was derived from the sale of debt obligations by one or more members of a controlled group (as defined in section 48(c)(3)(C)) of which such corporation is a member (or by a corporation which would be such a member if it were a domestic corporation) to persons other than persons described in clauses (i), (ii), and (iii) of subparagraph (A) and such debt obligations, if acquired by United States persons, would be subject to the tax imposed by section 4911,

"(C) retained earnings and reserves of such corporation to the extent attributable to the conduct of the lending or financing business outside the United States, or

"(D) trade accounts and accrued liabilities, to the extent attributable to the conduct of the lending or financing business outside the United States, which are payable by such corporation within 1 year (3 years in the case of tax liabilities) from the date they were incurred or accrued, and which arise in the ordinary course of the trade or business of the corporation otherwise than from borrowing;

"(3) such corporation does not acquire any stock of foreign issuers or of domestic corporations or domestic partnerships other than stock of one or more members of a controlled group (as defined in section 48(c)(3)(C)) of which such corporation is a member (or of a corporation which would be a member if it were a domestic corporation) acquired as payment for stock, or as a contribution to capital, of such corporation; and

"(4) such corporation, in a manner satisfactory to the Secretary or his delegate, identifies the certificates representing its stock and debt obligations and maintains such records and accounts and submits such reports and other documents as may be necessary to establish that the requirements of the foregoing paragraphs have been met."

(4) The amendments made by paragraph (1) shall apply with respect to acquisitions made after the date of the enactment of this Act. The amendments made by paragraphs (2) and (3) shall take effect on the day after such date.

(5) For purposes of section 4920(a)(3B) of the Internal Revenue Code of 1954 (as amended by paragraph (2)) an election made under section 4920(d) of such Code (as in effect on the date of the enactment of this Act) shall be treated as an election made under such section 4920(a)(3B). For purposes of section 4915(e)(2)(C) of such Code (as amended by paragraph (1)), notice given under section 4915(c)(3) of such Code (as in effect on the date of the enactment of this Act) shall be treated as notice given under section 4915(e)(2)(C)."

On page 25, line 5, strike out the following: "where more than 2 years has elapsed after such date, if the issuing corporation involved makes the application within 60 days after the date of the enactment of this Act"

And insert in lieu thereof: "in which such 2-year period has elapsed before the expiration of 60 days after the date of the enactment of this Act, if the issuing corporation involved makes the application within such 60-day period."

On line 15 strike out the following:

(h) BORROWINGS BY MEMBER OF AFFILIATED GROUP WHERE CORPORATION IS ENGAGED IN CERTAIN FINANCING OPERATIONS

(1) Section 4920(d)(3)(A) is amended by striking out "owns all of the stock of such corporation" in the matter preceding clause (i) and inserting in lieu thereof "is an including corporation in an affiliated group, as defined in section 48(c)(3)(C), of which such corporation is a member".

(2) The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act.

And insert in lieu thereof:

(h) CERTAIN MUTUAL FUNDS—

(1) Section 4920 is amended—

(A) by inserting "subject to the provisions of subsection (e)," before "a domestic corporation which" in subsection (a)(3)(B);

(B) by inserting after "If, at the close of any succeeding quarter," in subsection (a)(3)(B) the following: "15 percent or more in value of the outstanding stock of the company is owned, directly, or indirectly (within the meaning of section 4915(a)(1)), by one person, or"; and

(C) by redesignating subsection (e) as (f), and by inserting after subsection (d) the following new subsection:

"(e) CERTAIN MUTUAL FUNDS.—Notwithstanding subsection (a)(3)(B), a domestic corporation described in such subsection shall not be treated as a 'foreign issuer', 'foreign obligor', or 'foreign issuer or obligor' with respect to any acquisition of a stock or debt obligation which is attributable to funds obtained by borrowing or through issuance of its stock after March 24, 1971."

(2) The amendments made by paragraphs (1)(A) and (C) shall apply with respect to acquisitions made after March 24, 1971. The amendment made by paragraph (1)(B) shall take effect on the date of the enactment of this Act.

(i) DEBT OBLIGATIONS WITH MATURITY OF LESS THAN A YEAR.—

(1) Subchapter A of chapter 41 is amended by adding at the end thereof the following new section:

"SEC. 4921. DEBT OBLIGATIONS WITH MATURITY OF LESS THAN A YEAR.

"(a) STANDBY AUTHORITY.—

"(1) IN GENERAL.—If the President of the United States determines, after taking into account the domestic economic objectives, the balance of payments objectives, and the other international economic objectives of the United States, that it is desirable to apply the tax imposed by section 4911 to the acquisition of debt obligations of foreign obligors having a period remaining to maturity of less than 1 year, he may, from time to time by Executive order (applicable as provided in subsection (c)), extend the application of such tax, at such rate or rates (subject to the provisions of subsection (b)) specified in such order, to the acquisition of such debt obligations specified in such order. The authority conferred by this paragraph may be exercised, at the discretion of the President, with respect to any classification of such debt obligations specified in paragraph (2), and with respect to acquisitions occurring during such period of time, as may be specified in the Executive order. The President may by subsequent Executive order terminate or modify any Executive order previously issued under this section.

"(2) CLASSIFICATIONS.—For purposes of paragraph (1), debt obligations may be classified according to—

"(A) type of debt obligation,

"(B) period of maturity,

"(C) category of obligee,

"(D) category of obligor,

"(E) aggregate amounts subject to tax or not subject to tax, or

"(F) other criteria similar to any of the foregoing.

"(b) RATES OF TAX.—The rates of tax which may be specified in an Executive order issued under this section shall not exceed the rate applicable to debt obligations having a period remaining to maturity of at least 1 year, but less than 1¼ years.

"(c) APPLICABILITY OF EXECUTIVE ORDER.—Any Executive order issued under this section shall apply with respect to acquisitions made after the date on which such Executive order is issued except that in the case of any such order which subjects acquisitions to the tax which are not then subject to the tax, or which increases a rate of tax (as in effect without regard to such order), to the extent specified in such order, rules similar to the rules prescribed in paragraphs (2), (3), and (4) of section 3(c) of the Interest Equalization Tax Extension Act of 1967 shall apply.

"(d) REGULATIONS.—The Secretary or his delegate may prescribe such regulations (not inconsistent with the provisions of this section or any Executive order issued and in effect under this section) as may be necessary to carry out the provisions of this section."

(2) The table of sections of subchapter A of chapter 41 is amended by adding at the end thereof the following new item:

"Sec. 4921. Debt obligations with maturity of less than a year."

On page 29 line 20 strike out:

"(c) INTEREST EQUALIZATION TAX.—The provisions of this section shall apply with respect to returns required under authority of section 6011(d)(1) (relating to interest equalization tax returns) and section 4918(e) (relating to returns by participating firms with respect to money withheld) in the same manner and to the same extent as they apply with respect to returns specified in subsection (a)."

And insert in lieu thereof:

"(e) CERTAIN INTEREST EQUALIZATION TAX RETURNS.—The provisions of this section shall apply with respect to returns of amounts withheld under section 4918(e)(7) (relating to withholding of interest equalization tax by participating firms) in the same manner and to the same extent as they apply with respect to returns specified in subsection (a)(1)."

And on page 30 in line 19 strike out "(j)" and insert in lieu thereof "(k)".

The ACTING PRESIDENT pro tempore. The bill is open to further amendment.

Mr. LONG. Mr. President, I send to the desk technical amendments and I ask unanimous consent that they be agreed to on the same basis.

The ACTING PRESIDENT pro tempore. The amendments will be stated.

The assistant legislative clerk proceeded to read the amendments.

Mr. LONG. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered; and, without objection, the amendments will be printed in the RECORD.

The amendments are as follows:

On page 3, line 25, strike out "Equilization" and insert "Equalization".

On page 4, line 4, strike out "to be".

On page 5, line 6, after "case" insert "of".

On page 15, line 1, after "stock" insert "or debt obligations".

On page 16, line 6, after "stock" insert "or debt obligations".

On page 16, line 8, strike out "stock was" and insert "stock or debt obligations were".

On page 17, line 3, after "stock" insert "or debt obligations".

On page 19, line 18, after "(c)(3)" insert "(C)".

On page 26, line 19, strike out "a stock or" and insert "stock or a".

On page 30, in the matter following line 15, strike out "(e)".

Mr. LONG. Mr. President, the amendments I am offering are technical amendments to correct an inadvertent omission in a provision of the House bill which was modified by an amendment offered by the Senate committee.

The bill contains a provision which permits tax-free investments in certain financing companies. The circumstances under which these tax-free investments may be made are carefully circumscribed so as not to adversely affect our balance-of-payments situation. Through inadvertence, however, reference was made to only taking back stock from the foreign corporation in such a case, while reference should have been made to taking back either stock or debt obligations. My amendments represent a series of technical changes inserting references to these debt obligations in various parts of this provision. There is no change in the policy intended by the committee in any regard.

In addition, the amendments make a series of other clerical corrections in the bill.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendments.

The amendments were agreed to en bloc.

The ACTING PRESIDENT pro tempore. The bill is open to further amendment.

Mr. BAYH. Mr. President, I send an amendment to the desk.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. BAYH. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 1, immediately after line 2, insert the following title caption:

"TITLE I—INTEREST EQUALIZATION TAX EXTENSION"

On pages 1 through 31, strike out the words "this Act" whenever they appear and substitute in lieu thereof the words "this Title."

On page 31, immediately after line 20, insert the following:

TITLE II—EXTENDED UNEMPLOYMENT COMPENSATION AMENDMENTS

SEC. 201. (a) This title may be cited as the "Extended Unemployment Compensation Amendments of 1971".

(b) Section 203(d) of the Federal-State Extended Unemployment Compensation Act of 1970 is amended by striking out "4.5" whenever it appears therein and inserting in lieu thereof "(4)".

(c)(1) Section 204(a)(1) of such Act is amended—

(A) by striking out "one-half of"; and

(B) by striking out "sharable" wherever it appears therein and inserting in lieu thereof "federally financed".

(2)(A) The heading to section 204(b) of such Act is amended by striking out "Sharable" and inserting in lieu thereof "Federally Financed".

(B) Section 204(b) of such Act is amended by striking out "sharable" and inserting in lieu thereof "federally financed".

(3)(A) The heading to section 204(c) of such Act is amended by striking out "Sharable" and inserting in lieu thereof "Federally Financed".

(B) Section 204(c) of such Act is amended by striking out "sharable" and inserting in lieu thereof "federally financed".

(d)(1)(A) Section 207(a)(1) of such Act is amended by striking out "January 1, 1972" and inserting in lieu thereof "the first day of the first calendar month which begins after the date of enactment of the Extended Unemployment Compensation Amendments of 1971".

(B) Section 207(a)(2) of such Act is amended by striking out "after December 31, 1971" and inserting in lieu thereof "on or after the first day referred to in paragraph (1)".

(2)(A) Section 207(b)(1) of such Act is amended by striking out "January 1, 1972" and inserting in lieu thereof "the day referred to in subsection (a)(1)".

(B) Section 207(b)(2) of such Act is amended by striking out "January 1, 1972" and inserting in lieu thereof "the day referred to in subsection (a)(1)".

(3) Section 207(c) of such Act is amended to read as follows:

"(c) Section 3304(a)(11) of the Internal Revenue Code of 1954 (as added by section 206) shall not be a requirement for the State law of any State with respect to any week of unemployment which begins prior to the first day of the first calendar month which begins after the date of enactment of the Extended Unemployment Compensation Amendments of 1971.".

SEC. 202. The amendments made by subsection (b) of the first section of this title shall be applicable only in determining national "on" and "off" indicators under section 203(d) of the Federal-State Extended Unemployment Compensation Act of 1970 with respect to weeks which begin after the calendar month in which this title is enacted, and the amendments made by subsection (c) of such first section shall be applicable only with respect to payments under section 204(a) of the Federal-State Extended Unemployment Compensation Act of 1970 made on account of compensation (referred to in subparagraph (A) or (B) of paragraph (1) of such section 204(a)) which is paid for weeks which begin after such calendar month.

Amend the title of the bill so as to read: "To provide an extension of the interest equalization tax, to expedite the implementation of the Federal-State Extended Unemployment Compensation Act of 1970 and to provide 100 per centum Federal financing of the benefits payable thereunder, and for other purposes."

QUORUM CALL

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

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

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. BAYH. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

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

Mr. BAYH. Mr. President, my amendment will provide urgently needed, immediate relief to some 250,000 to 300,000 unemployed Americans who have exhausted their unemployment benefits.

This amendment is identical to S. 973 which I introduced on February 25.

Mr. President, before proceeding to a discussion on the merits of the amendment, the Senator from Indiana wants to say one word out of deference to the chairman of the Committee on Finance, who has always shown great concern and compassion for the working men and women of this country. The Senator from Indiana is not oblivious of the parliamentary situation involved when the Senate attaches an amendment which, by definition in the House, is a nongermane amendment.

The Senator from Indiana does not want to cause embarrassment to the Senator from Louisiana, nor does he want to cause embarrassment to any of his colleagues in the House, but we now have a significant economic problem that confronts the country and directly confronts about 5.2 million Americans and that is the unemployment situation. It is a problem, I think, that needs to be dealt with quickly, yet the substance of the amendment now pending in the Senate cannot be originated in the House. It seems to me that this problem is too important to be denied solution by various procedural tieups.

This amendment provides not only for a speeding up of the effective date of the so-called extended benefits program adopted as part of the Employment Security Act of 1970, but it provides a more realistic formula for triggering extended benefits payments with full Federal financing of additional payments.

Last year, Congress passed an improved unemployment compensation package. Among other things, the Employment Security Act of 1970 provided, for the first time, for a permanent program of extended benefits during economic downturns. The 1970 act established an extended benefit period of 13 weeks, to be automatically triggered when the national rate of insured unemployment reached 4.5 percent for 3 consecutive months.

The Senator from Indiana does not in-

tend to be critical of those who offered and secured passage of this amendment. On the contrary, he desires to compliment them for their effort and foresight.

However, I do not suppose that any Senator would deny that his hindsight is significantly better than his foresight. Now, with the passage of time and with the continued deterioration of the economy we see other things that need to be done in addition to the provisions of the 1970 act.

In the light of recent events, it is now clear that the 1970 act has three very serious shortcomings. First, it delayed the effective date of the new program until January 1972—in some States until July 1972. Second, it provided for the financing of extended benefits on the basis of increased payroll taxes and on a Federal-State matching formula. Third, it was based on a trigger mechanism that was set too high to be of practical use in anything but a prolonged and severe recession—or, perhaps we should say, depression as we had in the 1930's. This is the type of thing we are trying to prevent.

The Employment Security Act of 1970, while it recognized the need to provide extended benefits during an economic slowdown, mistakenly delayed the implementation of a national program until January 1972. It was argued that because of the matching formula, the States required time to act. The amendment I propose, since it calls for full Federal financing, requires no State implementing legislation. It could be triggered into operation, nationwide, upon enactment.

In 1969, while testifying before the Senate Finance Committee in behalf of the administration's program, then Secretary of Labor Shultz acknowledged that "an interim Federal program to fill the gap in time" would be appropriate. Delayed as it is, I believe that we should still act now to fill that gap, particularly in view of the current unemployment picture.

If extended benefits are a necessary stabilization device—and I believe they are—then we should not have to wait until January 1972. The American economy could stand a shot in the arm. Nor should we wait to begin alleviating the personal hardships caused by massive unemployment. There simply is no good reason to delay the effective date of extended benefits.

Historically, the rate of insured unemployment has been about two-thirds of the national unemployment rate. As a result, in order to trigger the extended benefits program in the present law, the national unemployment rate would have to climb to an intolerable 6.7 percent. First, public policy should never permit unemployment to reach that level. Second, it certainly should not wait that long before taking the necessary stabilization actions. At that point in the downturn, moreover, it is doubtful that extended benefits would have much of a counter-cyclical impact. In my judgment, therefore, the present trigger formula is simply not responsive enough to today's needs.

I propose, instead of a 4.5 percent trigger, that extended benefits be made available when the insured unemployment rate reaches 4 percent—which corresponds to a national unemployment rate of 6 percent. The rate of insured unemployment, I want to point out, has been above the 4 percent trigger since September 1970.

The most recent data published by the Bureau of Labor Statistics reveals that the number of persons jobless for 27 weeks or more as of December 1970 was 325,000—more than 200,000 greater than 1 year ago. Even more disturbing is the fact that the number of persons jobless for 15 weeks or more has now passed the 1 million mark, the highest level since 1964. In the next 2 or 3 months, most of these workers will be exhausting their standard benefits. The expected steady increase in exhaustions, in fact, already may have begun. In May 1970, the monthly total was 101,300; in October it had climbed to 114,300; in November it had climbed further to 128,300; in December the number of exhaustions had soared to 150,000. Clearly, now is the time to act.

As for full Federal financing, it seems to me that any time we have substantial numbers of workers exhausting their 26 weeks the source of our economic ills is national and reflects a failure in national economic policy. That is the situation that exists today. The Federal Government should move immediately to remedy it. My proposal seeks to do just that.

I ask unanimous consent that there be printed in the RECORD following these remarks, first, a report from the Washington Star of Friday, March 26, demonstrating the urgent need for this amendment, second, in addition to the 50 cities referred to in the Star article, a list of the 662 labor areas in this country suffering from persistent or substantial unemployment, third, the text of my amendment, and fourth, a fact sheet summarizing the amendment and its need.

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

FIFTY CITIES NOW ON 6 PERCENT JOBLESS LIST

Nobody had to tell the five cities added by the Labor Department to its list of major labor markets undergoing "substantial unemployment," that things were tough.

The announcement yesterday was just official confirmation of what people in New Haven, Conn., Rockford, Ill., Terre Haute, Ind., Worcester, Mass., and Binghamton, N.Y. already knew.

The addition of the five cities brought the total of cities with more than 6 percent unemployment to 50—the largest number in nine years. The Labor Department also added 27 smaller cities to the substantial unemployment list, bringing the total in that category to 662.

Plants in the five larger cities were being shut down, work forces cut back and officials were grasping at straws in the hope that things would pick up "around the end of the year."

The gloomiest statement was provided by Mayor Joseph M. Tinsley of Worcester.

"You've had to go all the way back to the Depression to equal this," Tinsley said. "And even during the Depression, I'm not sure it was much worse."

7.3 PCT. UNEMPLOYMENT

Unemployment in that city stood at 7.3 percent last week after a high of 7.8 percent earlier this month. An unemployment level of 6 percent or more is being used by the Labor Department to place the city on the "substantial unemployment" list.

Some 7,000 persons are out of work in Worcester, where U.S. Steel once employed 5,000 workers. The company now has cut its payroll to 750 and plans to close down.

In the other cities the situation was much the same, but with officials remaining tight-lipped about the problem.

MACHINE TOOL PRODUCER

Rockford, the second largest city in Illinois, with about 145,000 residents, is the nation's second largest machine tool producer. But all of the tool manufacturers have been forced to cut back.

"The machine tool business has been slow," said Eugene Quinn, administrative assistant to Mayor Ben T. Schleicher. "We also are major auto parts suppliers and this business has not been rushed either."

Terre Haute with a population of about 70,000 has had declines in primary and fabricated metals, food products and paper employment.

Officials there tend to describe the employment as "general" with no one employer engaged in serious cutbacks.

DEFENSE PRODUCTION

New Haven, with 12,000 or 6.6 percent of its population unemployed is heavily engaged in defense production and thus is effected by the winding down of the Vietnam war.

Sources there pointed out that the New Haven figure was actually lower than the state as whole where the unemployment rate is about 10 percent with areas like Bridgeport in even worse shape.

In Binghamton the picture was more complex. At one time the mills and shoe factories were the sources of employment and its fluctuations.

The Endicott Johnson Corp., is still a major employer and reports its hiring moved upward in 1970. But there have been cutbacks in new, more glamorous industries.

The Link Division of Singer-General Precision, Inc., a major producer of driving and flight simulators, has laid off more than 600 of its 3,200 employes in the last several months.

The GAF Corp., with more than a half dozen units in the area, as well as the Avionics Control Division of the General Electric Co. have each laid off some of their work forces in recent months. More are expected.

Additional unemployment woes were added by an announcement made by a division of the Vicks Chemical Co., that it would cease operations there by Oct. 1.

AREAS OF SUBSTANTIAL UNEMPLOYMENT—GEOGRAPHICAL BOUNDARIES, JANUARY 1971

[Except as noted for procurement purposes these classifications are effective Feb. 1, 1971]

Labor area [1] (political subdivisions included)	Substantial	Persistent
ALABAMA		
Centre (Cherokee County)	X	
Cullman (Cullman County)	X	
Eutaw (Greene County)		X
Florence-Sheffield (Colbert, Franklin, and Lauderdale Counties)	X	
Gadsden (Etowah County)	X	
Lawrence County		X
Pell City (St. Clair County)	X	

See footnotes at end of table.

AREAS OF SUBSTANTIAL UNEMPLOYMENT—GEOGRAPHICAL BOUNDARIES, JANUARY 1971

[Except as noted, for procurement purposes these classifications are effective Feb. 1, 1971]

Labor area [1] (political subdivisions included)	Substantial	Persistent
ALASKA		
Aleutian Islands (Election District 14)		X
Anchorage (Election District 10)		X
Barrow (Election District 21)		X
Bethel (Election District 16)		X
Bristol Bay (Election District 15)		X
Cordova-McCarthy (Election District 7)		X
Fairbanks (Election District 19)		X
Kenai-Cook Inlet (Election District 12)		X
Ketchikan (Election District 2)		X
Kobuk (Election District 22)		X
Kodiak (Election District 13)		X
Kuskokwim (Election District 17)		X
Lynn Canal-Icy Straits (Election District 6)		X
Nome (Election District 23)		X
Palmer-Talkeetna (Election District 9)		X
Prince of Wales (Election District 1)		X
Seward (Election District 11)		X
Sitka (Election District 4)		X
Upper Yukon (Election District 20)		X
Valdez-Whittier (Election District 8)		X
Wade Hampton (Election District 24)		X
Wrangell-Petersburg (Election District 3)		X
Yukon-Koyukuk (Election District 18)		X
ARIZONA		
McNary (Apache County)		X
Winslow (Navajo County)		X
ARKANSAS		
Batesville (Independence County)		X
Cerryville (Carroll County)	X	
Camden (Calhoun and Ouachita Counties)	X	
Clarksville (Johnson County)		X
Crawford County		X
Hardy (Sharp County)		X
Malvern (Hot Spring County)		X
Marshall (Searcy County)		X
Melbourne (Izard County)	X	
Mountain View (Stone County)		X
Ozark (Franklin County)		X
Paris (Logan County)		X
Pocahontas (Randolph County)		X
Searcy (White County)		X
Walnut Ridge (Lawrence County) (See also Texas-Texarkana.)		X
CALIFORNIA		
Alturas (Modoc County)		X
ANAHEIM-SANTA ANA-GARDEN GROVE (ORANGE COUNTY)	X	
Bakersfield (Kern County)	X	
Chico-Oroville (Butte County)		X
Crescent City (Del Norte County)		X
El Centro (Imperial County)		X
Eureka (Humboldt County)		X
FRESNO (FRESNO COUNTY)	X	
Grass Valley (Nevada County)		X
Hollister (San Benito County)		X
Lakeport (Lake County)		X
LOS ANGELES-LONG BEACH (LOS ANGELES COUNTY)	X	
Madera (Madera County)		X
Mariposa (Mariposa County)		X
Merced (Merced County)		X
Modesto (Stanislaus County)		X
City of Oakland [2]		X
Oxnard (Ventura County)	X	
Placer County		X
Placerville (El Dorado County)		X
Quincy (Plumas County)		X
Red Bluff (Tehama County)		X
Redding (Shasta County)		X
Salinas-Monterey (Monterey County)	X	
SAN BERNARDINO - RIVERSIDE - ONTARIO (RIVERSIDE AND SAN BERNARDINO COUNTIES)	X	
SAN DIEGO (SAN DIEGO COUNTY)	X	
SAN JOSE (SANTA CLARA COUNTY)	X	
Santa Cruz (Santa Cruz County)		X
Santa Rosa (Sonoma County)		X
Sonora (Tuolumne County)		X
STOCKTON (SAN JOAQUIN COUNTY)		X
Susanville (Lassen County)		X
Ukiah (Mendocino County)		X
Weaverville (Trinity County)		X
Willows (Glenn County)		X
Yreka (Siskiyou County)		X
Yuba City (Sutter and Yuba Counties)		X
COLORADO		
Antonito (Conejos County)		X
Blanca (Costilla County)		X
Center (Saguache County)		X
Ordway (Crowley County)		X
Pagosa Springs (Archuleta County)		X
Trinidad (Las Animas County)	X	
Walsenburg (Huerfano County)		X
CONNECTICUT		
Ansonia (Towns of Ansonia, Derby, Oxford, and Seymour in New Haven County)	X	
BRIDGEPORT (TOWNS of BRIDGEPORT, EASTON, FAIRFIELD, MONROE, SHELTON, STRATFORD, and TRUMBULL in FAIRFIELD COUNTY; TOWN of MILFORD in NEW HAVEN COUNTY)	X	
Bristol (Towns of Bristol and Plymouth)	X	
Danielson (Towns of Brooklyn, Canterbury, Eastford, Killingly, Plainfield, Pomfret, Putnam, Sterling, Thompson, and Woodstock in Windham County)	X	
NEW BRITAIN (TOWNS of BERLIN, NEW BRITAIN, and PLAINVILLE in HARTFORD COUNTY)	X	
Torrington (towns of Burlington and Hartland in Hartford County; Towns of Barkhamsted, Canaan, Colebrook, Cornwall, Goshen, Harwinton, Litchfield, Morris, New Hartford, Norfolk, North Canaan, Salisbury, Sharon, Torrington, and Winchester in Litchfield County)	X	
WATERBURY (TOWNS of BETHLEHEM, THOMASTON, WATERTOWN and WOODBURY in LITCHFIELD COUNTY; TOWNS of BEACON FALLS, CHESHIRE, MIDDLEBURY, NAUGATUCK, PROSPECT, SOUTHBURY, WATERBURY, AND WOLCOTT in NEW HAVEN COUNTY)	X	
FLORIDA		
Apalachicola (Franklin County)		X
Blountstown (Calhoun County)	X	
Bonifay (Holmes County)		X
Cocoa (Brevard County)	X	
Lakeland (Polk County)		X
GEORGIA		
Blackshear (Pierce County)		X
Blairsville (Union County)		X
Camilla (Mitchell County)	X	
Cedartown (Polk County)	X	
Chatsworth (Murray County)	X	
Cleveland (White County)		X
Colquitt (Miller County)		X
Cumming (Forsyth County)		X
Dallas (Paulding County)		X
Douglasville (Douglas County)		X
Eastman (Dodge County)		X
Fitzgerald (Ben Hill County)		X
Fort Gaines (Clay County)		X
Gibson (Glascock County)	X	
Hawkinsville (Pulaski County)		X
Homerville (Clinch County)	X	
Lakeland (Lanier County)	X	
Ludowici (Long County)		X
Manchester (Meriwether County)		X
McCaysville (Fannin County)		X
Nahunta (Brantley County)		X
Pembroke (Bryan County)	X	
Soperton (Treutlen County)		X
Young Harris (Towns County)		X
Zebulon (Pike County)		X
IDAHO		
Council (Adams County)		X
Driggs (Teton County)		X
Grangeville (Idaho County)		X
Jerome (Jerome County)	X	
Horseshoe Bend (Boise County)		X
McCall (Valley County)		X
Orofino (Clearwater County)		X
St. Maries (Benewah County and Avery-Clarkia Division of Shoshone County)		X
Sandpoint (Bonner County)		X
ILLINOIS		
Anna (Union County)		X
Cairo (Alexander and Pulaski Counties)		X
Carmi (White County)	X	
Du Quoin (Perry County)		X
Golconda (Pope County)		X
Hardin (Calhoun County)		X
Harrisburg-West Frankfort-Herrin (Franklin, Johnson, Saline, and Williamson Counties)		X
Jerseyville (Jersey County)		X
McLeansboro (Hamilton County)		X
Rosiclare (Hardin County)		X
Shawneetown (Gallatin County)		X
St. Clair County		X
INDIANA		
Bedford (Lawrence County)	X	
Clay County		X
Knox (Starke County)		X
Lawrenceburg (Dearborn and Ohio Counties)	X	
Linton (Greene County)		X
Marengo (Crawford County)		X
Michigan City-La Porte (La Porte County)	X	
Scottsburg (Scott County)		X
SOUTH BEND (MARSHALL and ST. JOSEPH COUNTIES)	X	
Vermillion County		X
IOWA		
Waterloo (Black Hawk County)	X	
KANSAS		
Coffeyville (Montgomery County)	X	
Parsons (Labette County)	X	
Wellington (Summer County)	X	
WICHITA (BUTLER and SEDGWICK COUNTIES)	X	
KENTUCKY		
Albany (Clinton County)		X
Barbourville (Knox County)		X
Bardstown (Nelson County)		X
Bardwell (Carlisle County)		X
Booneville (Owsley County)		X
Brownsville (Edmonson County)		X
Cadiz (Trigg County)		X
Campton (Wolfe County)		X
Dixon (Webster County)	X	
Eddyville (Lyon County)		X
Edmonton (Metcalfe County)		X
Flatwoods (Greenup County)		X
Fulton (Fulton and Hickman Counties)	X	
Grayson (Carter and Elliot Counties)		X
Georgetown (Scott County)	X	
Hardinsburg (Breckinridge County)		X
Harlan (Harlan County)		X
Hartford (Ohio County)		X
Hazard (Knott and Perry Counties)		X
Hyden (Leslie County)		X
Inez (Martin County)		X
Jackson (Breathitt County)		X
Jenkins (Letcher County)		X
Lancaster (Garrard County)	X	
Lebanon (Marion County)		X
Leitchfield (Grayson County)		X
Louisa (Larwence County)		X
Manchester (Clay County)		X
Mayfield (Graves County)		X
McLean County		X
Middlesboro (Bell County)		X
Monticello (Wayne County)		X
Morehead (Bath, Menifee, and Rowan Counties)		X
Morgantown (Butler County)		X
Nicholasville (Jessamine County)		X
Paintsville (Johnson County)		X
Pikeville (Pike County)		X
Prestonsburg (Floyd County)		X
Princeton (Caldwell County)		X
Richmond (Estill, Jackson, Madison, and Rockcastle Counties)	X	
Russell Springs (Russell County)		X
Salyersville (Magoffin County)		X
Smithland (Livingston County)		X
Springfield (Washington County)		X
Stanford (Lincoln County)		X
Stanton (Powell County)		X
West Liberty (Morgan County)		X
Whitley City (McCreary County) (See also West Virginia-Huntington-Ashland.)		X
LOUISIANA		
Abbeville (Vermilion Parish)	X	
Alexandria (Avoyelles, Grant, and Rapides Parishes)		X
Arcadia (Bienville Parish)	X	
Baton Rouge (East Baton Rouge Parish)	X	
Columbia (Caldwell Parish)		X
Crowley (Acadia Parish)		X
Denham Springs (Livingston Parish)		X
De Ridder (Beauregard Parish)	X	
Donaldsonville (Ascension Parish)		X
Ferriday (Catahoula and Concordia Parishes)		X
Greensburg (St. Helena Parish)		X
Hammond (Tangipahoa Parish)		X
Jennings (Jefferson Davis Parish)	X	
Lake Charles (Calcasieu Parish)		X
Leesville (Vernon Parish)	X	
Mansfield (De Soto Parish)	X	
Many (Sabine Parish)		X
Minden (Webster Parish)	X	
Monroe (Ouachita Parish)	X	
Napoleonville (Assumption Parish)		X
Natchitoches (Natchitoches Parish)		X
New Orleans (Jefferson, Orleans, St. Bernard, and St. Tammany Parishes)	X	
New Roads (Point Coupee Parish)		X
Oakdale (Allen Parish)		X
Oak Grove (West Carroll Parish)		X
Opelousas (St. Landry Parish)		X
Plaquemine (Iberville Parish)		X
Rayville (Richland Parish)		X
Reserve (St. John the Baptist Parish)		X
St. Francisville (West Feliciana Parish)		X
St. Martinville (St. Martin Parish)		X
Ville Platte (Evangeline Parish)		X
Winnsboro (Franklin Parish)		X

Footnotes at end of table.

AREAS OF SUBSTANTIAL UNEMPLOYMENT—GEOGRAPHICAL BOUNDARIES, JANUARY 1971—Continued

[Except as noted, for procurement purposes these classifications are effective Feb. 1, 1971]

Labor area [1] (political subdivisions included)	Substantial	Persistent
MAINE		
Biddeford-Sanford (Cities of Biddeford and Saco, Towns of Acton, Alfred, Arundel, Buxton, Cornish, Dayton, Hollis, Kennebunk, Kennebunkport, Lebanon, Limerick, Limington, Lyman, Newfield, North Berwick, Old Orchard Beach, Parsonfield, Sanford, Shapleigh, and Waterboro in York County)	X	
Calais-Eastport (Washington County)		X
Ellsworth (Hancock County)	X	
Fort Kent (Towns of Eagle Lake, Fort Kent, Frenchville, St. Agatha, and Allagash, New Canada, St. John, St. Francis, and Wallagrass Plantations in Aroostook County)		X
Greenville (Organized Towns of Elliotsville, Greenville, Lily Bay, Shirley; Unorganized Towns of Big Squaw, Frenchtown, Little Squaw, and T.A.-2, R.13 and R.14 in Piscataquis County)		X
Lewiston-Auburn (Cities of Auburn and Lewiston, Town of Lisbon in Androscoggin County)	X	
Madawaska-Van Buren (Towns of Grand Isle, Madawaska, Van Buren, and Cyr and Hamlin Plantations in Aroostook County)		X
Rockland (Knox County; Town of Waldoboro in Lincoln County)		X
MARYLAND		
Cambridge (Dorchester County)		X
Crisfield (Somerset County)		X
Hagerstown (Washington County)	X	
Oakland (Garrett County)		X
Pocomoke City (Worcester County)	X	
Prince Frederick (Calvert County)		X
MASSACHUSETTS		
Bourne-Wareham (Town of Bourne in Barnstable County; Towns of Rochester and Wareham in Plymouth County)		X
BROCKTON (TOWNS of EASTON in BRISTOL COUNTY; TOWNS of AVON and STOUGHTON in NORFOLK COUNTY; CITY of BROCKTON, TOWNS of ABINGTON, BRIDGEWATER, EAST BRIDGEWATER, HANSON, WEST BRIDGEWATER, and WHITMAN in PLYMOUTH COUNTY)	X	
FALL RIVER (CITY of FALL RIVER, TOWNS of SOMERSET, SWANSEA, and WESTPORT in BRISTOL COUNTY, MASS.; TOWN of TIVERTON in NEWPORT COUNTY, R.I.)	X	
Fitchburg-Leominster (Towns of Shirley and Townsend in Middlesex County; Cities of Fitchburg and Leominster, Towns of Lunenburg and Westminster in Worcester County)	X	
Gloucester (City of Gloucester, Towns of Essex and Rockport in Essex County)		X
Greenfield (Franklin County, except Towns of Erving, Monroe, New Salem, Orange, Warwick, and Wendell)	X	
LAWRENCE-HAVERHILL (CITIES OF LAWRENCE and HAVERHILL, TOWNS of ANDOVER, GEORGETOWN, GROVELAND, MERRIMAC, METHUEN, NORTH ANDOVER, and WEST NEWBURY in ESSEX COUNTY, MASS.; TOWNS of NEWTON, PLAISTOW, and SALEM IN ROCKINGHAM COUNTY, N.H.)	X	
LOWELL (CITY of LOWELL, TOWNS of BILLERICA, CHELMSFORD, DRACUT, TEWKSBURY, TYNGSBOROUGH, and WESTFORD in MIDDLESEX COUNTY)	X	
Milford (Town of Medway in Norfolk County; Towns of Hopedale, Mendon, Milford, and Uxbridge in Worcester County)		X
NEW BEDFORD (CITY of NEW BEDFORD, TOWNS of ACUSHNET, DARTMOUTH, and FAIRHAVEN in BRISTOL COUNTY; TOWNS of MARION and MATTAPOISETT in PLYMOUTH COUNTY)		X
Newburyport (City of Newburyport, Towns of Amesbury, Ipswich, Newbury, Rowley, and Salisbury in Essex County)		X
North Adams (City of North Adams, Towns of Adams, Clarksburg, Florida, New Ashford, Savoy, and Williamston in Berkshire County; Town of Monroe in Franklin County)	X	
Plymouth (Towns of Carver, Kingston, Plymouth and Plympton in Plymouth County)		X
Provincetown (Towns of Provincetown and Truro in Barnstable County)		X
SPRINGFIELD-HOLYOKE (CITIES of CHICOPEE, HOLYOKE, SPRINGFIELD, and WESTFIELD, TOWNS of AGAWAM, EAST LONGMEADOW, HAMPDEN, LONGMEADOW, LUDLOW, MONSON, PALMER, SOUTHWICK, WEST SPRINGFIELD, and WILBRAHAM in HAMPDEN COUNTY; CITY of NORTHAMPTON, TOWNS of EASTHAMPTON, GRANBY, HADLEY, and SOUTH HADLEY in HAMPSHIRE COUNTY; TOWN of WARREN in WORCESTER COUNTY)	X	
Taunton (City of Taunton, Towns of Berkeley, Dighton, Norton, and Raynham in Bristol County; Towns of Halifax, Middleborough, and Lakeville in Plymouth County)	X	
Ware (Towns of Brimfield, Holland, and Wales in Hampden County; Towns of Belchertown and Ware in Hampshire County; Towns of Hardwick, New Braintree, Oakham, and West Brookfield in Worcester County)		X
MICHIGAN		
Adrian (Lenawee County)	X	
Alger County		X
Alma (Gratiot County)		X
Alpena (Alpena County)		X
Bad Axe (Huron County)		X
Baldwin (Lake County)		X
BATTLE CREEK (BARRY and CALHOUN COUNTIES)	X	
Bay City (Bay County)	X	
Benton Harbor (Berrien County)	X	
Boyne City (Charlevoix County)		X
Cadillac (Missaukee, Osceola and Wexford Counties)		X
Caro (Tuscola County)	X	
Cheboygan (Cheboygan County)		X
Clare (Clare County)		X
Coldwater (Branch County)	X	
DETROIT (MACOMB, OAKLAND and WAYNE COUNTIES)	X	
East Tawas (Alcona and Iosco Counties)		X
Elberta (Benzie County)		X
Escanaba (Delta County)		X
FLINT (GENESEE and LAPEER COUNTIES)	X	
Fremont (Newaygo County)		X
Gaylord (Otsego County)		X
GRAND RAPIDS (KENT and OTTAWA COUNTIES)	X	
Grayling (Crawford County)	X	
Hancock (Houghton and Keweenaw Counties)		X
Hart (Oceana County)		X
Hillsdale (Hillsdale County)	X	
Hillman (Montmorency County)		X
Ionia-Belding-Greenville (Ionia and Montcalm Counties)	X	
Iron Mountain (Dickinson County)		X
Iron River (Iron County)		X
Ironwood (Gogebic County)		X
Jackson (Jackson County)	X	
KALAMAZOO (KALAMAZOO COUNTY)	X	
L'Anse (Baraga County)		X
Ludington (Mason County)		X
Mancelona (Antrim County)		X
Manistee (Manistee County)		X
Manistique (Schoolcraft)		X
Marquette (Alger and Marquette Counties)	X	
Mio (Oscoda County)		X
MUSKEGON-MUSKEGON HEIGHTS (MUSKEGON COUNTY)	X	
Newberry (Luce County)		X
Owosso (Shiawassee County)	X	
Petoskey (Emmet County)		X
Port Huron (St. Clair County)		X
Rogers City (Presque Isle County)		X
Roscommon (Roscommon County)	X	
St. Ignace (Mackinac County)		X
Sandusky (Sanilac County)	X	
Sault Ste. Marie (Chippewa County)		X
Standish (Arenac County)		X
Traverse City (Grand Traverse, Kalkaska, and Leelanau Counties)		X
West Branch (Ogemaw County)		X
MINNESOTA		
Aitkin (Aitkin County)		X
Bagley (Clearwater County)		X
Baudette (Lake of the Woods County)	X	
Bemidji (Beltrami County)		X
Brainerd (Crow Wing County)		X
Buffalo (Wright County)	X	
Cambridge (Isanti County)	X	
Crookston (Polk County)	X	
Detroit Lakes (Becker County)		X
Faribault (Rice County)	X	
Grand Rapids (Itasca County)		X
Hallock (Kittson County)		X
Little Falls (Morrison County)		X
Mahnomen (Mahnomen County)		X
Mora (Kanabec County)	X	
Park Rapids (Hubbard County)		X
Pine City (Pine County)		X
Princeton (Mille Lacs County)		X
Red Lake Falls (Red Lake County)		X
Roseau (Roseau County)		X
Rush City (Chisago County)	X	
Wadena (Wadena County)	X	
Walker (Cass County)	X	
Warren (Marshall County)		X
MISSISSIPPI		
Columbia (Marion County)		X
Kosciusko (Attala County)		X
Leakesville (Greene County)		X
Lucedale (George County)	X	
Lumberton (Lamar County)		X
Waynesboro (Wayne County)		X
MISSOURI		
Branson (Taney County)		X
Buffalo (Dallas County)		X
Charleston (Mississippi County)		X
Doniphan (Ripley County)		X
Eldon (Miller County)		X
Eminence (Shannon County)		X
Flat River (St. Francois County)	X	
Greenville (Wayne County)		X
Potosi (Washington County)		X
MONTANA		
Butte (Silver Bow County)		X
Glasgow (Valley County)		X
Livingston (Park County)		X
Philipsburg (Granite County)	X	
Red Lodge (Carbon County)		X
Roundup (Musselshell County)		X
Sheridan (Madison County)		X
White Sulphur Springs (Meagher County)		X
NEVADA		
Caliente (Lincoln County)		X
NEW HAMPSHIRE		
(See Massachusetts-Lawrence-Haverhill.)		
NEW JERSEY		
ATLANTIC CITY (ATLANTIC COUNTY)	X	
City of Newark [2]		X
JERSEY CITY (HUDSON COUNTY)	X	
NEW BRUNSWICK-PERTH AMBOY (MIDDLESEX and SOMERSET COUNTIES)	X	
Ocean City-Wildwood-Cape May (Cape May County)		X
PATERSON-CLIFTON-PASSAIC (BERGEN and PASSAIC COUNTIES)	X	
Vineland (Cumberland County)	X	
NEW MEXICO		
Alamagordo (Otero County)	X	
ALBUQUERQUE (BERNALILLO COUNTY)	X	
Bernalillo (Sandoval County)		X
Carlsbad (Eddy County)	X	
Deming (Luna County)	X	
Espanola (Rio Arriba County)		X
Farmington (San Juan County)	X	
Gallup (McKinley County)		X
Grants (Valencia County)	X	
Las Vegas (San Miguel County)		X
Mountainair (Torrance County)		X
Raton (Colfax County)		X
Santa Rosa (Guadalupe County)		X
Socorro (Socorro County)		X
Taos (Taos County)		X
Wagon Mound (Mora County)		X
NEW YORK		
Auburn (Cayuga County)	X	
BUFFALO (ERIE and NIAGARA COUNTIES)	X	
Catskill (Greene County)		X
Cobleskill (Schoharie County)		X
Gloversville (Fulton County)		X
Norwich (Chenango County)	X	
Ogdensburg-Massena-Malone (Franklin and St. Lawrence Counties)		X
Oneonta (Otsego County)	X	
Orleans County		X
Oswego County		X
Perry (Wyoming County)	X	
Plattsburgh (Clinton County)		X
Sidney (Delaware County)	X	
Speculator (Hamilton County)		X

See footnotes at end of table.

Labor area [1] (political subdivisions included)	Substantial	Persistent
Ticonderoga (Essex County)		X
Warren County		X
Watertown (Jefferson County)	X	
NORTH CAROLINA		
Ahoskie (Hertford County)		X
Bryson City (Swain County)		X
Camden County		X
Columbia (Tyrrell County)		X
Elizabethtown (Bladen County)	X	
Greenville (Pitt County)		X
Hayesville (Clay County)		X
Lumberton (Robeson County)		X
Manteo (Dare County)		X
Marshall (Madison County)	X	
Moyock (Currituck County)		X
Pamlico County		X
Robbinsville (Graham County)		X
Roxboro (Person County)	X	
Snow Hill (Greene County)		X
Whiteville (Columbus County)	X	
Wilson (Wilson County)		X
Windsor (Bertie County)		X
NORTH DAKOTA		
Rolla (Rolette County)		X
OHIO		
Carrollton (Carroll County)		X
City of Cleveland [2]		X
Clermont County		X
Gallipolis (Gallia County)		X
Jackson (Jackson County)		X
Lawrence County		X
Manchester (Adams County)		X
New Lexington (Perry County)	X	
Pomeroy (Meigs County)		X
Warren County		X
Waverly (Pike County)		X
(See also West Virginia-Huntington-Ashland.)		
OKLAHOMA		
Ada (Pontotoc County)	X	
Altus (Jackson County)	X	
Anadarko (Caddo County)	X	
Atoka (Atoka County)		X
Claremore (Rogers County)	X	
Coalgate (Coal County)		X
Cordell (Washita County)	X	
Holdenville (Hughes County)		X
Hugo (Choctaw County)		X
Idabel (McCurtain County)	X	
Jay (Delaware County)	X	
LeFlore County		X
Marietta (Love County)	X	
McAlester (Pittsburgh County)	X	
Miami (Ottawa County)		X
Muskogee (Muskogee County)		X
Okemah (Okfuskee County)	X	
Okmulgee-Henryetta (Okmulgee County)		X
Pawnee (Pawnee County)	X	
Pryor Creek (Mayes County)		X
Purcell (McClain County)		X
Sequoyah County		X
Shawnee (Pottawatomie County)	X	
Stigler (Haskell County)		X
Stilwell (Adair County)		X
Tahlequah (Cherokee County)		X
Tishomingo (Johnston County)	X	
Wagoner (Wagoner County)	X	
Wilburton (Latimer County)		X
OREGON		
Albany (Linn County)	X	
Condon (Gilliam County)	X	
Enterprise (Wallowa County)		X
Eugene (Lane County)	X	
Fossil (Wheeler County)		X
Gold Beach (Curry County)		X
Grants Pass (Josephine County)		X
Hood River (Hood River County)		X
Lakeview (Lake County)		X
Madras (Jefferson County)	X	
Medford (Jackson County)		X
McMinnville (Yamhill County)		X
North Bend-Coos Bay (Coos County)		X
Pendleton (Umatilla County)	X	
PORTLAND (CLACKAMAS, MULTNOMAH, and WASHINGTON COUNTIES, OREG.; CLARK COUNTY, WASH.)	X	
Roseburg (Douglas County)		X
Salem (Marion and Polk Counties)	X	
St. Helens (Columbia County)	X	
The Dalles (Sherman and Wasco Counties)		X
Tillamook (Tillamook County)	X	
Toledo (Lincoln County)		X
PENNSYLVANIA		
Bedford (Bedford County)		X
Bradford (McKean County)	X	
Clearfield-Du Bois (Clearfield County; Rush Township, Boroughs of Philipsburg and South Philipsburg in Centre County)		X
Coudersport (Potter County)	X	
Kittanning-Ford City (Armstrong County)	X	
Lock Haven-Renovo (Clinton County)	X	
Sayre-Athens-Towanda (Bradford County)	X	
Tunkhannock (Wyoming County)	X	
Uniontown-Connellsville (Fayette County)		X
Wellsboro (Tioga County)	X	
PUERTO RICO		
Aguadilla (Aguada and Aguadilla, Municipalities)		X
Arecibo (Arecibo, Camuy, and Hatillo Municipalities)		X
Caguas (Aguas Buenas, Caguas, Cidra, Gurabo, Juncos, and San Lorenzo Municipalities)		X
Carolina (Carolina and Loiza Municipalities)		X
Cayey (Aibonito and Cayey Municipalities)	X	
Corozal (Corozal Municipality)	X	
Dorado (Dorado Municipality)		X
Fajardo (Ceciba, Fajardo, and Luquillo Municipalities)		X
Guayama (Arroyo, Guayama, and Pitillas Municipalities)		X
Humacao (Humacao, Las Piedras, and Yabucoa Municipalities)		X
Juana Diez (Coamo, Juana Diaz, Santa Isabel, and Villaba Municipalities)		X
Manati (Barceloneta, Ciales, Manati, and Morovis Municipalities)		X
Maunabo (Maunabo Municipality)		X
MAYAGUEZ (MAYAGUEZ MUNICIPALITY)		X
Naguabo (Naguabo Municipality)		X
PONCE (PONCE MUNICIPALITY)		X
Quebradillas (Quebradillas Municipality)		X
Salinas (Salinas Municipality)		X
San German (Cabo Rojo, Hormigueros, Lajas, Sabana Grande, and San German Municipalities)		X
Toa Alta (Toa Alta Municipality)		X
Toa Baja (Toa Baja Municipality)		X
Trujillo Alto (Trujillo Alto Municipality)		X
Vega Alta (Vega Alta Municipality)		X
Vega Baja (Vega Baja Municipality)		X
Yauco (Guanica, Guayanilla, and Yauco Municipalities)		X
RHODE ISLAND		
(See Massachusetts—Fall River.)		
SOUTH CAROLINA		
Barnwell (Barnwell County)	X	
Bennettsville (Marlboro County)	X	
Berkeley County		X
Bishopville (Lee County)		X
Cheraw (Chesterfield County)	X	
Georgetown (Georgetown County)	X	
Marion (Marion County)		X
McCormick (McCormick County)		X
Orangeburg (Orangeburg County)	X	
Saluda (Saluda County)		X
Union (Union County)	X	
Winnsboro (Fairfield County)	X	
TENNESSEE		
Dayton (Rhea County)		X
Decatur (Meigs County)		X
Dunlap (Sequatchie County)		X
Erin (Houston County)	X	
Greenville (Green County)	X	
Hardin County		X
LaFollette-Jellico (Campbell County)		X
Lawrenceburg (Lawrence County)		X
Maynardville (Union County)		X
Morgan County		X
Newport (Cocke County)		X
Oneida (Scott County)		X
Rutledge (Grainger County)	X	
Sevierville (Sevier County)		X
Sparta (White County)	X	
Sweetwater (Monroe County)		X
(See also Virginia—Bristol.)		
TEXAS		
Atlanta (Cass County)	X	
Brackettville (Kinney County)		X
Brownsville-Harlingen-San Benito (Cameron County)		X
Carrizo Springs (Dimmit County)		X
Cotulla (La Salle County)		X
Crystal City (Zavala County)		X
Del Rio (Val Verde County)		X
Eagle Pass (Maverick County)		X
Floresville (Wilson County)		X
Hebbronville (Jim Hogg County)		X
Hondo (Medina County)		X
Laredo (Webb County)		X
McAllen (Hidalgo County)	X	
Newton (Newton County)		X
Pearsall (Frio County)		X
Raymondville (Willacy County)		X
Rio Grande City (Starr County)		X
San Augustine (San Augustine County)		X
Texarkana (Bowie County, Tex. Miller County, Ark.)	X	
Uvalde (Uvalde County)		X
Zapata (Zapata County)		X
UTAH		
Beaver (Beaver County)	X	
Brigham City (Box Elder County)	X	
Heber City (Wasatch County)		X
Kanab (Kane County)		X
Manti (Sanpete County)		X
Moab (Grand and San Juan Counties)		X
Nephi (Juab County)	X	
Ogden (Precincts of Clearfield, Clinton, Kaysville, Layton, South Weber, Syracuse, and West Point in Davis County; Weber County)	X	
Panguitch (Garfield County)		X
Park City (Summit County)		X
Price (Carbon and Emery Counties)		X
Provo-Orem (Utah County)	X	
Richfield (Sevier County)		X
Roosevelt (Duchesne County)		X
St. George (Washington County)		X
VERMONT		
Springfield (Towns of Athens, Grafton, Londonderry, Rockingham, Westminster, and Windham in Windham County; Towns of Andover, Baltimore, Cavendish, Chester, Ludlow, Reading, Springfield, Weathersfield, Weston, West Windsor, and Windsor in Windsor County)	X	
VIRGINIA		
Bristol (Washington County, Va.; Independent City of Bristol, Va.; Division of Avoca, Blountville, Bluff City, Bristol, Holston Valley, Piney Flats, and Weaver in Sullivan County, Tenn.), Va.-Tenn.	X	
Chincoteague (Accomack and Northampton Counties)		X
Colonial Beach (Lancaster, Northumberland, Richmond, and Westmoreland Counties)		X
Grundy (Buchanan County)		X
Lebanon (Dickenson and Russell Counties)		X
Norton-Big Stone Gap (Wise County; Independent City of Norton)		X
Richlands (Tazewell County)		X
WASHINGTON		
Aberdeen (Grays Harbor County)		X
Anacortes (Skagit County)		X
Bremerton (Kitsap County)	X	
Centralia (Lewis County)		X
Colville (Stevens County)		X
Dayton (Columbia County)		X
Ellensburg (Kittitas County)		X
Goldendale (Klickitat County)		X
Moses Lake (Grant County)		X
Newport (Pend Oreille County)		X
Okanogan (Okanogan County)		X
Port Angeles (Clallam County)	X	
Port Townsend (Jefferson County)		X
Raymond (Pacific County)		X
Republic (Ferry County)		X
SEATTLE (KING and SNOHOMISH COUNTIES)	X	
SPOKANE (SPOKANE COUNTY)	X	
Stevenson (Skamania County)		X
TACOMA (PIERCE COUNTY)	X	
Tri-City (Benton and Franklin Counties)		X
Wenatchee (Chelan and Douglas Counties)		X
Yakima (Yakima County)		X
(See also Oregon—Portland.)		
WEST VIRGINIA		
Beckley (Raleigh County)		X
Berkeley Springs (Morgan County)		X
Bluefield (Mercer County)		X
Clarksburg (Doddridge and Harrison Counties)	X	
Clay (Clay County)		X

Footnotes at end of table.

AREAS OF SUBSTANTIAL UNEMPLOYMENT—GEOGRAPHICAL BOUNDARIES, JANUARY 1971

[Except as noted, for procurement purposes these classifications are effective Feb. 1, 1971]—Continued

Labor area [1] (political subdivisions included)	Substantial	Persistent
Elkins (Randolph County)		X
Franklin (Pendleton County)		X
Gassaway (Braxton County)		X
Glenville (Gilmer County)		X
Grafton (Taylor County)		X
Grantsville (Calhoun County)		X
Hamlin (Lincoln County)		X
HUNTINGTON-ASHLAND (CABELL and WAYNE COUNTIES, W. VA.; BOYD COUNTY, KY.; LAWRENCE COUNTY, OHIO	X	
Hinton (Summers County)		X
Kingwood (Preston County)		X
Logan-Madison (Boone and Logan Counties)		X
Marlinton (Pocahontas County)		X
Martinsburg (Berkeley and Jefferson Counties)	X	
Mineral County		X
Moorefield (Hardy County)		X
New Martinsville (Wetzel County)		X
Oak Hill-Montgomery (Fayette County)		X
Parsons (Tucker County)		X
Pennsboro (Ritchie County)	X	
Petersburg (Grant County)		X
Point Pleasant (Mason County)		X
Richwood (Nicholas County)		X
Romney (Hampshire County)		X
Ronceverte-White Sulphur Springs (Greenbrier and Monroe Counties)		X
Sistersville (Tyler County)	X	
Spencer (Roane County)		X
Wayne County		X
Webster Springs (Webster County)		X
Welch (McDowell County)		X
Weston (Lewis County)		X
Williamson (Mingo County)		X
WISCONSIN		
Adams (Adams County)		X
Antigo (Langlade County)	X	
Arcadia (Trempealeau County)	X	
Ashland (Ashland County)	X	
Bayfield (Bayfield County)		X
Black River Falls (Jackson County)		X
Crandon (Forest County)		X
Dodgeville (Iowa County)	X	
Douglas County		X
Eagle River (Vilas County)	X	
Florence (Florence County)		X
Grantsburg (Burnett County)		X
Hayward (Sawyer County)		X
Hurley (Iron County)		X
La Crosse (La Crosse County)	X	
Ladysmith (Rusk County)		X
Mauston (Juneau County)	X	
Medford (Taylor County)		X
Neopit (Menominee County)		X
Oconto (Oconto County)	X	
Prairie du Chien (Crawford County)	X	
RACINE (RACINE COUNTY)	X	
Shawano (Shawano County)	X	
Sparta (Monroe County)	X	
Spooner (Washburn County)	X	
Viroqua (Vernon County)		X

[1] Major areas shown in capital letters; all other areas are considered smaller areas.

[2] Program eligibility extends only to corporate limits of the municipality, not to other portions of the labor area containing the city.

Note: Explanation of column headings and eligibility of areas under Federal assistance programs are contained in the "Explanation of Area Classifications" section of this bulletin.

FACT SHEET ON THE BAYH AMENDMENT

This Amendment would *improve* and *accelerate the effective* date of the Federal-State Extended Unemployment Compensation Act of 1970. That Act establishes *13 weeks of additional assistance* to unemployment insurance claimants who have exhausted their benefits under state law. Effective date of the act was *January 1, 1972*, to allow states to enact taxes on payrolls to provide their share. Due to varying terms of state legislatures, actual effective date may be as late as *July 1, 1972* in some states.

The Bayh Amendment would *accelerate* the effective date of the Act, making extended benefits available immediately after passage. This would provide immediate relief for more than *300,000 Americans who have exhausted their benefits* in the last year, without causing them the additional *hardship of another 9 to 15 months* without benefits. This figure is more than 200,000 greater than in the same period the previous year. The Amendment also provides potential relief for the more than *one million Americans* who have *already gone past their 15th week of unemployment and are fast approaching the point of benefit exhaustion. This is the highest level in 7 years.*

The Amendment *reduces the activating mechanism* from 4.5% (*6.7% effective rate*) to 4% rate of insured unemployment nationally, or *an effective 6% rate.* The rate of unemployment has exceeded this 4% insured figure since September of 1970. The Amendment also *changes the cost burden* of the temporary aid from a 50–50 Federal-State allocation to *100% Federal financing.*

Department of Labor statistics for January of 1971 shows that *622 labor markets* in the United States are areas of *substantial unemployment* (*6% or more*) *or persistent unemployment* (6% unemployment for one of last two calendar years, and at least 100% above national average for that period). There are 50 *major labor areas* suffering from substantial or persistent unemployment today—more than at any time in the last nine years:

California.—Anaheim-Santa Ana-Garden Grove, Los Angeles-Long Beach, Sacramento, San Bernadino-Riverside-Ontario, San Diego, San Jose, Stockton, Fresno.

Connecticut.—New Haven, Bridgeport-Milford, New Britain, Waterbury.

Illinois.—Rockford.

Indiana.—Terre Haute, South Bend.

Kansas.—Wichita.

Louisiana.—Baton Rouge, New Orleans.

Massachusetts.—Brockton, Fall River, Lawrence-Haverhill, Lowell, New Bedford, Springfield-Holyoke, Worcester.

Michigan.—Battle Creek, Detroit, Flint, Grand Rapids, Kalamazoo, Muskegon.

New Jersey.—Atlantic City, Jersey City, New Brunswick-Perth Amboy, Paterson-Clinton-Passaic.

New Mexico.—Albuquerque.

New York.—Binghamton, Buffalo, Utica-Rome.

Oregon.—Portland.

Pennsylvania—Johnstown, Scranton.

Puerto Rico.—Mayaguez, Ponce.

Rhode Island.—Providence-Pawtucket.

Washington.—Seattle, Tacoma, Spokane.

Following is a list of the total number of areas of substantial or persistent unemployment by state:

Alabama	7
California	37
Georgia	25
Iowa	1
Maine	8
Minnesota	24
Nevada	1
North Carolina	18
Oregon	21
Tennessee	16
Virginia	7
Alaska	23
Colorado	7
Idaho	9
Kansas	4
Maryland	6
Mississippi	6
New Jersey	7
North Dakota	1
Pennsylvania	10
Texas	21
Washington	22
Arizona	2
Connecticut	7
Illinois	12
Kentucky	48
Massachusetts	17
Missouri	9
New Mexico	16
Ohio	11
Puerto Rico	25
Utah	15
West Virginia	36
Arkansas	15
Florida	5
Indiana	10
Louisiana	33
Michigan	54
Montana	8
New York	17
Oklahoma	29
South Carolina	12
Vermont	1
Wisconsin	26

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

Mr. BAYH. I yield.

Mr. HUMPHREY. Mr. President, I first want to commend the initiative of the Senator from Indiana. I particularly compliment him upon his emphasis on the importance for Congress to act on this amendment and not to let what we call protocol or regular operating procedures stand in the way of meeting a national need.

There is not any doubt that Congress has a responsibility, along with other branches of the Government, when it comes to alleviating the unemployment situation.

The Senator from Indiana wisely has revised the formula which triggers the extension of unemployment compensation benefits. He also wisely has included in his amendment a provision that makes program almost instantaneous in its application. This is achieved through full Federal funding, thus not requiring changes in State law or administrative rulings. I would hope that we in the Senate would recognize the urgency of prompt action.

The Senator from Indiana has cited the number of workers who are losing or have already lost their unemployment benefits. This is ample evidence of what the future portends unless we act now.

Mr. President, I predict that unless we act, we might very well have a situation by January 1, 1972, in which we could have 1 million workers without any unemployment compensation. One million unemployed and uninsured workers would represent great personal tragedy for those workers and their families.

As the Senator from Indiana has said, it would mean that the Nation would lose vast productive manpower capital that could be put to work to help the economy regain some of its momentum.

There is only one level of government that can alleviate this problem of unemployment, and that is the Federal Government—the Congress.

The Senator from Indiana gave us the statistical evidence we need. He has given us a new formula that would work. He has presented a convincing case for the desirability and urgency of this provision.

I would hope that the Senate would take the initiative now and quickly agree to the amendment. We must proceed in the hope that we can have some understanding with the House of Representatives regarding procedure.

I want to commend the Senator from Indiana again for his remarkable work in this body on matters that relate to human welfare.

Mr. BAYH. Mr. President, I appreciate the thoughtful commentary by the Sen-

ator from Minnesota. I know of no other Senator who has, over the years, been in a better position and has voiced a willingness, as well as an expertise, to support this type of legislation.

This is certainly the type legislation that is needed today. The present law, as well intentioned as it is, might take effect at a time when the unemployment situation has changed and the economy is picking up. It is needed now.

In addition, the effort here to make this a Federal responsibility, recognizing that when unemployment reaches the trigger level it is a Federal responsibility. It also recognizes the fact that States are hard pressed to find additional revenues. With all of the mayors and Governors who have been in Washington over the past week or two, this a matter that needs only brief notation.

As we talk about how to stimulate the economy and get things moving, this is the approach the Senator from Indiana would like to see us follow.

First, we are dealing with 250,000 to 300,000 people who have no unemployment compensation at all. They are on the streets, but they have families and homes and they have all the needs a person has when he is working. This is where the need is the greatest. Second, by providing assistance to those individuals there is a greater impact on stimulating the economy because when a person is out of a job he is going to spend each of those dollars and thereby stimulate the economy. If we start at the other end of the economic ladder, for example with investment credit depreciation allowance, it takes awhile before that approach has an impact. I suggest that each of the dollars that goes into the pocketbook, into the unemployment compensation envelope of these 250,000 to 300,000 Americans, will be spent immediately.

Therefore, I feel that of all the alternative remedies suggested, although this is not inexpensive, it is less expensive than other well-intentioned proposals and will yield more immediate results.

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

Mr. BAYH. I yield.

Mr. HUMPHREY. The administration recently came to us with a program called revenue sharing. We can debate the merits of that program at another time. There are certain aspects of it I fully support. But this is really revenue sharing where it is needed; it is sharing revenue for people who are unemployed, people who have no other place to go than the relief line. Mandating relief through congressional default, should not be the highest calling in this Nation.

As the Senator from Indiana so wisely pointed out again, this is sound economic policy. The moneys expended here will be used immediately in channels of commerce and will have a stimulating effect for superior to trickle-down depreciation allowance.

The administration recently offered an accelerated depreciation program which, at a time when plant capacity of this country is only used at 72 percent, is of dubious quality and merit; but this particular proposal does something not only to help unemployment but to help the total economy, to help the man on Main Street, the merchant, to help people pay bills and to get the wheels of industry and commerce moving again.

As one of the original cosponsors of S. 973, legislation introduced on February 25 by the distinguished junior Senator from Indiana (Mr. BAYH), I call on every Senator to acknowledge our responsibility to ease the crushing weight of prolonged unemployment. We must pass the pending amendment.

The Bayh-Humphrey amendment provides those who have exhausted their 26 weeks of unemployment shall have an additional 13 weeks of coverage. It also accelerates the effective date, making benefits available immediately upon passage and provides that the benefits are triggered when the rate of insured unemployment exceeds 4 percent. This is a reduction from the present rate of 4½ percent. The amendment changes the cost burden of temporary aid from a 50–50 Federal-State allocation to 100 percent Federal financing.

There are now in excess of 700 labor markets of substantial unemployment of 6 percent or more. Already approximately 300,000 workers have exhausted their unemployment benefits under existing law. These and many more workers are and will be the victims of an unemployment compensation cutoff unless this amendment is passed.

We all know the statistics—5,200,000 out of work. We know that hundreds of thousands of Americans have not only been unemployed for approximately 6 months but these same hundreds of thousands are beginning to exhaust their unemployment compensation coverage. This figure may approach about 1 million unemployed workers in the next several months.

We have had an average of 6 percent national unemployment since September of last year. That is 7 months ago. We are losing approximately $60 billion in GNP every year of this manufactured recession. We are in the midst of a most distressing mixture of inflation and recession. The American economy is suffering from gout and malnutrition simultaneously.

But where is the fairness here? Where is the sense of basic justice? Who has the right to expect 5,000,000 Americans to give up their jobs to cool inflation? Who has the right to expect 15,000,000 Americans to share the economic and psychological trauma of prolonged unemployment for the head of their households?

We who sit here in Washington, secure in our jobs, have a basic responsibility to see that the economic and personal costs of unemployment are borne as much as possible by the entire Nation. Unemployment compensation is bare subsistence for a man with a family. Providing for immediate extension of compensation protection is the very least we can do to ease this burden.

Under present institutional arrangements, whereby the economy is managed with governmental fiscal and monetary tools, the Government must share responsibility for the loss of these jobs. Members of the Federal Reserve Board and administration officials speak openly of the tradeoff of jobs necessary to cool inflation.

Mr. President, I have talked of what the employment picture has been over the past year or so. I would not be here today, urging my colleagues so strongly, if the economy had begun to show significant signs of stable growth again. I would not be so critical of administration economic policies if the economic experts foresaw an end to such horrendous mass unemployment. But what is the prognosis? What can we look forward to for the next year or so? Every responsible and independent economic expert says that unemployment will remain at 6 percent, or a little above, through mid-1972. We have sunk into such a doldrum that even with strong economic recovery, it will take many months before the employment slack is taken up. Not only must we put those millions thrown out of jobs back to work but we must provide new jobs for those workers that enter the labor market every year.

Mr. President, the very least we can do is provide this extension of unemployment compensation benefits. These are not people who do not want to work. They do want to find jobs and regain their economic health and recapture a sense of well-being and pride in a job well done.

I urge every Senator to support this amendment. We, as individuals, are safe from this economic and psychological blight. Neither we, nor administration officials or experts, have the least moral justification if we force these willing and able Americans to lose even further their sense of dignity and personal worth.

Can we force these proud men and women to go from the protection of insurance to the degradation of the handout? I hope not.

I again say that it is important that we pass this legislation and that we pass this legislation quickly. The people who are on unemployment compensation are without benefits and add an extra burden to the economy which could stimulate greater unemployment.

Mr. BAYH. I certainly appreciate the additional remarks of the Senator from Minnesota.

This amendment is being offered through a little different approach than the Senator from Indiana likes to pursue. The Senator from Indiana likes to pursue legislative matters through the normal legislative process by introducing a bill, as he has, having it heard in committee and subsequently passed. But when I am advised that because of the parliamentary procedure it is inappropriate for the Senate to initiate this legislation, when I see no action coming from our colleagues in the other body, and when I find there are 5.2 million people out of work and 300,000 immediately affected in this category, then I ask leave of the Senate to follow a little different procedure than would otherwise be followed.

A number of Senators recognize the national nature of this matter. For the benefit of Senators in the Chamber and

the readers of the RECORD I would like to point out the political and geographical divergences of the cosponsors of the amendment. The cosponsors of the amendment are Senators RIBICOFF, NELSON, PASTORE, STEVENS, GRAVEL, MCGOVERN, HUMPHREY, HART, METCALF, CRANSTON, EAGLETON, and PERCY.

Ironically enough we have our largest State represented by the distinguished Senator from California (Mr. CRANSTON), who is now the Presiding Officer and our smallest State, from the standpoint of population, represented by one Republican Senator and one Democratic Senator from the State of Alaska. I note with interest, and I will touch on just two or three of these States because I have asked unanimous consent that this material be printed in the RECORD.

I see our very distinguished colleague, the Senator from Oklahoma (Mr. BELLMON) in the Chamber. In Oklahoma 49 communities have substantial or persistent unemployment. In the State of Kentucky, 48 communities have been listed in this category. In West Virginia—and I see our distinguished whip in the Chamber—36 communities are in this category. Few States in the Nation do not have a significant unemployment problem. Over the weekend, I discovered that my home county in Indiana, which is one of the largest counties in Indiana, went on the list. This is not the kind of matter to be ashamed of. It is the product of the economic condition in the country today. Rather than be ashamed of the condition in my home county I want to do something to rectify it and to assist those who are presently unemployed and have exhausted their benefits.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ORDER FOR ADJOURNMENT— LEGISLATIVE PROGRAM

Mr. BYRD of West Virginia. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 o'clock tomorrow morning.

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

Mr. BYRD of West Virginia. Mr. President, it will be the intention of the leadership to rescind this order if action is completed on the unfinished business today, and we anticipate that it will be. If action is completed, the leadership will then expect the Senate to go over until Thursday morning next.

Senators should be on notice that there will be at least one rollcall vote today on the unfinished business.

(Later in the day this order was changed to provide for the Senate to adjourn until 10 a.m. Thursday, April 1, 1971.)

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

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

INTEREST EQUALIZATION TAX EXTENSION ACT OF 1971

The Senate continued with the consideration of the bill (H.R. 5432) to provide an extension of the interest equalization tax, and for other purposes.

Mr. JAVITS. Mr. President, I wish to express my support of Senator BAYH'S amendment, which takes into account the existing situation we face in the country with respect to unemployment, and faces reality.

The United States, considering its past record, has a serious unemployment crisis right now. Therefore, the taking effect of the trigger which is incorporated in the idea of extra unemployment compensation in times of serious emergency respecting unemployment is properly accelerated by the Bayh amendment.

I shall shortly propose an amendment to the Bayh amendment which is necessitated by the fact that a number of States, including my own—I shall read the list of States—anticipating exactly what Senator BAYH is trying to accomplish, have made these payments of extra unemployment compensation. In the case of my State, it has been done since January 1, 1971. Therefore, it is necessary to make the Bayh amendment retroactive to that extent in order not to penalize, in all fairness, the States which have done what we would be doing by this amendment in response to their own exigencies. The States in question are Alaska, California, Connecticut, Idaho, Massachusetts, Michigan, New Jersey, New York, Oregon, Pennsylvania, Rhode Island, Vermont, and Washington. The State of Arkansas will begin to pay the same benefits in July of 1971; but, again, it may very well benefit from retroactivity in view of the fact that this may not become law by July 1, 1971.

In addition, I understand that there are 20 States whose unemployment rate already exceeds the level necessary to activate this program and which would participate if the Bayh amendment is adopted.

So that we have a total of 34 States out of 50 States directly and immediately affected. As we know, the retroactivity relates only to the increases of the Federal share.

Mr. President, the plight of the States is very well recognized by the President's revenue sharing ideas. Naturally, all of us are seeking some way in which the States can be helped within the pattern of existing law, even before some massive effort to help the States directly matures. This is a very honorable and a very good way in which to accomplish that result. Personally, I am very grateful to Senator BAYH for raising the issue at this time and giving us all an opportunity to deal with it.

Also, this is not an inflationary action, for this reason: The amounts involved, which run somewhere in the $500 million range, will add directly to the purchasing power of the public in an unusual way. Certainly, the unemployed are the most prime customers in terms of consumer purchasing if they have some money with which to do it; and the constant testimony before the Joint Economic Committe, of which I am a member, in respect of the existing slow rate of recovery of our economy, is that it is attributable very heavily to what is euphemistically called the lack of consumer confidence. But, really, it is a lack of consumer expenditure as reflecting a lack of confidence.

So I believe that this particular amount put into the stream of consumption, which would be very directly, with an immediate effect, is also helpful in that regard, so that it cannot be considered in terms of contributing to the inflation.

For those reasons, I hope very much that the amendment will be adopted.

Mr. President, I send to the desk my amendment to Senator BAYH'S amendment which would put into effect the concept of retroactivity to which I have referred.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. JAVITS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

Beginning on page 3, line 23, strike all after the word "applicable" and insert the following:

"with respect to payments under section 204(a) of the Federal-State Extended Unemployment Compensation Act of 1970 in like manner as if such amendments had been included in such Act on the date of its enactment.

"SEC. 203. Any State which is entitled, by reason of the enactment of the amendments made by subsection (c) of section 201 of this Act, to additional payments under section 204 of the Federal-State Extended Unemployment Compensation Act of 1970 by reason of expenditures made in prior periods for extended compensation shall be paid such additional payments in accordance with section 204 of such Act."

Mr. JAVITS. Mr. President, the amendment effects retroactivity for the States which have already begun to make those payments of special unemployment compensation to the time when they began to make them—in other words, triggered by the unemployment situation in the given States. I think it is a measure of elementary justice that the States which have had that kind of foresight should not be penalized if the Senate adopts this amendment and it becomes

law, the whole system, and the retroactivity extends only to increasing the Federal share from 50 percent to 100 percent.

I understand that this amendment might be agreeable to Senator BAYH, so that the whole issue could be acted upon at one time.

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

Mr. JAVITS. I yield.

Mr. COOPER. I ask whether payments that have been made have been made wholly from the State funds.

Mr. JAVITS. I understand that the payments have been made half from State and half from Federal funds, but the retroactivity extends only to that half. So the retroactivity will involve reimbursement for the increased Federal share.

Mr. COOPER. In other words, if the payments in the past were 50 percent by the State and 50 percent by the Federal Government, this would provide that the 50 percent which has been paid by the State should be reimbursed by the Federal Government.

Mr. JAVITS. That is correct. From its funds.

Mr. COOPER. In other words, the Senator proposes starting this program now instead of on January 1, 1972. Is there any evidence that the States cannot pay the 50 percent which is provided by the existing act?

Mr. JAVITS. I yield to the Senator from Indiana.

Mr. COOPER. What is the reason for imposing the full charge upon the Federal Government prospectively?

Mr. BAYH. The Senator from Indiana is certain that the Senator from Kentucky is aware that not each State's unemployment insurance fund is equally well endowed. Some of the States, I am advised, can; some cannot. My staff has been advised that there are some 20 additional States, beyond the 14 which have presently enacted the legislation to which the Senator from New York's amendment is directed, in which the unemployment rate exceeds the level necessary to activate the program, but they do not have the funds necessary to take advantage of it.

Mr. COOPER. Will the Senator's amendment change in any way the provision in the existing law that, beginning with January 1, 1972, one-half of the benefit would be paid by the State?

Mr. BAYH. Yes. For the additional 13 weeks. That is what we are talking about—the additional 13 weeks. The amendment of the Senator from Indiana would make this a Federal responsibility for just the 13 additional weeks, feeling that at the time the unemployment rate gets to that level, it is a significant enough national problem that the Federal Government should indeed assist the States to do the job.

I think the Senator from New York stressed the revenue sharing aspect of this. I want to salute him for emphasizing this, and because most of our concern is about the need, and the tax base in State and local communities, and I cannot think of a better way to do it than to deal with those who are unemployed. I might read——

Mr. COOPER. May I ask the Senator one other question? After 13 weeks have passed, would the present act become effective, that is the 50 percent henceforth, to be paid by the State, and 50 percent by the Federal Government?

Mr. BAYH. The Senator from Indiana is not absolutely certain he understands the Senator's question but the amendment the Senator from New York and the Senator from Indiana are proposing does not deal with or recommend in any way the 26 weeks initially. What we are dealing with is 13 additional weeks which now, by statute, is paid for on a 50–50 basis. We are proposing that this would take effect when the triggering device meets the requirement immediately and not wait until January 1 and be paid for by the Federal Government.

Mr. COOPER. I understand that. What I am asking is, when the date arrives of January 1, 1972, after that date, would the benefits be paid wholly by the Federal Government or one-half by the Federal Government and one-half by each State?

Mr. BAYH. Yes. Benefits would be paid only by the Federal Government for the 13 weeks alone. For the original 26 weeks, that would continue to be on a 50–50 basis.

Mr. COOPER. For how long a period after January 1, 1972, would the Federal Government be responsible for paying one-half?

Mr. BAYH. For as long as the 4-percent trigger is met. Whenever it gets above 4-percent insured unemployment for the 3-consecutive months, the triggering mechanism would take effect. As long as that is in effect, the 100-percent financing for the additional 13 weeks would be in effect. When unemployment got down below that for 3-consecutive months, then, of course, there would be no triggering mechanism and there would be no additional 13 weeks of any kind.

Mr. COOPER. Then the Senator can say categorically that in such a case, when the triggering mechanism is not coming into play, the benefits would then be paid 50 percent by the Federal Government and 50 percent by each State. Is that correct?

Mr. BAYH. Yes. That is accurate.

Mr. President, it might be helpful to the Senate for me to read the testimony on H.R. 14705 before the Finance Committee in February of last year, to which the Senator from Indiana alluded earlier as attributed to former Secretary of Labor Shultz.

He stated as follows, and I read from page 79:

> High national unemployment is attributable to national factors, and the administration proposed a national remedy—a Federal program of extended unemployment compensation in times of high national unemployment. That program would be 100 percent federally financed—but operated by States as agents of the Federal Government and utilizing provisions of State law. The program could be operative at any time after 60 days beyond the enactment of the act.

Mr. President, I want to make certain that the broad philosophical recognition of the need for this kind of program, as well as the regional need, is understood. I know that the distinguished Presiding Officer in the chair, the Senator from Georgia (Mr. GAMBRELL), has 25 communities in his home State which have this kind of persistent, substantial unemployment. We are not only talking about States like New York, and California, but we are also talking about a State which is as rural in nature and has the least populous State, like Alaska, with its two distinguished Senators, one a Democrat and one a Republican, who have lent their names as cosponsors of this amendment.

Mr. JAVITS. Mr. President, one thing I wish to emphasize. My amendment and that of the Senator from Indiana apply only to the extra 13 weeks of emergency unemployment which the Federal Government supports to the extent of 50 percent based on a State-by-State trigger. What the Senator from Indiana is seeking to do is to accelerate application of a national trigger. That is point No. 1. Point No. 2 is, he is also increasing the percentage from 50 percent to 100 percent. But it still is effective only as the unemployment rate either on a State or national level reaches the trigger figure, and the trigger figure means 6 percent or more overall unemployment.

It is also a temporary measure because as unemployment recedes then the trigger is no longer applicable and, hence, there is no Federal share to deal with. So that I wish to make it clear this does not change anything in the basic unemployment compensation system, which is the 26 weeks. It deals only with emergency unemployment compensation for an additional—not higher rates—no doubling—but an additional 13 weeks and who is to carry that responsibility, the State or the Federal Government.

In the amendment of the Senator from Indiana (Mr. BAYH) and mine the Federal Government would carry that responsibility, with necessary retroactivity to deal with problems in the States which have been paying this 50 percent out of their own resources. So I emphasize that we are dealing with a temporary measure which has automaticity. As we drop below the trigger figure, in terms of unemployment, the whole thing is off. As we get above it, it would again take effect.

Mr. COOPER. If the Senator from New York will yield briefly, would the rate of unemployment be based upon the rate of the State, or will it also be based upon the rate in the particular community?

Mr. JAVITS. It is based upon the rate for the State. The whole thing is handled by the States. As to the application of the national trigger, as the Senator from Indiana (Mr. BAYH) has pointed out, it now extends to 14 States which have not attained a State trigger but may have—we do not know—but may have, and may put this into effect in view of the fact that they could, under the national trigger.

Mr. COOPER. I thank the Senator.

Mr. JAVITS. May I inquire of the

distinguished Senator from Indiana (Mr. BAYH) whether he will incorporate my amendment?

Mr. BAYH. Mr. President, I am privileged to incorporate the amendment of the Senator from New York.

Mr. JAVITS. And he will modify his amendment accordingly?

Mr. BAYH. Mr. President, I ask unanimous consent to modify my amendment accordingly and I appreciate very much the contribution the Senator from New York has made.

The PRESIDING OFFICER (Mr. GAMBRELL). The Senator from Indiana has the privilege of modifying his amendment, if he cares to.

Mr. BAYH. Yes, Mr. President, I do modify my amendment.

The distinguished Senator from New York (Mr. JAVITS), who serves on the important committee of the Senate dealing with problems of labor and all related human problems, is in a particularly sensitive place and has the kind of expertise that is very helpful in a dialog of this kind. I am glad to accept his wisdom and join the amendment which is now before the Senate.

The PRESIDING OFFICER. The Senator's amendment, is so modified.

Mr. JAVITS. I thank my colleague from Indiana.

Mr. BAYH. Mr. President, I ask unanimous consent to have printed in the RECORD articles relating to the critical nature of the unemployment problem and the number of areas specifically involved.

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

FIVE MORE BIG AREAS PLACED IN UNEMPLOYMENT CATEGORY

WASHINGTON, February 27.—The Labor Department has listed five new major labor areas as having "substantial" unemployment, bringing the total to 45, the highest since April, 1963.

In addition, 12 smaller areas were added to the "substantial" list, bringing the total to 634, Assistant Secretary of Labor Malcolm R. Lovell Jr. announced Wednesday.

The designation means the area has an unemployment rate of 6 per cent or more with the rate expected to continue for at least two more months.

The five new major areas added are Sacramento, Calif., 6.7 per cent; Utica-Rome, N.Y., 7.6 per cent; Johnstown, Pa., 7.1 per cent; Scranton, Pa., 6.3 per cent, and Providence-Pawtucket, R.I., 6.6 per cent.

[From the Washington Post, Mar. 26, 1971]

JOBLESSNESS PASSES 6 PERCENT IN 50 AREAS

(By Frank C. Porter)

A third of the nation's 150 major labor areas are now suffering "substantial" unemployment—6 per cent or more—with the addition of five new cities in March, the Labor Department announced yesterday.

And Seattle joined the classification of 12 per cent or more joblessness, the first mainland U.S. city to do so in at least nine years.

The 50 major areas in the substantial category is the highest since June, 1962, when the country was emerging from its last recession. There were only eight so listed at this time last year.

Yesterday's report helped cloud hopes raised by two successive monthly declines in national unemployment—from 6.2 per cent to 6 per cent in January and to 5.8 per cent in February, although the number of jobs and the average work week also dropped in the latter month.

The new list was drawn however, on the basis of two-month-old data from January. Any subsequent improvement in the over-all employment statistics could be reflected in later reports.

The five additions are New Haven, Conn. (6.5 per cent unemployment); Rockford, Ill. (6.7); Terre Haute, Ind. (7); Worcester, Mass. (7), and Binghampton, N.Y. (6.6).

Two areas already listed as substantial—Bridgeport, Conn., and Lawrence-Haverhill, Mass.—moved up to the 9 to 12 per cent category this month. There are 10 areas in this group now; there were none a year ago.

Seattle, which stands to lose another 5,000 jobs as the result of the defeat of the SST program in Congress Wednesday, moved up from this latter category to the highest group, those with at least 12 per cent unemployment.

Two Puerto Rican cities, Ponce and Mayaguez, have been listed under this classification for a number of years. A Labor Department spokesman said he could find no mainland cities so listed at least as far back as 1962.

The following compares the status of 150 major labor areas today with February and a year ago:

Groups	This month	Last month	Year ago
A (less than 1.5 percent unemployed)	0	0	0
B (1.5 to 2.9)	8	13	52
C (3 to 5.9)	92	92	90
D (6 to 8.9)	37	34	6
E (9 to 11.9)	10	9	0
F (12 or more)	3	2	2

The Labor Department describes Group A as "overall shortage," B as "low unemployment," C as "moderate unemployment," and D, E and F all as "substantial unemployment."

Larger cities included in Group D (6 per cent to 8.9 per cent unemployed) are Los Angeles, Detroit, San Diego, New Orleans, Jersey City, Buffalo and Portland, Ore.

Washington is one of the eight areas falling in Group B (1.5 to 2.9).

The eight areas beside Bridgeport and Lawrence-Haverhill in the next to highest category, Group E (9 to 11.9), are Stockton, Calif.; New Britain and Waterbury, Conn.; New Bedford and Lowell, Mass.; Muskegon-Muskegon Heights, Mich.; Takoma, Wash., and Wichita, Kan.

A area is classified as having substantial unemployment if its rate of at least 6 per cent is expected to continue for two months or more. This is intended to rule out temporary aberrations or seasonal variations.

The Labor Department moved two areas—Muskegon, Mich., and Fresno, Calif.—onto its list of "persistent" unemployment. This means the average unemployment rate has been at least 6 per cent for a year and has been at least 50 per cent above the national average for several years.

Mr. BAYH. After unemployment recedes and the national problem is alleviated to some extent, then the additional 13 weeks would no longer apply. Also, as the Senator from Indiana said earlier, we are talking about doing two basic things. We are talking about dealing with human needs. Some 300,000 or more people at the present are not only unemployed but have also exhausted all of their unemployment benefits.

There is the matter of additional concern because the number of people who are presently halfway through their unemployment compensation period, and thus are halfway along the road to being in the same category of having exhausted all their unemployment benefits. This number is higher than it has been in the last 7 years.

The Senator from Minnesota predicted rather dire consequences—and he may well be right—as all of these additionally unemployed people exhaust their benefits and have no source of income for their families.

Second, and perhaps a little more analytical and further removed from human need, is that by applying additional unemployment benefits to those who are unemployed and have no funds at all, these funds will be spent the day the people get them. They need them. They will not fritter the funds away, but will spend them on necessities. This will greatly stimulate the economy and do so immediately and lessen the chances that the problems will be compounded.

Mr. COOPER. Mr. President, I note that the amendment does change the existing law. It involves a sum of about a half billion dollars. I think there should be a larger number of Senators present.

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

ORDER FOR ADJOURNMENT TO 10:30 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 10:30 a.m. tomorrow.

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

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

INTEREST EQUALIZATION TAX EXTENSION ACT OF 1971

The Senate continued with the consideration of the bill (H.R. 5432) to provide an extension of the interest equalization tax, and for other purposes.

YEAS AND NAYS ORDERED

Mr. BAYH. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. LONG. 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. LONG. Mr. President, it was only last year that the Senate and the House voted on what the two bodies wanted to do about the unemployment insurance program. We passed a major bill. The same subject matter contained in the pending amendment was raised at that time and rejected by a vote of 30 to 45. This same proposal for full Federal funding of extended unemployment insurance benefits for the additional 13 weeks was considered by the Committee on Finance last year and it was rejected by a vote of 5 to 10. It was considered by the Committee on Ways and Means in the House and it was rejected there.

No one could contend that this amendment to change the funding of extended unemployment insurance benefits is relevant to the interest equalization tax bill which we have before us. The amendment does not have anything at all to do with the bill.

Last year we passed the Legislative Reorganization Act which provided that when the Senate adds a nongermane amendment to a House-passed bill, the consent of the House is required even to go to conference on the measure. The Committee on Ways and Means in the House, composed of substantially the same people who rejected 100 percent Federal funding of extended benefits in the last Congress, obviously would be opposed to going to conference on the matter. One could not find a better situation to invite the House to refuse to go to conference than to add this proposal, which has been rejected by the Senate and by the House Ways and Means Committee in the last Congress, without the normal process of hearings.

Last year the Finance Committee held full hearings on unemployment compensation, including proposals for 100 percent Federal funding of extended benefits. We heard from employer organizations, and they were opposed to 100-percent Federal funding. To approve this amendment without offering employers the opportunity to testify and to be heard, without offering State unemployment commissioners the opportunity to testify—and so far as I know they are virtually unanimously opposed to it—and in view of the fact that this would be a tax on the employers, it would be totally unfair to move to add this amendment without offering those people an opportunity to have their views on the proposal known and considered.

Furthermore, Mr. President, as a practical matter in 40 States no unemployed workers at all will be affected by this proposal either because the States already have a program or because the level of unemployment in the State is not high enough to trigger the extended benefit program into action.

For these reasons this matter should not be added to the bill. If the Senate wants to add something of this sort, it should be done when we have the social security bill before us, at which time it could be contended at least that there was some relevance. If this amendment is to be acted upon, we should at least have an opportunity in committee to know that it is going to be added so that all those affected can have an opportunity to be heard.

As I mentioned before, workers in 40 States would not be affected by the amendment. Let me read a list of the States in which the workers would not be benefited under this amendment: Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Jersey, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas, Utah, Virginia, Washington, Vermont, West Virginia, and Wyoming.

Present law requires that by the end of this year virtually all States have a program of extended benefits. So by that time it might be said that the workers in no States would be benefited by the amendment.

If the Senate wants to approve a program for full Federal financing of extended benefits, this is something that should be considered in connection with some measure that would pay for it. Here is an amendment that would cost an estimated $600 million, yet the amendment contains no tax change to pay for any of it.

As a matter of fact, I suppose it is probably inadvertent, but the amendments as it is drafted could trigger into effect an additional 2.7 percent payroll tax on employers. I assume that was not intended, but that is how it would work out in many States. The reason is that the amendment requires all States to legislate extended benefit programs virtually immediately but does not allow time for the States to comply. If they were out of compliance, employers would be faced with an additional 2.7 percent unemployment tax just because the State legislature could not meet and act in the brief time provided under the amendment.

For those many reasons, it is not appropriate that we consider this proposal as an amendment to this bill, whose purpose is to extend a tax that expires on March 31 to protect our balance of payments. Accordingly, I think it appropriate that this amendment should be laid on the table.

Mr. JAVITS. Mr. President, before the Senator moves, will he yield?

Mr. LONG. I yield for a question.

Mr. JAVITS. I thank the Senator. I understood the Senator to state that workers would not get the benefit of this law in many States besides my State, but in my own State they are now being paid the extra 13 weeks' benefits. So how could New York be included in that list?

Mr. LONG. Unemployed workers in New York are already getting extended benefits.

Mr. JAVITS. I know they are already getting it, but they are getting it out of the jugular vein of the State. In addition to these, they are not going to get it, although the trigger has been reached in those States, precisely because the States do not have the money for it.

Mr. LONG. The employers are paying for the full cost of unemployment benefits whether through taxes at the State level or at the Federal level.

New York already has a law providing for extended benefits. It is true the State is paying 50 percent of the cost of these benefits. I assume the Senator wants to give relief to the budget of his State.

Mr. JAVITS. I want to give relief to the budgets of 34 States.

Mr. LONG. In any event, the employer is the one who is going to have to pay the cost of the extended benefits, either at the State or Federal level. The employers are going to have to pay the whole cost since they are the only ones taxed.

Mr. JAVITS. At the Federal level that is not the case, because while it is true that part of that money goes into the Federal fund for this extra compensation, we are not planning under this measure to increase the amount of tax. That may have to be done in the future, but right now, if that fund is exhausted, then we will have to face the issue of whether to end it altogether or to raise the tax. Meanwhile this fund can be used for an emergency. It is an emergency both of unemployment and on the part of the States.

I felt, in all fairness, under these exigencies, which are very serious, that we ought to give the States an opportunity to catch their breath. That is really what it comes down to.

Mr. LONG. It does not affect the workers in most States. The Senator agrees.

Mr. President, I move that the amendment be laid on the table.

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

The PRESIDING OFFICER. Does the Senator withhold his motion?

Mr. LONG. Mr. President, I ask unanimous consent that I may withhold my motion and yield to the Senator from Indiana for a question.

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

Mr. BAYH. Mr. President, the Senator from Indiana wanted an opportunity to phrase a thought. I am not sure, in all honesty, that it would be a question.

Mr. LONG. Mr. President, I yield for that purpose.

Mr. BAYH. I appreciate the Senator's courtesy.

The Senator from Louisiana left the floor on other business a moment ago when I started my earlier remarks with an apology to him. I said that the Senator from Indiana normally feels that matters of significant legislative importance should go through the normal leg-

islative process, particularly when there is a Senator as sensitive to the national needs as the Senator from Louisiana.

I find myself in an embarrassing situation because I have come to the conclusion, perhaps erroneously, that the Senator from Louisiana is in a position, with all his compassion and prestige and influence in this body, where he cannot really initiate this type of legislation. In fact, the Senator from Indiana has already introduced a bill to do this very thing, only to be informed that the Senate—this body—cannot initiate legislation of this kind.

We are going to have to make a decision sooner or later. If we feel the Senate wants to go ahead with this matter, we are going to have to hook it on to some measure. Perhaps the Senator from Louisiana is right. Perhaps the social security bill is a better one. The question is—How long are we going to wait?

The Senator from Indiana regrets any embarrassment that this dialog and this particular parliamentary effort may place on the Senator from Louisiana, because he is a man who likes to move and likes to deal with problems and I think he is aware of this problem. But if we are going to get something done, it seems to me it is worthwhile to attach an amendment to a bill that has to become law this month.

The Senator from Louisiana mentioned that this matter had been considered before and had been turned down by this body. He is accurate, but perhaps the RECORD should show that there have been significant changes in the number of those who would qualify and benefit and who have need under the bill. As I recall, when the measure was considered in April last year by the Senate, there were 102,000 persons whose benefits were exhausted that month. That number had increased by 50 percent monthly by the end of this year. As I said earlier, the number of people who are half way along toward total extinction of their benefits at this moment in history is higher than it has been at any time in 7 years.

Although the Senate refused to go along last year, we had an amendment like this back in 1966 for total Federal funding for an additional 13 weeks, and, as I recall, the Senator from Louisiana voted for it at that particular time. I think we are in a situation where past history should not dictate what we do in the future.

I might touch on one other point, and then I will yield to the Senator from Louisiana and thank him for his courtesy. He certainly is within his rights to move to table, but I am interested in the argument, Who is going to pay for it? The Senator suggested that it would cost about $600 million. I notice in a memorandum prepared by the Finance Committee it is going to cost $400 million. The Senator from Indiana is willing to accept either of those, or a point in between. It is going to entail additional expense, but if we are going to talk about additional expense, in my judgment half a billion dollars for this type of economic stimulus and this type of economic need is much easier to justify than the $4 billion revenue loss due to the new depreciation allowance established by the administration.

Also, I think we need to recognize that right now times are bad, and when times are bad and numbers of people are unemployed, then, and only then, will the costs incurred by this particular amendment be in effect; whereas lowering or increasing the depreciation allowance is going to be in effect when times are good as well as when times are bad.

One additional point: We are all aware that steps must be taken to stimulate the economy, which is now not as healthy as we would like it to be. This type of fiscal stimulus, while it increases the deficit, is likely to have a positive impact on the economy.

I contend that the expenditure of this $400 million or $500 million in additional unemployment benefits for those poor working men and working women who are out of jobs will have a greater impact to stimulate the economy than any of the other dollars in the deficit budget we are running. So it seems to me, on the one hand, that providing 13 additional weeks for those who have exhausted their benefits is going to do more to stimulate the economy and put us back on the road to good economic health; and on the other hand, that this approach helps the people who need it most. They need these meager unemployment benefits to support their families, and need them now, not next year, when the bill would take effect and on a different financial basis.

I thank the Senator from Louisiana for yielding.

Mr. LONG. Mr. President, I now move to lay the amendment on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Louisiana.

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. LONG. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. LONG. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. GAMBRELL). The question is on agreeing to the motion of the Senator from Louisiana (Mr. LONG) to lay on the table the amendment of the Senator from Indiana (Mr. BAYH). 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. COTTON (after having voted in the affirmative). On this vote I have a pair with the Senator from Washington (Mr. MAGNUSON). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. BIBLE), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Illinois (Mr. STEVENSON), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily 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 Michigan (Mr. HART), the Senator from New Mexico (Mr. MONTOYA), the Senator from Illinois (Mr. STEVENSON), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Oklahoma (Mr. HARRIS) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. BROOKE) and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

If present and voting, the Senator from South Dakota (Mr. MUNDT) would vote "yea."

On this vote, the Senator from South Carolina (Mr. THURMOND) is paired with the Senator from Massachusetts (Mr. BROOKE). If present and voting, the Senator from South Carolina would vote "yea" and the Senator from Massachusetts would vote "nay."

The result was announced—yeas 45, nays 40, as follows:

[No. 32 Leg.]

YEAS—45

Aiken	Cooper	Jordan, Idaho
Allen	Curtis	Long
Allott	Dole	McClellan
Anderson	Dominick	Miller
Baker	Eastland	Packwood
Bellmon	Ellender	Prouty
Bennett	Ervin	Randolph
Bentsen	Fannin	Roth
Boggs	Fong	Scott
Brock	Fulbright	Spong
Buckley	Gambrell	Stennis
Byrd, Va.	Gurney	Taft
Byrd, W. Va.	Hansen	Talmadge
Cannon	Hruska	Tower
Cook	Inouye	Young

NAYS—40

Bayh	Humphrey	Pell
Beall	Jackson	Percy
Burdick	Javits	Proxmire
Case	Mansfield	Ribicoff
Chiles	Mathias	Saxbe
Church	McGee	Schweiker
Cranston	McGovern	Smith
Eagleton	McIntyre	Sparkman
Gravel	Metcalf	Stevens
Griffin	Moss	Symington
Hartke	Muskie	Tunney
Hatfield	Nelson	Weicker
Hollings	Pastore	
Hughes	Pearson	

PRESENT AND GIVING A LIVE PAIR AS PREVIOUSLY RECORDED—1

Cotton, for.

NOT VOTING—14

Bible	Jordan, N.C.	Mundt
Brooke	Kennedy	Stevenson
Goldwater	Magnuson	Thurmond
Harris	Mondale	Williams
Hart	Montoya	

So Mr. LONG's motion to lay Mr. BAYH's amendment on the table was agreed to.

Mr. LONG. Mr. President, I move that

the vote by which the motion to table was agreed to be reconsidered.

Mr. BYRD of West Virginia. Mr. President, I move that the motion to reconsider be laid on the table.

The motion was agreed to.

Mr. BAYH. Mr. President, while I do not want to delay the Senate in further consideration of the important measure before it, needless to say, I wish the result of this last vote had been different. As I said on two previous occasions, and say it again, the Senator from Indiana was fully appreciative of the parliamentary position the Senator from Louisiana (Mr. LONG) was in. I am hopeful that in the next few days or the next few weeks—the quicker the better, because these unemployed people without unemployment compensation are suffering now—the distinguished chairman of the committee will be able to look into this matter further, and perhaps hold hearings, so that we can be on stronger ground in proceeding with the House.

The Senator from Indiana has a bill, cosponsored by several Senators now in the Chamber. We are going to have to do something to lay a foundation to compensate for the fact that, as long as we are going to let the parliamentary rules between Senate and House take precedence, the Senate will never be able to initiate legislation of this kind.

I am concerned, and apparently a number of other Senators are also concerned, that we do something about the 300,000 people who are unemployed now and do not have any unemployment compensation, and who are suffering personally as a result of their inability to participate in the buying and selling process of the economy, so that the economy is also suffering.

I think that is enough said for now, Mr. President.

Mr. JAVITS. If the Senator from Indiana will yield, first, I would like to join him in what he has just said; and second, I should like to point out that 40 Senators, voting under these circumstances, is an appreciable number of Senators. It is absolutely true that this was trying to do something which we felt was essential but it was doing a lot on this bill in this way. Thus, I, like the Senator from Indiana, can understand why some Members voted to table who otherwise would vote for such an amendment. It is susceptible to being worked out. Issues can be worked out. It would amount to a fractional percentage as far as employers are concerned, and any other issues which are nettling can be worked out also, so that I would like strongly to urge the distinguished Senator from Louisiana (Mr. LONG)—whatever our differences may be on many things, he has certainly never been lacking in appreciation of the problems of mankind, with unemployment, illness, and so forth—recognizing such heavy sentiment as was just reflected in what was a difficult vote for many Senators, to give an ear to this situation and try to help with it by the necessary hearings and whatever legislation might be framed by the committee.

Mr. PERCY. Mr. President, will the Senator from Indiana yield for a brief comment?

The PRESIDING OFFICER (Mr. BYRD of Virginia). The Senator from Indiana has the floor.

Mr. BAYH. I am glad to yield to the Senator from Illinois.

Mr. LONG. I object, Mr. President. The Senator can yield only for a question. I have been seeking recognition.

Mr. BAYH. Mr. President, I would like to make one further comment. I do not want to delay this legislation, but because the Senator from Louisiana has been very kind I would just like to say that on S. 973 there are certain features that have been brought to the attention of the Senate this morning that I think can improve that bill. First, the amendment of the Senator from New York. Second, the questions raised by the Senator from Louisiana about the tax on employers needs to be remedied. I think these things can be ironed out. I hope we will pursue this matter quickly. I know that the Senator from Louisiana is probably one of the busiest Members of the Senate. If not the busiest Member of the Senate because of the tremendous burden he bears.

Mr. PERCY. Mr. President, will the Senator yield for a brief question.

Mr. BAYH. I yield.

Mr. PERCY. Mr. President, is not the Senator from Indiana pleased with the fact that 40 Senators—though they know the urgency of this legislation and that the legislation must be passed because there is a deadline—were willing to move ahead with this amendment?

Certainly that is an encouraging sign that there should be hearings and that the Senate considers this an important matter.

Mr. BAYH. I think this is a very important sign. I thank the Senator from Illinois for bringing the matter up.

I must admit that I do not like to lose on a close vote. I know that others must share my feelings. If we could have changed three votes, the result would have been different.

The Senate has laid the ground work for showing the Members of the House that there are strong feelings here. In the normal process I think that we can be successful.

Mr. LONG. Mr. President, as far as I am concerned, I think we will cover this subject in hearings and let everyone have an opportunity to be heard.

I am frank to say that there were 30 Senators who voted for basically the same proposal last year, and 45 Senators voted against. At that point we were considering a major unemployment insurance bill.

Mr. President, I would think that when a considerable number of Senators change their position on a matter, it may be because they heard from one side without hearing from the other side. As far as I know, employers are almost unanimously opposed to this provision. We have also not heard from the State commissioners, who are opposed to this matter so far as I know.

As far as I remember, I do not think anyone was here to state the position of the Department of Labor on this matter. I received a letter from the Secretary of Labor while the vote was being taken. I ask unanimous consent that the position of the Department of Labor be printed at this point in the RECORD.

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

U.S. DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, D.C., March 30, 1971.

Hon. RUSSELL B. LONG,
Chairman, Senate Finance Committee, U.S. Senate, Washington, D.C.

DEAR SENATOR LONG: This is in reply to Mr. Vail's request on behalf of your Committee for a statement of the Department's position on S. 973. This bill would amend P. L. 91-373 to provide 100 percent Federal financing and lower the national trigger from 4.5 to 4 percent.

The Department opposes the enactment of S. 973 for the following reasons:

1. The extended benefit provisions of Public Law 91-373 enacted by the Congress only last August is beginning to meet the extended benefit need and should be thoroughly tested before a decision is made to replace it. This law provides that the Federal Government will pay 50 percent of the cost of extended benefits any time after October 10, 1970 to any State that amends its law to meet the requirements of the Federal Act.

Seventeen States are already paying extended benefits under the Employment Security Amendments of 1970. The 17 States account for two-thirds of all current insured unemployment and almost half of the Nation's covered workers. The remaining States have extended benefit legislation in various stages of consideration and those with the higher rates of unemployment can be expected to complete their legislation and qualify for Federal grants soon.

2. The State unemployment insurance reserves ($12.4 billion for all States) are high enough to pay half the benefit costs without strain on State funds.

3. The bill requires all States to enact extended benefit legislation by the first day of the calendar month following the bill's enactment. This would allow only 1 to 30 days for State legislative action. Some State legislatures have adjourned and more will have done so by the time S. 973 could be enacted.

Since the present arrangement under P. L. 91-373 is just getting underway, it would be unwise to discard it and substitute a mixture of approaches included in S. 973. That mixture could only be confusing in view of the actions the States have already taken.

Sincerely,

J. D. HODGSON,
Secretary of Labor.

Mr. LONG. It may well be that when this matter has been thoroughly considered and all parties have been heard, there might not be as much support for the amendment as there is now. That remains to be seen.

On the appropriate measure, I would certainly be happy to hear both sides and to make available to the Senate the arguments and the evidence that both sides have to present.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. JAVITS. Mr. President, as the Senate knows, I strongly opposed the introduction of the IET in 1963 and 1964. I continue to believe that the IET has been a bad and ineffective way of approaching our balance-of-payments difficulties. By attempting to stop up only one

of the many holes in our balance of payments, it has merely increased the flow out of others, and the net result has been that our balance-of-payments position has continued to deteriorate. The IET by treating the symptoms rather than causes has put off the day when the administration must come to grips with the underlying causes of our balance-of-payments disequilibrium and formulate responsible, long-range programs for putting our own and the international accounts of others on a better and more realistic footing.

Yet, I recognize that the IET has regrettably become an integral part of the system of barriers established to deal with our continuing balance-of-payments problem. This problem persists, and the balance-of-payments deficit that the United States sustained in 1970 approached $4 billion on the liquidity basis. Chairman MILLS estimated that the deficit would have been at least $1.6 billion larger in 1970 if the IET had not been in effect.

I will support the extension of the IET since its discontinuance would have the following adverse effects:

First. It would cause a further deterioration in the U.S. balance-of-payments position both by increasing the attractiveness of the U.S. market to foreign buyers who are already attracted by the low interest rates now prevailing in the United States and by encouraging the substantial purchases from foreigners by Americans of securities which U.S. companies have issued abroad to finance foreign direct investment. In turn, the track record indicates that the IET has deterred U.S. purchases of foreign securities.

Second. It would jeopardize our attempts to improve other aspects of the international trade and monetary system and indeed convince monetary authorities in other nations that the United States indeed is indifferent about its balance-of-payments deficit. This could affect the role of the dollar as a reserve currency and the willingness of foreign nations to hold dollars.

Third. It would have the effect of increasing long-term bank loans to foreigners again to the detriment of our balance-of-payments position.

However, Mr. President, while supporting the extension of the IET, I do not believe that its coverage should be extended to cover short-term obligations of less than 1 year. This extended coverage provision is an addition of the Senate Finance Committee and does not appear in the House-passed version of the bill. The extension of the IET's coverage to short-term obligation of less than a year is opposed by the Department of the Treasury, and it is my understanding that the Treasury is concerned about the administrative problems such an extension would have in addition to the problems it might cause the financing of legitimate business and personal transactions. I note, however, that the Committee on Finance's wording accords discretionary authority only to the administration, that the Treasury has indicated publicly that they do not wish this discretionary authority and do not see how they could effectively use it even if it were authorized, and that the expeditious passage of this legislation is required.

Mr. President, accordingly, I urge the President not to invoke this authority even if contained in the bill. While I will support the extension of the IET this year for the reasons outlined, I would like to call the attention of my colleagues to the report of the Joint Economic Committee of the Congress which was released yesterday. In this report the majority and the minority joined in joint views on international economic issues. These joint views include a very fine section on the U.S. balance of payments. In this section it is recognized that "military expenditures overseas constitute the single largest adverse contribution that the Government makes to our continuing balance-of-payments deficits. Such expenditures totaled $4.8 billion annually in 1969 and 1970. The majority and minority then recommend that—

As a major adverse element in our balance of payments, U.S. military expenditures abroad should be reduced.

I cite this fact to give a little better perspective on the debate concerning our balance-of-payments deficit, and it is my hope that the administration's balance-of-payments program which includes the extension of the IET will likewise include increasingly vigorous steps to reduce U.S. military expenditures overseas.

I ask unanimous consent that an article reporting the opposition of business firms to the extention of the IET to cover short-term transactions which appeared in the March 25, 1971, Journal of Commerce be printed in the RECORD at this point.

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

MANY FIRMS OPPOSE IET EXPANSION

(By Ed Tyng)

Banks and some international corporations which have outstanding many billions of dollars of short-term loans, credits and investments abroad expressed concern yesterday over a possible extension of the interest equalization tax to under one-year foreign investments. But they said they are not going to get excited about it until the proposal gets enacted into law and the administration uses it.

The Senate Finance Committee voted on Tuesday to approve a proposal by its chairman, Senator Russell Long, D-La., which would authorize the President to extend the equalization tax to investments of less than a year's maturity.

WOULD BE OPTIONAL

The proposal, which could affect perhaps $10 billion of bank overseas lending and investing and more billions of corporate money, it was noted, was optional for the President, and the Nixon Administration has already said it will not use it and doesn't want it. But even if because of a balance of payments crisis the administration did impose the tax on short-term credits or investments, the tax would be difficult to administer and would depend largely upon both the exact wording of the law as finally enacted and by Treasury or other government agency interpretation of what was a loan and what was an investment or whether loans would be considered synonymous with investments.

Sen. Long's idea was to provide more "ammunition" to the administration to cut back the U.S. international payments deficit which, on an official settlements basis, now is at a new record of around $10 billion yearly.

Bankers and businessmen investing internationally agreed that the imposition of the equalization tax on short-term loans and investments would almost immediately make further loans and credits prohibitively costly and force the repayment of loans and investments of a short-term character already outstanding. This would impose a crisis upon foreign borrowers and upon foreign subsidiaries of U.S. international corporations. Such cessation of further short-term lending and investing and forced repayment at maturity of existing loans and short-term investments would, of course, bring about a major correction of the U.S. payments deficit, but at the expense of creating a possible panic abroad.

If short-term loans and investments by international corporations were to be taxed, the corporations could not do as they are now doing, make short-term loans and investments in foreign subsidiaries during a calendar year and cause them to be repaid by year-end to comply with the direct foreign investment restraint program. For example, in the final quarter of last year, because of repayments, investments made directly abroad in foreign enterprises in which Americans have "significant control" fell to $410 million from $711 million in the third quarter but for the year 1970 as a whole rose to $3,970 million from $3,070 million in 1969, which was within prescribed limits.

ADMINISTRATION POSITION

Before the Senate Finance Committee acted, Treasury Undersecretary Paul Volcker told the group that there are better ways of dealing with the deficit problem, namely by stimulating the national economy and reducing inflation. Senator Long has said that he merely wanted to give the administration power to deal with short-term capital flows.

The Senate Finance Committee is said to be drafting the bill embodying the new authority was a view to making it clear that the tax will not apply to export-import transactions or commercial paper of any type through which vast amounts of foreign transactions are financed on credit.

Under present law the President is authorized to impose an equalization tax of up to 1.5 per cent on investments abroad of more than one year maturity, although the tax actually imposed is only half that amount. The equalization tax law expires next week and the House already has voted a two-year extension, with no authority for taxing any investments or credits of less than a year. Some observers believe the authority to tax short term investments will not survive in a Senate-House conference on the equalization tax measure.

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 of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 5432) was passed.

Mr. LONG. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD of West Virginia. Mr. President, I move to lay the motion on the table.

The motion to lay on the table was agreed to.

Mr. LONG. Mr. President, I move that the Senate insist upon its amendments and request a conference with the House, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. BYRD of Virginia) appointed Mr. LONG, Mr. ANDERSON, Mr. TALMADGE, Mr. BENNETT, and Mr. CURTIS conferees on the part of the Senate.

Mr. DOMINICK subsequently said: Mr. President, unfortunately, we seem to have been tied up in a luncheon of the Policy Committee on the Republican side, which my distinguished colleague heads, during the consideration of the Interest Equalization Tax Extension Act of 1971, which was passed by a voice vote. I want to express for the record my opposition to that bill, and I think I should explain that opposition for the RECORD.

In 1963, when this particular piece of legislation was passed, I was authorized by the Banking and Currency Committee, of which I was then a member, to go abroad and confer with the central bankers concerning our balance-of-payments problem. I went to the central bankers in England, Switzerland, France, and Italy.

While I was there, that bill was passed, and every single one of those bankers, without exception, said that it was badly timed and that it would not work.

The purpose of it at that time was to try to prevent U.S. capital from going abroad on a temporary, short-term basis, in order to correct our unfavorable balance of payments.

The act was then extended during the time when we went into tight money and high interest rates and money was coming from abroad. So obviously we were then in a reverse position, but still the same bill was passed.

Now our interest rates are going down. We are again in a position where capital may be sent out of the United States, which might have some possible effect on the short-term balance of payments. But our investments abroad on a 20-year basis—longer term basis—have created enormous balance of payments in our favor—as much as $3 billion or $4 billion a year.

It seems to be nonsensical to me to condition such action on the ground that we are affecting our balance of payments, when the legislation is enacted and extended under all different kinds of economic conditions, regardless of what the real balances of payments are.

So, I for one, having fought bitterly against the bill to continue that policy, thinking it was a poor piece of legislation, want to express my opposition—and strong opposition— to its passage today. I hope the House will take a longer look at it than the Senate did.

I ask unanimous consent that relevant parts of the report entitled "The Dollar Problem" which I compiled in 1963 subsequent to my discussions with English, Swiss, French, and Italian bankers, be inserted in the RECORD at this point.

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

THE DOLLAR PROBLEM

A report on a factfinding trip to England, France, Switzerland, and Italy from July 22 to August 1, 1963, by Senator Peter H. Dominick

BACKGROUND

With many others, I have been increasingly disturbed over our continuing balance of payments deficits and the continuing losses in our gold reserves.

With the invaluable cooperation and consent of the chairman, Senator Robertson; the subcommittee chairman, Senator Clark, and the ranking Republican member, Senator Bennett; I arranged through the State Department and through some personal contacts to discuss the problems noted above privately and informally with Treasury attachés, the respective Ambassadors, some private commercial interests, and officers of the central banks in England, France, Switzerland, and Italy. I have retained in my file the names of all with whom discussions were held, and will be glad to make these available to any member, but because of the nature of the talks and this report it would be inappropriate to list them here.

At the outset, it might be helpful to set forth the dimension of the problems involved. Under the executive department's policy decision issued in 1934 foreign central banks may redeem their dollar holdings in gold held in our Treasury at a rate of $35 per ounce. Obviously if gold in the world market is worth more than $35 per ounce, it is advantageous to redeem dollars in gold. In the following table I is a list of the gold and dollar holdings of various countries and international organizations. As of the end of March, total potential claims against our gold exceeded $25 billion. Against this amount we then had $3.883 billion of free gold reserves over and above the approximately $12.5 billion required to back our currency.

TABLE I.—FOREIGN GOLD AND SHORT-TERM DOLLAR HOLDINGS AS OF MAR. 31, 1963

[In millions of dollars]

	Gold	Short-term dollar holdings	Total
Austria	$484	$305	$789
Belgium	1,372	183	1,555
Denmark	31	65	96
Finland	61	79	140
France	2,709	1,414	4,123
Germany	3,749	2,475	6,224
Greece	77	166	243
Italy	2,286	1,099	3,385
Netherlands	1,581	228	1,809
Norway	30	130	160
Portugal	476	157	633
Spain	514	190	704
Sweden	181	492	673
Switzerland	2,461	812	3,273
Turkey	140	22	162
United Kingdom	2,447	2,193	4,640
Other	322	241	563
Total	18,921	10,251	29,172
Canada	732	3,137	3,869
Latin America	1,153	2,445	3,598
Japan	304	2,233	2,537
Rest of world	2,271	2,082	4,353
Total foreign countries	23,381	20,148	43,529
International and regional	2,235	4,982	7,217
Grand total	25,616	25,130	50,746

Source: Board of Governors of the Federal Reserve System.

As of June 30, 1963, the comparable holdings of gold and dollar reserves held by foreign countries and international organizations were $25.896 billion and $25.825 billion, respectively, and our free gold reserves available to secure the foreign dollar holdings were only $3.459 billion.

In table II is a schedule showing our total gold reserves year by year from 1950. If these losses continue, we will be in technical bankruptcy within 2 to 3 years or be forced to lower the gold backing of our currency which might well start a further run on our remaining gold supply.

TABLE II.—A SCHEDULE SHOWING OUR TOTAL GOLD RESERVES YEAR BY YEAR FROM 1950

[In millions of dollars]

	Total gold stock
Year:	
1950	$22,820
1951	22,873
1952	23,252
1953	22,091
1954	21,793
1955	21,753
1956	22,058
1957	22,857
1958	20,582
1959	19,507
1960	17,804
1961	16,947
1962	16,057
Month:	
1962:	
July	16,182
August	16,139
September	16,081
October	16,026
November	16,014
December	16,057
1963:	
January	15,974
February	15,891
March	15,946
April	15,914
May	15,854
June	15,830
July	15,667

Source: Federal Reserve Bulletin, August 1963, p. 1168.

The Federal Reserve Board has the authority to suspend, on a temporary basis only, the statutory 25-percent gold reserve backing our currency. This would certainly be considered an emergency situation, would undoubtedly create a dollar crisis, and would immediately trigger legislative action.

During calendar 1963 our imbalance of payments have been running at a deficit annual rate of $3.2 billion for the first quarter and $5.2 billion for the second quarter. The situation appears to be somewhat better in the third quarter, but the loss continues to be very serious.

Despite a favorable commercial trade balance, our imbalance of payments and the consequent gold losses continue, and can be traced to four fundamental expenditures and one economic factor: (1) foreign economic aid; (2) military aid; (3) tourism; (4) capital investments in foreign securities; and (5) world gold consumption exceeding gold production. Although the balance-of-payments deficit may not be as large as reported, as statistically it includes short-term investments in other countries but not foreign short-term investments here, nevertheless the gold losses cannot be blinked away. A solution must be found.

It is plain, therefore, that the stability of the value of our dollar is in the hands of our creditors, the largest of these being, as shown in table 1, France, Italy, West Germany, Switzerland, and the United Kingdom.

The timing of this trip was determined by the President's speech and proposed capital tax, the hearings held in July by the Joint Economic Subcommittee, and Senate duties.

GENERAL CONCLUSIONS

(1) Vigorous opposition by our creditors to any devaluation or reevaluation of our dollar.

(2) Recognition by our creditors of the urgent need to correct our balance-of-payments deficits.

(3) The President's proposed tax on use of our capital market for sale of foreign se-

curities was badly timed, badly announced, and ineffective, particularly after the Canadian exemption was announced.

(4) The increase in the Federal Reserve rediscount rate is helpful, but probably will not cure the long-term problem.

(5) An increase in long-term interest rates would attract foreign capital and decrease gold losses.

(6) A revaluation of our dollar would disturb France and Italy more than Switzerland and the United Kingdom, but would be matched promptly by all countries except Switzerland. The latter might try to reduce inflationary forces by raising the proportionate value of its franc by about 5 percent.

(7) Balancing of our national budget and a dramatic cut in foreign economic aid would tend to stabilize the value of the dollar.

(8) France shows increasing concern over purchases by U.S. citizens of controlling or substantial interests in key industries, but has not yet decided whether to invoke strictures on such transactions.

(9) Switzerland will continue to "sterilize" dollar deposits from out of the country so that they cannot be invested in the country. In addition, it will continue to charge the depositor instead of paying interest on the deposit. Despite these steps, dollar deposits are increasing.

(10) Gold production continues to fall behind gold consumption and gold hoardings, and the pressures on raising the price of gold to stimulate gold production increases each year. Any closing of the South African gold mines for commercial or political reasons would institute a sharp crisis in present currency transactions.

(11) There is growing discussion in Europe of the need to adopt a universal Common Market reserve currency to back their own individual currencies. It would appear that this is a long-range program to fit into further political integration of the European countries. If it should come into effect, and this is still very doubtful, it would have an enormous impact on international trade and the currency systems of the United States and other countries of the free world not within the Common Market.

RECOMMENDATIONS

(1) Hearings should be held to determine the advisability of amending section 16 of the Federal Reserve Act (the section setting up the 25-percent gold backing of our currency). These hearings would assist in publicizing our dilemma, the need for budget cuts, the advantages and disadvantages of metallic backing of our currency, the reasons for the gold ratio now in the law, and the measures used by other countries to stimulate gold production. These hearings should be held jointly with the Minerals, Materials, and Fuels Subcommittee of the Senate Interior Committee, which has jurisdiction over legislative matters dealing with gold production and the measures now or in the future needed to stimulate such production.

(2) Consideration should be given to positive legislative steps to place our national budget in balance in order to reduce pressures on the dollar. These steps could take a number of different forms: e.g. (*a*) a joint effort by committees to tie any effective tax cut to a balanced budget; (*b*) recommendations for a joint budget committee; (*c*) a series of statements on the floor of the Senate to emphasize the problem with specific recommendations in reducing Federal expenditures by flat percentages; (*d*) hearings by the International Finance Subcommittee of the Senate Banking and Currency Committee and the Senate Foreign Relations Committee to determine more exactly recent changes in administration of the International Monetary Fund in connection with Senator Javits' resolution calling for an international monetary conference.

UNITED KINGDOM

South Africa produces over 70 percent of the world gold supply and provides legislative incentives to keep production profitable. Hence, any increase in the price of gold by revaluation of the dollar would further stimulate production and enhance the economy of that area. Failing this, there is a good possibility that the price-cost squeeze on gold now in effect will require many of the South African mines to close within the next 5 or 10 years. Since world consumption of gold for monetary, industrial, commercial, and artistic purposes, completely excluding the hoarders, substantially exceed world production of gold, any shutdown of these producers or a substantial proportion of them would create a real crisis in the London gold market and probably would result in further runs on our gold reserves.

The United Kingdom currency reserves are held in the approximate proportion of 90 percent gold and 10 percent dollars. This represents a considerably larger ratio of gold to dollars than France, Belgium, Sweden, and West Germany. Hence, a revaluation of the dollar, to which all were verbally opposed, would not affect the United Kingdom as much as those countries holding a larger proportion of dollars. If any revaluation of the dollar should take place, it should be in an amount high enough to reflect changes in prices since 1935, i.e., double the present price or more, as this would give a stable atmosphere to the new valuation while a more modest increase would lead to further instability with people of most countries expecting a further revaluation in the next few years.

Financing of our balance of payments deficits through the sale of bonds in foreign currencies provides some guarantee against revaluation of the dollar, but psychologically this can be pushed too far as it leads some to believe that such revaluation is presently being contemplated.

At least one person suggested that further consideration be given to Mooney's theory of establishment of universal reserve to back all free world currencies, the reserve to be managed by a small group similar to the executive group of the International Monetary Fund. However, there are problems involved in the creation of any additional international credit management group.

Another suggested that any revaluation include Cutherbertson's theory of arbitrarily apportioning gains and losses between countries holding gold and dollar reserves to avoid undue impact ony free world country which has held a large proportion of dollars in order to assist the United States in its effort to protect our free gold, and several stated that Dr. Jacques Rueff's theory of a return to the gold standard would unduly restrict liquidity and cause too much hardship to be practical. A majority of those contacted, not otherwise committed for political reasons, stated that the President's capital tax program has doubtful value from the U.S. point of view and is harmful to the United Kingdom's effort to expand its own economy. General approval was given to the raise in the rediscount rate.

There was general agreement on the premise that stability of the dollar and the pound depends to a large extent on psychological factors. Hence, balancing of our national budget and a sharp cut in foreign aid as one method to reduce expenditures would evidence our determination and tend to stabilize the dollar.

The United Kingdom's economy appears to be improving slowly. There is no immediate crisis in the pound and although the United Kingdom currency reserves appear somewhat low for financing her total trade, they are probably adequate for the moment, and are well balanced to avoid problems in the event we must revaluate the dollar. Since trade is so important, the ideological problems connected with trading with the Communists are dismissed as unrealistic, and in 1962 the United Kingdom had an imbalance of trade with the Soviet bloc of £98 million. The chance of changing this attitude at this time appears unlikely with existing political and domestic pressures within England.

FRANCE

France has cooperated with the United States in our dollar and gold problems to a great degree, even though she has been unwilling to purchase our short-term obligations repayable in French francs, and despite the political disagreements between President de Gaulle and President Kennedy. She has informally agreed to hold gold purchases to $30 million per month, but this eventually placed her in a position where the ratio of her own gold reserves was falling while dollar reserves increased. In addition, France has been prepaying the loans she received in 1945 and 1949, part of these being loans from the U.S. Treasury and part through the World Bank. These prepayments have substantially helped offset our balance-of-payments deficit. This in time will reduce the cushion which we have been using to balance our payments.

France's gold reserves had fallen below 67 percent of her total reserves as of July 1, 1963, the lowest ratio of any country except West Germany. To change this trend she has recently negotiated the purchase from the United States of an additional $112 million of gold. As of August 1, 1963, her reserves had been strengthened to the proportion of about 70 percent gold with the balance in dollars. There were some indications that the percentage of gold reserves would be increased to a 73-percent level as a slight hedge against a dollar crisis.

At the present moment, France has only $700 million of external debts, all owed to the United States, and barring unforeseen circumstances, it will continue to prepay this amount. Based on recent experience, the prepayments of these debts, plus regular amortization payments should eliminate the external debt within the next 3 years.

Although France is becoming increasingly concerned over U.S. investments in key industries in France, she does not believe that the President's capital tax program was timely or strong enough and she feels that the United States will have to impose exchange controls. She heartily approves of the raise in the short-term rediscount rate. In a banking sense, France does not care to distinguish between private investment and governmental funds, and feels that the government should control both avenues of financing at all times. In addition, it was stated that a sharp cut in foreign aid imposed by Congress would increase faith in our determination to protect the dollar and would thereby stabilize its value, even though some countries might object.

As in London, great emphasis was placed on the psychological factors involved in currency transactions and the need to reaffirm faith in the stability of the dollar. As a result, considerable reluctance to discuss possible reevaluation was evident. Dr. Jacques Rueff's theories of stabilizing currencies by a return to the gold standard were well known and dismissed as impractical and incorrect, and the problem of decreasing gold production was recognized but treated as relatively unimportant.

A revaluation of the dollar in terms of 1963 prices ($75 to $78 per ounce) would have an adverse political effect on France as it would result in penalizing one of the few countries that has been trying to assist us in our gold loss problems by retaining dollar reserves. Obviously the penalty term is not realistic as it would merely involve loss of potential profit; not loss itself. In addition, two theories were expressed as to the possible effect of

reevaluation on the gold hoardings in France, which are considered large, although no estimate of the amount involved was given. If it resulted in a reentry of the hoarded gold into the market, thus assisting in stabilizing the supply and demand for gold, it would also create strong inflationary pressures which are already in evidence and against which President de Gaulle is fighting. On the other hand, the hoarders might feel that this was only the first step in the rise of the price of gold and continue to hoard gold against future price increases. In the former event, the additional gold would create inflationary problems, and in the latter event, it would fail to stimulate the needed gold supplies. It seemed evident that both theories were advanced to discourage any further talk on revaluation and to emphasize the basic belief in the integrity of a managed currency with no metallic backing, despite the historical record of the catastrophies which this created in relatively recent French and German history.

France's economy is growing rapidly and despite strenuous effort by the Government inflationary pressures are strong. Defense budget expenses are still high despite the end of the Algerian affairs, because of the emphasis on development of nuclear weapons. It is doubtful whether France will join any nuclear test ban, as President de Gaulle's concept of history places France as the defender of Europe, and he is unwilling to turn that role over to the United States. Although the Communists poll a large number of votes, our Embassy personnel feel that their actual power is not strong. This is based on the theory that large numbers of dissatisfied French traditionally vote for the party on the extreme left of the ballot and this position has been preempted by the Communists. Hence, the vote is large, although the number of card-carrying Communists may be small.

SWITZERLAND

The Swiss commercial banking system is, of course, worldwide in renown and in operation. There is little doubt that in the eyes of the world the Swiss franc is more stable than any other currency and, consequently, whenever there is a ripple of uncertainty as to the stability of the dollar or any European currency, the Swiss banks receive an inflow of capital. This has created problems for the Swiss economy, as well as many benefits. For 2½ years inflation of about 3 percent has been occurring in Switzerland, and it has worried many of the commercial and political leaders. Despite a continuing commercial trade deficit the overall balance of payments is favorable because of the large inflow of foreign capital. This foreign capital in turn increases the inflationary pressures and hence the Swiss have taken measures to curtail its scope. For some time regulations have been in effect requiring a foreign depositor to pay the Swiss banks for deposits made and all such deposits are "sterilized" (i.e., may not be used for any investment in Switzerland). On the very day of the announcement of President Kennedy's possible exemption of Canada from our capital tax, $3 million were deposited from the United States.

The Swiss Central Bank holds reserves in an approximate proportion of 96 percent gold to 4 percent dollars, and the overall holdings in Switzerland are closer to 110 percent gold. This in turn has created some liquidity problems for Switzerland, although no concerted drive is in process to increase dollar holdings. The Swiss have purchased U.S. bonds payable in Swiss francs rather than dollars in order to assist us in financing our balance-of-payment deficit without creating more pressure on our gold reserves, and is willing to repeat the process. It was clearly indicated that this was not a continuing offer in terms of time and that while the process might help us over the short-term hump, it would not clear the long-term bump.

My attention was called to a portion of a book written by Dr. Lary, of Princeton, discussing foreign trade problems and indicating that our statistical system of computing our balance-of-payments deficit was inaccurate. Apparently the Treasury includes in its computation all short-term outflows of capital, but does not offset this with the corresponding short-term capital inflows which in 1962 were estimated to equal $1.2 billion. Although this is an interesting fact, the critical balance-of-payments figure is never less than the amount of our gold outflow, which in 1962 equaled $833 million and is presently running higher than that on an annual rate basis.

Revaluation of the dollar in terms of gold would, of course, substantially increase Switzerland's credit base because of the very high amount of gold in its currency reserves. However, the inflationary pressures which this would create were believed to be far more dangerous. Therefore, the Swiss join the English and the French in recommending against it. If revaluation should occur, it is probable that all other countries except Switzerland would revaluate their own currency to maintain present proportionate values. Switzerland, to reduce inflationary pressures, might set its franc 3 to 5 percent higher than present comparative values.

Once again, psychological values in currency stabilization were emphasized. All emphasized that President Kennedy's proposed capital tax was too little, too late, and probably would act adversely to the NATO economy, particularly with the Canadian exemption and similar concessions which would be given to Japan, and all endorsed the raise in the rediscount rate. It was felt that a sharp cut in foreign aid by Congress would strengthen belief in the stability of the dollar and that some additional share of the cost of the military assistance should be absorbed by the countries assisted and their neighbors.

Additional suggestions for balancing our payments ranged from subsidizing interest rates in the United States for foreign investors and depositors, to imposition of exchange controls on capital investments abroad, although most were aware of the difficulties involved in enacting any such proposals. Once again sharp questions were asked about the need for continuing a nationally imbalanced budget and reference was made to the increase in our own gold reserves in 1956 and 1957 when the national budget was balanced or in slight surplus.

ITALY

Italy has been growing economically very rapidly and this has put substantial pressure on wages and prices. The growth rate has been somewhat slowed recently but it is still progressing rapidly.

The Italian lira, like the French franc, is completely controlled by the Director of the Central Bank, and its value can be set at any level by his own decision and order. Although U.S. investments in Italy have been received somewhat more cordially than in France, the same fear of loss of control over key industries was expressed. No indication, however, was given that any direct restrictive measures would be imposed and the probability of this happening is small because of the overall need for capital investments for industrial and commercial growth.

Since the lira, like the other European currencies, is keyed in value to the dollar, any discussion of revaluing the dollar raises great concern. Italy's central reserves are apportioned approximately 78 percent gold and 22 percent dollars. Total reserves are not high in terms of their foreign trade, but appear adequate. It was stated strongly that revaluation of the dollar would be taken by the Communists in Italy as a sign of Western economic weakness and would substantially increase their power at the polls in the next election. Since they polled 25 percent of the total vote in this spring's election, this could be very serious. In addition, the relative low proportion of gold to dollars would mean a loss of potential profit and the Italians are no happier over this than were the French.

The attitude toward currency stabilization measures followed that of the other countries. It was felt that the proposed capital tax was too late and largely ineffective, that the rediscount raise was helpful, that the national budget must be balanced to stop our continuing gold losses, and that a cut in foreign aid funds would be a step in the right direction. Considerable skepticism was expressed about the need for any gold backing of the dollar and interest in a universal currency reserve managed by the central bankers of the Western Hemisphere was expressed. Examples of the disasters into which managed currencies have historically fallen were brushed aside on the basis of the integrity of the existing heads of the central banks, although no one undertook to guarantee either their longevity or tenure.

SUMMARY

It seems apparent that there are a number of extremely serious problems which should be studied and acted upon before potential disaster becomes actual. The first involves the very fundamental question of whether gold is needed to back a stable currency. If it is, then we should so state as a matter of policy, take steps to stop our gold losses, and find a means to stimulate gold production particularly in the United States. If it is not, then we should take successive steps to lower or eliminate the required gold backing of our currency so that we can avoid a crisis which looms ahead and which is approaching ever more rapidly with our ever increasing imbalance in payments. The second is to publicize the need for balancing our national budget.

This report should not close without expressing my appreciation to the Embassy staff members who arranged many of the meetings and schedules and to the heads of the central banks who spoke freely and frankly. As I have stated to many of the people involved that our conversations were not for public record, but for my own information and that of committee members. I have not attributed any opinion, fact, or conclusion to any particular individual.

Respectfully submitted.

PETER H. DOMINICK,
U.S. Senator.

ORDER OF BUSINESS

Mr. JAVITS. Mr. President, we face a rather odd situation. I want to introduce a bill, and the Senate is about to go out. The time has not yet expired under the germaneness rule. These are peculiar circumstances.

Mr. BYRD of West Virginia. Mr. President will the Senator yield?

Mr. JAVITS. I yield to the Senator from West Virginia.

ORDER FOR ADDITIONAL PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS AND ORDER FOR RECOGNITION OF SENATOR FULBRIGHT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there again be a period for the transaction of routine morning business not to exceed 15 minutes, with statements therein limited to 3 minutes, and that upon the conclusion of that period for

the transaction of routine morning business, the distinguished Senator from Arkansas (Mr. FULBRIGHT) be recognized for not to exceed 20 minutes, following which there be another period for the transaction of routine morning business not to exceed 15 minutes with statements therein limited to 3 minutes.

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

The Senator from New York is recognized.

(The remarks of Senator JAVITS when he introduced S. 1422 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

QUORUM CALL

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

The 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.

CONCLUSION OF MORNING BUSNESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business again be closed.

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

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order the Senator from Arkansas is recognized for not to exceed 20 minutes.

QUESTION TIME ON LAOS

Mr. FULBRIGHT. Mr. President, it is with reluctance that I speak today about Laos and the recent South Vietnamese venture there. It will be charged that I am gloating at a South Vietnamese disaster—that I enjoy being able to speak in tones of "I told you so."

Were I to remain silent, however, I would be partner to what is either a massive deception of the American people, or what is a massive misjudgment on the part of our political or military leaders.

Silence under these conditions does not serve a free Government.

Silence when we are being told that the Laos operation "went according to plan"—when I know it did not go according to plan—would make me party to deception or would imply an acceptance of the administration's misjudgment.

Should I remain silent when the Secretary of Defense states with apparent astonishment that:

The invasion of Laos was cut short because of "the tremendously vicious and violent reaction on the part of the North Vietnamese?

From the beginning the South Vietnamese operation in Laos has been a most peculiar affair. It has been conducted in great secrecy with reporters denied the means to provide an accurate account of what has transpired.

The Chairman of the Joint Chiefs of Staff has described the operation as "successful." In his view the only thing that went wrong was that almost everyone reporting the operation "was itching for the South Vietnamese to lose." When the highest ranking officer in the Armed Forces of the United States is so misled by his predilections, there is occasion for some public alarm.

The objectives of the Laotian operation have shifted with the weather; the results achieved have been measured by the Vice President as an "orderly retreat," by the Chairman of the Joint Chiefs as "successful," and by the administration generally as having gone according to plan.

On February 9, shortly after the operation began, the Committee on Foreign Relations was briefed in a top secret executive session by the Secretary of State, accompanied by Lt. Gen. John W. Vogt, Jr., Director of the Joint Staff of the Joint Chiefs of Staff.

At that briefing most members of the Senate Foreign Relations Committee expressed profound doubt about the wisdom of the operation and the reliability of the intelligence upon which it was based. A number of statements were made about the objectives of the operation. I have asked the Secretary of State whether the transcript of that briefing can be declassified. Since the operation in Laos has ended, I see no justification for continuing to keep the briefing classified.

Much of the flavor of the Laos operation is found in a column by Richard Wilson in the Evening Star of February 12th which I ask unanimous consent be inserted in the RECORD at this point in my remarks.

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

NIXON DETERMINED TO SEE LAOS MOVE SUCCEED

(By Richard Wilson)

If the optimum objective of the current operation in Laos is achieved, major Communist offensives probably cannot be carried on in Vietnam in 1972.

The planned withdrawal of all American combat forces can thus be completed and President Nixon can go into the 1972 election period with confidence that the American people will credit him with having come close enough to his firm pledge to end the war.

This is the hope, and, in fact, it is the President's expectation. It probably will not be known with any certainty until May if the operation succeeds or fails. Unless, that is, the Communist side is able to envelope the South Vietnamese forces in a reception of the Dien Bien Phu siege which ended French public support of the war in Indochina.

This is not expected. The President does not believe that the Communist side has the capability of doing that. He believes that North Vietnam's capability is now being as badly overestimated as it was underestimated in the 1964–65 period.

But, win or lose in Laos, one conclusion emerges from the President's decision. Whatever the political consequences, he intends to complete the withdrawal in Vietnam only when he is assured that he is leaving behind a South Vietnamese military force equal to maintaining the integrity and independence of South Vietnam.

His strategy is based upon blocking the supplies which have been coming into South Vietnam and Cambodia on the Ho Chi Minh Trail in the largest volume of any period during the war to sustain a new Communist offensive timed to the Vietnamese elections, and during next February and March when the American withdrawal will be at its most critical point.

Supplies which are now kept north of Route 9 by the current operation will have to remain there during the rainy season because they cannot be moved, and possibly through the end of 1972.

By that time, it is calculated, the independent strength of the South Vietnamese armed forces will have reached the point where their defeat by North Vietnam is out of the question.

When one listens to an explanation of the President's strategy and grasps its potentially decisive and paralyzing effect on future Communist operations in the critical areas of Indochina for a year or two to come, the conclusion presents itself that it cannot be permitted to fail.

Once the courageous decision has been made to do what has always been the logical thing—cut off Communist supplies so they cannot fight—there probably can be no backing away. If the South Vietnamese forces, supported by American air power, cannot accomplish the objective their failure would be catastrophic.

It would be a different version of Dien Bien Phu; and, so, taking into account the President's present frame of mind, it can be surmised that he will think long before he lets lack of American involvement bring on such a catastrophic failure.

The presidential frame of mind is thus of critical importance. He said to his advisers that there were 18 reasons for the operations against the Ho Chi Minh Trail and only one against it—the reaction of American public and congressional opinion. That single reason was easy for him to overcome. He had done so before when opponents of the Cambodian operation inside the administration warned him of casualities rising to 1,000 per week and a domestic explosion. Casualities did not prove to be anywhere near 1,000 a week and the domestic explosion was finally contained. The ultimate result gained six months' time. The port at Sohanoukville, through which most of the Communist supplies had been coming, remained closed.

That left the Ho Chi Minh Trail as the only route of supply and now the objective is to close that route at least for a year. If successful, neither stepped up Russian or Chinese support would be of much use to Hanoi. It could not move the added supplies to the centers of military operations.

Thus, what is going on now is undoubtedly the most critical operation of the Vietnam war. It widens the war, of course. Semantics to the contrary are a political justification for a bold military operation.

The attitude at the White House on hints that, if successful in the initial stages, the South Vietnamese might move into North Vietnam is interesting. There is no law of nature that a country whch has been invaded cannot invade back. But that is not a planned part of the current operations.

North Vietnam can react. The forces positioned north of the DMZ could attack. Attention could be diverted by new offensive operations in Laos. Least likely of all, North Vietnam could pull its unsupplied forces back into the North.

The coming weeks are extremely critical in the development of Nixon's Vietnam policy.

Mr. FULBRIGHT. Mr. President, in that column, Mr. Wilson, whose information without doubt was based upon White House sources or, to be specific, a briefing by Mr. Kissinger, was most positive in describing the strategy of the administration. Mr. Wilson said, for example:

> When one listens to an explanation of the President's strategy and grasps its potentially decisive and paralyzing effect on future Communist operations in the critical areas of Indochina for a year or two to come, the conclusion presents itself that it cannot be permitted to fail.
>
> The strategy is based on blocking the supplies which have been coming into South Vietnam and Cambodia on the Ho Chi Minh Trail. If the South Vietnamese forces, supported by American air power, cannot accomplish the objective, their failure would be catastrophic.

Mr. Wilson writes that the President "said to his advisers that there were 18 reasons for the operations against the Ho Chi Minh Trail and only one against it—the reaction of American public and congressional opinion. That single reason was easy for him to overcome. . . ."

Mr. President, criticism of the Laotian move has been muted. Indeed, the Committee on Foreign Relations delayed scheduling a series of hearings on "How to End the War" because we did not want to do anything that might remotely be construed as a cause for failure of an operation already underway but about which we all had most serious and profound doubts.

The time has now come, it seems to me, for those of us who have special responsibilities in this field to comment upon the latest developments in Indochina.

The difference between the promise of what the Laotian venture would do, and what in fact it accomplished, is another example of the profound lack of wisdom and judgment in the affairs of Indochina.

The last three Presidents have somehow misjudged the situation in Indochina. Before them, President Roosevelt during World War II perceived that colonialism was at an end in Indochina. The French and Dutch and the British came more slowly to that perception—a perception sharpened sometimes by military disaster, as with the French at Dien Bien Phu.

The United States, motivated by the internationalism of the United Nations, cloaked with righteous assurance stemming from our puritan ethic and missionary zeal, and with the mantle of world leadership, has been slow to perceive the practical limits to its foreign policy.

In Southeast Asia, our leaders, reflecting these high motivations, have been unwitting victims of faulty intelligence and their own commendable desire to do good as they perceive good—free elections, private enterprise, and all that. Relying on special information and intellectual expertise presumably only available to Presidents and others who rely on captured enemy documents, public opinion polls in Asian countries, and the advice of friendly heads of Asian states, our Indochina venture has been characterized by failure after failure in intelligence and judgment.

It is time that we asked why. Why have our best military leaders and our most highly educated political and social scientists been so often wrong?

Administration officials, whether political, bureaucratic, or military, are not evil men who have, like Rasputin, led this Nation from one disaster to another in Indochina. They have failed because they have not understood a fundamental human trait.

It is the trait, to use the colloquial expression, of not telling it how it is, but telling it how one wants it to be. No one is immune to this trait.

What Ambassador or military leader in the field will confess to the President that he cannot "hack it"? When a President asks for an honest-to-God report on how things are going in the field, what sergeant will say that morale in his platoon is bad? What captain will say that his company cannot handle the situation? What general will report problems that he cannot overcome?

I have been criticized for not going to Vietnam so I could see it "like it is." While I hope I could have withstood the brainwashing to which Secretary Romney was allegedly subjected, the question is where among our military or political figures in the field might I have found someone who, if he had doubts about what he was about, would say so? How could he speak out in criticism of his own efforts? How could he criticize his own operation or his own Commander in Chief?

Fortunately, over the nearly 200 years of our existence as a nation, a free press with all its shortcomings has provided Government officials in the administration and Congress an element of third-party judgment. The press does look and criticize Government from outside. With time and some research, I believe one could show that the press generally has more often been right in its reporting of what has been going on in Vietnam than our officials. Mr. Halberstam of the New York Times was more nearly right about American involvement there in 1963 than President Kennedy. I suggest that present press reports from the Laotian front—even inhibited as they have been—will provide the officials of this Government and the public with more reliable information than we will receive from official sources. What President, Ambassador, general, Presidential adviser, Secretary of State or Defense, will while in office, confess a failure of intelligence or judgment? Is it possible that in nearly 10 years of involvement in Vietnam that there have been no failures of policy, intelligence, or judgment? I can recall no one of rank who has so confessed.

Some may think this sad; but with the propensity that most people have—including myself, I may say—the propensity to want to see and hear things like we want them to be is common to us all. If we recognize this fact, then we know that a free and critical press is essential not only to freedom, but to the exercise of judgment based on facts, not fancy.

In that connection, I wish publicly to congratulate CBS on the quality of its recent commentary called "The Selling of the Pentagon." It is a good example, in my opinion, of a discriminating presentation of the facts. Most of those facts have been developed here on the floor of the Senate in speeches and published in books and are based upon official Government documents. I have not the slightest doubt that the principal thrust of that commentary was entirely justified. I have regretted the criticism to which that organization has been subjected by members of the administration.

The "light at the end of the tunnel" cliché has apparently affected this administration, just as it did the previous administration.

It is time to ask why there is this difference between promise and fact; it is time to heed the administration's own admonition to the American people—"to watch what we do," and, by implication, ignore what we say.

I do think that the administration owes the American people a more accurate accounting than has been given to date. In Britain, there is a tradition known as question time when members of the government are questioned on the floor of the House of Commons by members of Parliament. Perhaps we might emulate our British cousins in a less formal way by asking the administration to reply, in clear and unequivocal language, to the following questions:

One, was the concept of the operation in Laos to proceed in and beyond Tchepone and to establish blocking positions on the main intersections of routes 91, 11, 92, and 23?

Two, was it hoped that the operation would prevent the flow of supplies south through the remaider of the dry period by maintaining these blocking points while the good weather periods lasted; that is, until May 1?

Three, was it believed that the enemy had no capability for providing major reinforcements to threaten seriously the South Vietnamese forces in Laos and that consequently no major threat would develop to the operation?

Four, was it planned that South Vietnamese forces would be in the Tchepone area within the first weeks of the operation and would then fan out and establish blocking positions which would be supplied, re-equipped and maintained for an extended period of time?

Five, was it hoped that the enemy supplies to South Vietnam could be completely cut off so that North Vietnamese forces in South Vietnam and Cambodia would die on the vine?

On the basis of the information that has been given to the committee and reported in the press, it is clear that these questions can be answered with a simple yes or no. There remains only one question to ask and that is will the administration answer these questions in a straightforward manner or must the American public be left to believe that the Laos operation went according to plan.

I ask unanimous consent that the following items be inserted at this point in the RECORD:

An Associated Press article in the Evening Star of March 24, 1971;

A column by Mary McGrory in the Evening Star of March 23, 1971; and

An article by Orr Kelly which appeared in the Evening Star of March 26, 1971:

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

RED'S VIOLENT RESPONSE IN LAOS CITED BY LAIRD

Secretary of Defense Melvin R. Laird said today South Vietnamese forces are leaving Laos now because of "the tremendous vicious and violent reaction on the part of the North Vietnamese" and because they have succeeded in disrupting enemy logistics and supplies.

Speaking to reporters after an hour-long briefing of the Senate Armed Services Committee on the situation in Indochina, Laird spoke several times of the strong resistance encountered by South Vietnamese forces within Laos.

Both Laird and Adm. Thomas Moorer, chairman of the Joint Chiefs of Staff, said the South Vietnamese has made a good showing in Laos.

"They did an outstanding job" under difficult circumstances," Moorer said. "The South Vietnamese have come a long way."

Laird said the South Vietnamese had estimated the operation in Laos would last from five to eight weeks and is ending in a little over six weeks. He said the withdrawal is virtually completed with only 2,000 South Vietnamese troops still in Laos.

Asked why the withdrawal had been conducted at this time, with the rainy season still more than a month away, Laird said, "I think the reason is the tremendously vicious and violent reaction on the part of the North Vietnamese."

At the Pentagon, press spokesman Jerry W. Friedheim said today the allies had hoped to disrupt the Ho Chi Minh Trail "as long as possible, physically on the ground."

But he said original South Vietnamese plans and Laird's authorization for American air support were limited to an operation of five to eight weeks.

"Whether the plan would have been altered or a request made to extend the authorization for use of air power if the enemy had decided to go away, no one can say," Friedheim said.

"If he had not chosen to fight, some might have asked to stay longer. This would have involved going beyond the eight-week period. This would have caused the secretary to reconsider the availability of U.S. air power," he added.

ROSY VIEW FROM THE WHITE HOUSE

(By Mary McGrory)

Sitting under a portrait of George Washington, the President sought to repair his credibility with the American people. It currently is as disrupted as the Ho Chi Minh Trail is said to be.

He was the picture of the "perspective and poise" which he told ABC interviewer Howard K. Smith are essential qualities in a president.

The view of Laos from the White House Library is rosy. All is proceeding according to plan. American lives are being saved. The North Vietnamese are suffering great losses of men and ammunition. The South Vietnamese are coming out with "greater confidence and higher morale" than ever before.

It was hard to believe that anywhere in the nation serious and patriotic citizens were discussing the affair—which the President said could not be judged either before it was concluded or even after—in terms of "rout" and "fiasco."

The trouble, it seems, is that old devil television, which—"not deliberately," the President said unctuously—is concentrating on the four South Vietnamese battalions which have been in trouble.

Actually, what the television cameras were focused on during the grisly news broadcasts which bracketed the President's serene assessment, was Americans in trouble.

Half an hour after the President finished assuring the nation that the South Vietnamese "could hack it," CBS showed one American who wasn't at all sure he could.

The face of Sgt. Fred Howard of San Diego, Calif., appeared on the home screen at both 6 and 11 p.m. He was hollowed-eyed and jumpy. His morale and confidence seemed at a low ebb. Supplies were running low. The men in his unit hadn't been able to move at all to get back to Khe Sanh. The enemy had pinned them down.

How were the men taking it? he was asked.

"In my section, some guys are ready to crack up," he said glumly, jumping at the sound of a nearby explosion.

After the President finished, NBC showed another American, harassed and grimy, at the front.

"We are not getting support," he muttered. "Nobody seems to give a damn."

The President left himself no room for "mobile maneuvering"—as the withdrawal has been called by the Pentagon in one of its more fanciful semantic sorties. Lyndon Johnson, after the Tet offensive, claimed a military victory but conceded a psychological victory for the enemy. No doubts seem to cloud Richard Nixon's mind about the rightness of the operation and its eventual justification.

But all he could offer was the claim that has been from the beginning the measure of success in the 10-year-old war, the body count. The enemy has lost five times as many men as the South Vietnamese.

The President volunteered no explanation about the South Vietnamese who came out of Laos clinging to the skids of American helicopters. Nor about the report, which appeared on Smith's pre-interview newscast, about the 53 Americans who refused an order to engage the enemy.

These apparently are exceptions to the general rule of higher morale and greater confidence in the operation.

Earlier in the day Secretary Laird was asked for an opinion about what appears to be the precipitate withdrawal of the South Vietnamese from Laos. He complained about "vicious and violent reaction of the North Vietnamese."

It is the custom and indeed the duty of soldiers to react violently and viciously to enemy attack. Did Laird expect the North Vietnamse to fling down their arms and rush forward to greet the invaders, kissing their boots like Lassie coming home?

The President may have felt the interview was a success. And if the people were taking their news only from him, it would have been a triumph. The trouble is they are getting a different story from the television and the press, and right now the view from the battlefield is prevailing over the view from the White House Library.

REPORTED "ITCHED" TO HAVE VIETS LOSE, ADMIRAL MOORER FEELS

(By Orr Kelly)

Adm. Thomas H. Moorer, chairman of the Joint Chiefs of Staff, says he got the feeling that almost everyone reporting the Laotian operation "was itching for the South Vietnamese to lose."

The operation, Moorer said, was a definite success.

"I don't think we got a balanced story," he said, referring to news reports of losses, confusion and difficulties encountered by Saigon's troops. "The other side had a tough time, to," he said during an interview last night.

"I demand equal time for the North Vietnamese. Everything was on the negative side for the South Vietnamese. We didn't see the hundreds of thousands of North Vietnamese in trouble. They (reporters) didn't talk to them and quote young Sgt. So-and-So from Hanoi. . . .

"The whole thrust was negative."

He added, "I think the operation was a successful operation. I think the effect on the North Vietnamese will be significant, I think the objective of enhancing as much as possible the strength of the South Vietnamese and continuing the withdrawals" will clearly have been achieved.

"This was a definite success. Gen. (Creighton W.) Abrams (commander of U.S. forces in Vietnam) thinks so, I think Ambassador (Ellsworth) Bunker feels so," Moorer said.

Moorer began his analysis of the operation with a summary of the situation that preceded it.

The closing of the port of Kompong Som and the Cambodian operations last year, he said, forced the North Vietnamese to make what they termed a "crash effort" to move supplies down the Ho Chi Minh Trail during the current dry season.

The plan for South Vietnamese ground operation into Laos, with U.S. air support, was conceived "for the purpose of disrupting this crash effort to reconstitute his logistics base," Moorer said.

"There was never any thought we would occupy territory . . . never any thought of setting up static defenses. They (South Vietnamese) deliberately moved from one place to another. The whole idea was to keep moving," he said.

"It was expected that the North Vietnamese would react strongly and operate in a very concentrated and violent fashion. This area was, so to speak, the jugular. . . .

"It was thought that any disruption, regardless of the degree, would permit the strength of the South Vietnamese forces to increase and allow a reduction of U.S. involvement and a safe withdrawal of U.S. forces.

"This was a small force, relatively speaking. It was the first time they had operated in total independence . . . against the best the North Vietnamese could put forward. They acquitted themselves well.

Mr. FULBRIGHT. Mr. President, related to the question of the continued prosecution of the war in Laos, or in all of Indochina, there appeared in the Boston Sunday Globe of March 28, 1971—last Sunday—a most remarkable example of research, gathering together in one place of some of the most complicated statistics and factual background of a most complicated and long war. I shall read only a bit of it. The headline, for example, reads: "Indochina: 1.5 Million Lives Lost in a Decade."

The first few paragraphs read:

It's been nine years, three months, and six days since Army Sp4 James Thomas Davis of Livingston, Tenn., was killed in South Vietnam, the first American combat fatality of the Indochina War.

Since then, according to the Pentagon:

44,729 more Americans have died in combat, and 9,364 have died in nonhostile action.

296,369 American men have been wounded.

135,970 South Vietnamese have died in combat, and 336,043 have been wounded.

725,000 North Vietnamese and National Liberation Front soldiers have been killed, not counting those who lost their lives in bombing attacks.

In South Vietnam, 325,000 civilians have died, and total civilian casualties now stand at about 1.1 million.

Refugees in South Vietnam and Laos alone number more than six million. Figures for Cambodia and North Vietnam are not available, and probably never will be.

More than 5.6 million tons of bombs have been dropped on Indochina, 2½ times the tonnage dropped by all sides in all theaters for all of World War II.

And other government estimates indicate that before the war is over, the direct American financial commitment to the conflict will total at least $400 billion.

These are all numbers, most of them too huge to be fully comprehended.

I shall not read all of the article, but I ask unanimous consent that it all be made a part of my remarks at this point in the RECORD.

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

[From Boston Sunday Globe, Mar. 28, 1971]

INDOCHINA: 1.5 MILLION LIVES LOST IN A DECADE

It's been nine years, three months, and six days since Army Sp4 James Thomas Davis of Livingston, Tenn., was killed in South Vietnam, the first American combat fatality of the Indochina War.

Since then, according to the Pentagon:

44,729 more Americans have died in combat, and 9,364 have died in nonhostile action.

296,369 American men have been wounded.

135,970 South Vietnamese have died in combat, and 336,043 have been wounded.

725,000 North Vietnamese and National Liberation Front soldiers have been killed, not counting those who lost their lives in bombing attacks.

In South Vietnam. 325,000 civilians have died, and total civilian casualties now stand at about 1.1 million.

Refugees in South Vietnam and Laos alone number more than six million. Figures for Cambodia and North Vietnam are not available, and probably never will be.

More than 5.6 million tons of bombs have been dropped on Indochina, 2½ times the tonnage dropped by all sides in all theaters for all of World War II.

And other government estimates indicate that before the war is over, the direct American financial commitment to the conflict will total at least $400 billion.

These are all numbers, most of them too huge to be fully comprehended.

In less impersonal terms, they represent the sum total of memories like My Lai, the South Vietnamese massacred at Hue by the enemy during the Tet Offensive in 1968, the charge up Hamburger Hill, the battle for the Ia Drang Valley, the picture of the bomb craters stretching to the horizon, the bombed-out leper hospital in North Vietnam, the old woman crying on CBS–TV while her hut burned, the assassinated South Vietnamese village officials, and the young "Viet Cong suspect" being shot through the brain by the Saigon police chief on a street corner during the Communist Tet Offensive in February 1968.

Since the US-backed South Vietnamese invasion of southern Laos in February, the American debate over the war has begun to acquire a new dimension more and more, opponents are focusing on the general themes of death, destruction and morality.

Until recently, however, the number of Americans killed and wounded eclipsed in the public consciousness the devastation in Indochinese villages and rice paddies.

Today, though, at least one American politician, Rep. Paul N. McCloskey Jr. (R-Calif.), plans to make Asian casualties one of the major issues in his planned campaign against President Nixon in the 1972 presidential primaries.

"I've never heard of a Vietnamese burning a village," says McCloskey. "They don't have napalm or Zippo cigarette lighters."

Administration officials are protesting already in private about this shift in emphasis by the domestic opponents of the war.

The President's senior advisors show signs of arguing that the critics' concern for Asian lives seems an afterthought after years of concentration on American war dead.

Writing in the New York Review of Books, Daniel Ellsberg, a former State Dept. official now at MIT's Center of International Studies, asked "what is Richard Nixon's best estimate of the number of Laotian people . . . that US firepower will kill in the next 12 months."

Nixon, he charged, "does not have an estimate. He hasn't asked Henry Kissinger for one and Kissinger hasn't asked the Pentagon."

According to these advisors, there are three possible choices for ending the war. They are:

1. Negotiations in Paris, for which hopes continue to be dim.

2. The military defeat of the Hanoi regime, which American policy-makers have explicitly rejected as an end result of the war.

3. The collapse of the regime of President Thieu in Saigon.

The last possible outcome is the only one now acceptable to domestic war critics, according to Nixon Administration thinking.

And, the prevention of just such a collapse also seems to be a principal objective of US bombing policy.

"Henry Kissinger doesn't understand why anyone's concerned that we're killing civilians," McCloskey says. "The President is counting on the fact that if American casualties are down, everybody will be happy.

"But now that we're withdrawing more and more Americans, we can't say that the heavy bombing is designed to save American lives. It's wholly to save face for the South Vietnamese in Saigon."

McCloskey plans a two-week trip to Laos next month to investigate civilian casualties and "possible violations of the Cooper-Church prohibition against U.S. forces there."

As the debate begins on this broad theme of the total cost of the Indochina War, here are details from presently available data of what has happened in South Vietnam, Cambodia, Laos and North Vietnam.

CASUALTIES IN INDO CHINA WAR

North Vietnam—Vietcong dead in combat, 725,000.

South Vietnam civilians dead in combat, 325,000.

South Vietnam troops dead in combat, 135,970.

Americans dead in combat, 44,729.

135,970 DEAD, 5M REFUGEES

The basic numbers are as follows: 135,970 dead soldiers, 336,043 wounded soldiers, 325,000 dead civilians, and a total civilian casualty figure of 1.1 million since Sp. 4 Davis was killed Dec. 22, 1961.

Since 1964, moreover, the war has created some five million refugees, according to Sen. Edward Kennedy's Senate Subcommittee on Refugees.

In the days of the Johnson Administration, the Kennedy unit's data was frequently challenged, but the State Department under President Nixon has not objected.

Last week, the South Vietnamese Embassy in Washington gave The Globe a figure on civilian casualties that was virtually identical to the one used by Kennedy.

The embassy also said it accepts the figure of 325,000 civilian deaths, and estimated that 30 percent of them were children under age 13.

"Everyone in each of the 42,000 villages and hamlets" has been affected by the war, a South Vietnamese official said.

The figures include civilians allegedly massacred by both sides: 102 at My Lai and the estimated 3000 buried in mass graves after they were killed by Communist troops at Hue during the 1968 Tet offensive.

Figures on the destruction of villages are not available in reliable form, but both the South Vietnamese government and the Kennedy subcommittee estimate that more than one third of South Vietnam's population of roughly 18 million people has been "relocated" at least once during the war.

Then there is the massive defoliation program of the allied forces. The official US government estimate is that five million acres of South Vietnam (more than 20 percent of the entire country) have been sprayed. According to a report last year by the State Department to the Senate Foreign Relations Committee, as of 1969 about 400,000 of these acres had been planted with food crops.

Last December the Herbicide Assessment Commission of the American Association for the Advancement of Science estimated that th crop destruction program had destroyed enough food to feed about 600,000 South Vietnamese for one year.

The commission noted that while this is less than two percent of the total annual national crop, the spraying was "largely confined" to the food-scarce Central Highlands.

The entire population of this region is only about one million, most of them Montagnard tribesmen. "We believe the anti-crop program may have had a profound impact on a large fraction of the total Montagnard population of South Vietnam and we believe this to be a point for urgent consideration," the commission said.

Though the commission has yet to complete its studies, it did raise the possibility that an extremely poisonous substance, Dioxin, used in a herbicide called Orange (since banned from use by the Pentagon) is probably now finding its way through the food chain into the diet of many South Vietnamese.

The commission concluded by estimating that more than 100 million pounds of assorted herbicides have been dumped on the country, destroying or retarding the growth of about 20 percent of South Vietnam's forest land.

(At a base for pilots flying defoliation missions in the country, the U.S. personnel call themselves "ranch hands" and have posted a sign which reads "Only We Can Prevent Forests.")

Inflation is another pervasive problem spawned by the war. Officials of the South Vietnamese Embassy in Washington give this breakdown of price increases over the course of the conflict—general goods, 700 percent; food, 800 percent; "non-general" goods, 500 percent.

The war's impact on industry and capital facilities in the country is difficult to assess, but one estimate from the South Vietnamese Embassy puts the total damage to industry from ground action only at $50 billion, which refers to lost production not property damage. In two cases, textiles and rubber, production was said to have dropped 30 percent.

As for capital facilities, government sources put the total damage at $304 million, including $110 million to highways, land bridges and ferry services; $60 million to railroad tracks, bridges, and rolling stock; $23 million to inland waterways (no dredging has been done since the war began); $11 million to telecommunications and electric power facilities and $100 million to housing.

Ten years ago, South Vietnam was a rural country and only 15 percent of its population lived in the cities. Now, disrupted by the war, 60 percent have crowded into urban areas, Saigon, designed for 300,000 inhabitants, now shelters about four million.

In addition, there is the coastal town of Qui Nhon in Binh Dinh province, which had a pre-war population of 40,000, but which today has a refugee-swollen total of more than 140,000 inhabitants.

In September 1969, Wells Klein, former deputy director of the U.S. Agency for International Development in Saigon, warned the Kennedy subcommittee that many refugees from rural areas are not expected to leave the urban centers once the war ends.

"If employment remains high, this becomes simply another urban slum, which unfortunately the population is well used to," he said.

"However, with a deescalation of the war and the reduction in military spending employment can be expected to drop off rapidly, presenting a whole raft of new urban problems with potentially serious political overtones not previously a part of the Vietnamese scene."

U.S BOMBING TONNAGE IN THREE WARS

World War II, 1941–1945, 2,057,244.

Korean War, 1950–1953, 635,000.

Indochina War, 1965, 315,000; 1966, 512,000; 1967, 932,763; 1968, 1,431,654; 1969, 1,387,327; 1970, 977,446; 1971, 137,282; total—5,693,382.

A TRIBE LOSES HALF ITS PEOPLE

The headlines of February and March to the contrary, most of the impact of the Indochina war in this country has been sustained not in the recent South Vietnamese operation with US air support along the Ho Chi Minh Trail complex but in Northern Laos, where American bombers have been pounding away relentlessly since 1964.

As far back as Jan. 8, 1966, the Associated Press reported that each day American planes were flying 300 sorties (one mission by one plane is a sortie) and in each dropping 1000 pounds of bombs on suspected "unfriendly" areas.

ONE-THIRD OF SOUTH VIETNAM PEOPLE RELOCATED

The spraying of toxic chemicals on these sections of the country was also in full swing at that time.

Two years later, the bombing was increased sharply, at about the same time Lyndon Johnson was declaring the "limited bombing pause" for North Vietnam. This was first revealed in public by President Nixon in a lengthy statement on Laos released on March 6, 1960. During the peak year, 1969, the daily number of sorties ranged from 400 to 800.

Of all those who have suffered because of the war in Laos, the plight of the Meo tribesmen is especially tragic. In 1960 there were 400,000 of them in Laos. Ten years later, according to the Kennedy subcommittee, the population had been cut in half, as an estimated 200,000 were killed, the victims both of the North Vietnamese—Pathet Lao forces and of American bombs.

Last August, the Defense Department told the Kennedy group that from Jan. 1, 1967, to early May, 1970, there had been eight accidental bombings of "friendly" villages in Laos, resulting in 97 dead and 54 wounded civilians.

The Kennedy subcommittee estimate for the total number of refugees caused by the war in Laos is one million, with civilian war casualties in the "tens of thousands."

One of the most knowledgeable non-government Americans on the subject of Laos is Fred Branfman, once an educational advisor in that country for the International Volunteer Service, and now a free lance writer for such outlets as Dispatch News Service.

He returned to the U.S. last month after being ejected by the Royal Laotian Government and is the most recent American, not in the government, to return from Northern Laos.

His fresh reports on the refugee and civilian casualty situations in Laos have been randomly checked by the staff of the Kennedy subcommittee and the U.S. General Accounting Office and been found consistent with reports from other sources.

In an interview last week with The Globe, Branfman said that between 70 and 90 percent of the more than 5000 villages in the once-rich Plain of Jars area have been completely leveled.

He said the US has mounted 200,000 bombing strikes a year in the country since 1968. As a result of these raids alone (leaving out concurrent activity by the Pathet Lao and North Vietnamese), he roughly estimates civilian casualties at between 25,000 and 50,000 dead and between 50,000 and 100,000 wounded.

Branfman puts the current refugee total in Laos at 500,000, or about half the figure for the entire war.

As for the Plain of Jars, both Branfman and Kennedy report that this richest farmland section of Laos has been totally ruined. "Every house has been destroyed and farmlands are deserted," Branfman said.

He also says herbicides have prevented the growing of rice on much of the plain, and described the "unnatural experience" for a peasant to find acres of land on his homestead where he can plant a seed but where nothing will grow.

Turning to the area in the South along the Ho Chi Minh Trail, where the recent allied invasion was aimed, Branfman said casualties were "heavy" among the 250,000 people who lived there and serviced the primitive roads. For years before the invasion, American bombers had hit this part of Laos consistently.

High administration officials have claimed there were no civilians living in the path of the invasion. However, a Washington Post dispatch last week told the story of the Montagnard tribesmen near the South Vietnamese border along the trail network.

Caught between US air strikes and Viet Cong threats that they stay or be killed leaving, 90 men, women and children walked through the rocky, jungled countryside for four days and three nights to the relative safety of a South Vietnamese Army outpost.

"THOUSANDS LIVE IN FILTH, SQUALOR"

Regarding this most recent entrant into the war, there are far more questions than answers, but the few answers available suggest that the same process of widespread death and devastation is unfolding there, too.

Last September, Sen. Kennedy said that "over the last four to five months the population of Phnom Penh has doubled—from some 700,000 to well over one million persons. Provincial capitals and district towns throughout the country are bulging with new arrivals from the countryside.

"Thousands now live in squalor and filth in overcrowded refugee centers," he went on. "Hospitals and dispensaries are overburdened with hundreds and thousands of civilian war casualties."

Still there are no hard figures on either refugees or civilian casualties, though fragmentary evidence of the former indicates a total already in excess of one million.

The Cambodian government refuses to discuss its war costs, and last August, the counsel for Kennedy's subcommittee, Dale S. deHaan, was unable to travel outside Phnom Penh during a visit to Cambodia.

The human problems in Cambodia are made worse by the sizable number of ethnic Vietnamese who had lived there for years, but found themselves trapped when war broke out on a major scale after March of 1970.

How many people died in these attacks—both military and civilians—is not known.

Even the figures for combat casualties provided by the Pentagon may be open to question. During testimony at his court-martial, Lt. William Calley suggested that the alleged massacre at My Lai was prompted by the pressure to produce "a high body count."

Nor is it known what is the full extent of the destruction of military and heavy industrial facilities.

What is known, however, is that non-military structures were hit constantly—even if by accident. There is no American data on this sensitive topic, but the North Vietnamese have made some information available to visitors during inspection tours over the years.

Following is a set of statistics compiled by Dr. Malcolm Segall of the British Medical Aid Committee a year ago from North Vietnam and his own investigations.

—607 hospitals and clinics of all sizes were destroyed, including 51 maor institutions such as the 2600-bed leper facility at Quyng Quynh Lap and the 400-bed tuberculosis hospital in Vinh; 24 of 30 provincial hospitals; and 190 of 195 district hospitals.

—1520 schools destroyed or severely damaged.

—475 churches and 420 temples, pagodas, shrines and meeting houses destroyed or severely damaged.

The country's extensive network of hydraulics facilities (dams, reservoirs, dikes and supporting systems) were also heavily bombed, according to the ministry of hydraulics works.

The ministry has reported that 500 separate air strikes against these vital works came in 1965, followed by 1000 in 1966, and 1300 in 1967. It adds that the attacks continued in the southern provinces after President Johnson proclaimed the limited bombing halt on March 31, 1968.

Among the new forms of explosives used in the bombing was something called a Cluster Bomb Unit, which on impact can spew out hundreds of small, hard pellets with tremendous force. By 1968, many of the pellets were made of hard plastic, and were thus impossible to detect with an X-ray machine, thereby making complete surgical care next to impossible, according to the British Medical Aid Committee.

In March of 1967, hospitals and clinics in Hanoi and the surrounding countryside were visited by Dr. Martin Birnstingl of St. Bartholomew's Hospital in London, who published his findings in a publication of the British Medical Aid Committee.

He wrote that all the facilities he visited were caring for civilian patients with wounds suffered in the bombings, and that fully a third of them had been hit by fragments from these "anti-personnel" bombs.

Mr. FULBRIGHT. I wish to comment further only that it seems to me that the time has come to do what our predecessors in Vietnam did, and that is to try to be as objective and as clearheaded as we can in evaluating what the interests of this country in Indochina are—what the direct interests are and what the cost is.

This article sets out in the most complete manner I have seen estimates as to the costs. Obviously, of course, many of these items have to be estimates. The question, for example, of the number of civilian deaths in South Vietnam; I doubt that these figures are accurate, but they are the best estimates that could be made under the circumstances. The same is true as to the enormous cost in dollars. The only really accurate figures, I suspect, are those for the deaths and the casualties involving our own soldiers; of course, we have ways of making those counts accurately.

In the final analysis, it seems to me that the first obligation of the Senate and of the Congress is to assist in evaluating what is the interest of the United States. Is it in continuing indefinitely to prosecute this war? What is to be achieved if we do that, that could possibly compensate the citizens of this country for the enormous cost in lives and treasure?

As a matter of fact, it is that very simple proposition which the Parliament of France undertook for that country in 1954. They had people in their official life and in their military establishment who had said many of the same things that ours have been saying. They were patriotic people.

It is a question of judgment where the interest of a country lies. In that case, the French Parliament rose to the occasion and prevailed upon their own Prime Minister, Mr. Mendes-France, to recognize that it was in the interests of France to liquidate the war, which the French Government proceeded to do at Geneva, by what are called the Geneva accords.

I feel that the procedure followed there is the classic and proper procedure to follow under similar circumstances, and I think if Congress assumes its responsibility, as the French Parliament assumed its responsibility, it will also decide that the time has come. Of course, I think it is long since past, but the judgment is still to be made as to what is in the interests of the people of the United States, and I hope we will proceed to that decision in the near future.

The Committee on Foreign Relations now has under consideration four resolutions submitted by various Members of this body dealing with the matter of how to end the war. We discussed that question this morning, and it is the intention of the committee to proceed, in the very near future, to hearings and further discussion of the issue.

The article in the Boston Globe certainly is an excellent background against which the Members of this body and the people of this country can judge what is in the interest of the United States, and where our interests lie. When we consider the disruption in our economy and the enormous toll that inflation is now taking, especially upon the poor and middle income people of this country, it is incredible to me that we can think of risking the further destruction—we already are risking the destruction—of our economic system, as well as the disruption of our political system.

So I commend the article to my colleagues, and I hope all of them will give it their most serious consideration.

APPOINTMENTS

The PRESIDING OFFICER (Mr. BYRD of Virginia). The Chair, on behalf of the Vice President, pursuant to the provisions of Public Law 77-250, appoints the Senator from Utah (Mr. BENNETT) to the Joint Committee on Reduction of Federal Expenditures.

The Chair, on behalf of the chairman of the Finance Committee, announces the selection of the Senator from Georgia (Mr. TALMADGE) and the Senator from Nebraska (Mr. CURTIS) to be members of the Joint Committee on Internal Revenue Taxation, pursuant to section 8002 of the Internal Revenue Code of 1954.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

EMERGENCY EMPLOYMENT ACT OF 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 51, S. 31.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 31) to provide during times of high unemployment for programs of public service employment for unemployed persons, to assist States and local communities in providing needed public services, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Public Welfare with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Emergency Employment Act of 1971".

STATEMENT OF FINDINGS AND PURPOSES

SEC. 2. The Congress finds and declares that—

(1) times of high unemployment severely limit the work opportunities available to the general population, especially low-income persons and migrants, persons of limited English-speaking ability, and others from socioeconomic backgrounds generally associated with substantial unemployment;

(2) expanded work opportunities fail, in times of high unemployment, to keep pace with the increased number of persons in the labor force, including the many young persons who are entering the labor force, persons who have recently been separated from military service, and older persons who desire to remain in, enter, or reenter the labor force;

(3) in times of high unemployment, many low-income persons are unable to secure or retain employment, making it especially difficult to become self-supporting and thus increasing the number of welfare recipients;

(4) many of the persons who have become unemployed as a result of technological changes or as a result of shifts in the pattern of Federal expenditures, as in the defense, aerospace, and construction industries, could usefully be employed in providing needed public services;

(5) it is appropriate during times of high unemployment to fill unmet needs for public services in such fields as environmental quality, health care, housing and neighborhood improvement, recreation, education, public safety, maintenance of streets, parks, and other public facilities, rural development, transportation, beautification, conservation, and other fields of human betterment and public improvement;

(6) programs providing employment in jobs providing needed public services and related training and manpower services can be a useful component of the Nation's manpower policies in dealing with problems of high unemployment, and dependency upon welfare assistance, and providing affected individuals with opportunities to develop skills and abilities to enable them to move into other public or private employment and other opportunities;

(7) providing resources for public service employment and related training and manpower services during an economic slowdown can help as an economic stabilizer both to ease the impact of unemployment for the affected individuals and to reduce the pressures which tend to generate further unemployment.

It is therefore the purpose of this Act to provide unemployed persons with employment in jobs providing needed public services and related training and manpower services during times of high unemployment and to enable such persons to move into employment or training not supported under this Act.

FINANCIAL ASSISTANCE

SEC. 3. The Secretary of Labor shall enter into arrangements with eligible applicants in accordance with the provisions of this Act in order to make financial assistance available to public and private nonprofit agencies and institutions during times of high unemployment for the purposes of providing employment for unemployed persons in jobs providing needed public services and training manpower services related to such employment which are otherwise unavailable, and enabling such persons to move into employment or training not supported under this Act.

AUTHORIZATION

SEC. 4. (a) There are authorized to be appropriated for the purpose of carrying out this Act $750,000,000 for the period ending June 30, 1972, and $1,000,000,000 for the fiscal year ending June 30, 1973.

(b) For the purpose of providing financial assistance under this Act to enable eligible applicants to carry out public service employment programs, the Secretary is authorized, out of funds appropriated to carry out this Act, to obligate expenditures equal to the sum of the amounts determined in accordance with the following clauses:

(1) $500,000,000 when the Secretary determines that the rate of national unemployment (seasonally adjusted) equals or exceeds 4½ per centum for three consecutive months prior to any such determination, but the Secretary may, under this clause, make only one determination prior to July 1, 1972, and one determination in the twelve-month period thereafter; and

(2) $100,000,000 for each increment of one-half of 1 per centum by which the Secretary determines that the average rate of national unemployment (seasonally adjusted) for three consecutive months prior to any such determination exceeds the rate specified in clause (1), but the Secretary may, with respect to each such increment, make only one determination prior to July 1, 1972, and one determination in the twelve-month period thereafter.

(c) No further obligation of funds may be made under subsection (b) subsequent to a determination by the Secretary that the rate of national unemployment (seasonally adjusted) has receded below 4½ per centum for three consecutive months.

(d) Whenever the Secretary makes any determination required by subsection (b) or (c), he shall promptly notify the Congress and shall publish such determination in the Federal Register. At such time, the Secretary shall recommend to the Congress any further steps he deems appropriate.

ELIGIBLE APPLICANTS

SEC. 5. For the purpose of entering into arrangements with the Secretary to carry out public service employment programs under this Act, eligible applicants shall be—

(1) States;

(2) cities, counties, and other units of general local government;

(3) Indian tribes; and

(4) public and private nonprofit agencies and institutions (including local service companies, and public service agencies and institutions of the Federal Government).

APPLICATIONS

SEC. 6. (a) Financial assistance under this Act may be provided by the Secretary for any fiscal year only pursuant to an application which is submitted by an eligible applicant and which is approved by the Secretary in accordance with the provisions of this Act. Any such application shall set forth a public service employment program designed, in times of high employment, to provide employment for unemployed persons in jobs providing needed public services and, where appropriate, training and manpower services related to such employment which are otherwise unavailable, and to enable such persons to move into employment or training not supported under this Act.

(b) Programs assisted under this Act shall be designed with a view toward—

(1) developing new careers,

(2) providing opportunities for career advancement,

(3) providing opportunities for continued training, including on-the-job training, and

(4) enabling individuals employed under such programs to move into public or private employment or training not supported under this Act.

(c) An application for financial assistance for a public service employment program under this Act shall include provisions setting forth—

(1) assurances that the activities and services for which assistance is sought under this Act will be administered by or under the supervision of the applicant, identifying any agency or institution designated to carry out such activities or services under such supervision;

(2) a description of the area to be served by such programs, and data indicating the number of potential eligible participants and their income and employment status;

(3) assurances that special consideration will be given to the filling of jobs which provide sufficient prospects for advancement or suitable continued employment by providing complementary training and manpower services designed to (A) promote the advancement of participants to employment or training opportunities suitable to the individuals involved, whether in the public or private sector of the economy, (B) provide participants with skills for which there is an anticipated high demand, or (C) provide participants with self-development skills, but nothing contained in this paragraph shall be construed to preclude persons or programs for whom the foregoing goals are not feasible or appropriate;

(4) assurances that, to the extent feasible, public service jobs shall be provided in occupational fields which are most likely to expand within the public or private sector as the unemployment rate recedes;

(5) assurances that due consideration be given to persons who have participated in manpower training programs for whom employment opportunities would not be otherwise immediately available;

(6) a description of the methods to be used to recruit, select, and orient participants, including specific elegibility criteria, and programs to prepare the participants for their job responsibilities;

(7) a description of unmet public service needs and a statement of priorities among such needs;

(8) a description of jobs to be filled, a listing of the major kinds of work to be performed and skills to be acquired, and the approximate duration for which participants would be assigned to such jobs;

(9) the wages or salaries to be paid persons employed in public service jobs under this Act and a comparison with the wages paid for similar public occupations by the same employer;

(10) where appropriate, the education, training, and supportive services (including counseling and health care services) which complement the work performed;

(11) the planning for and training of supervisory personnel in working with participants;

(12) a description of career opportunities and job advancement potentialities for participants;

(13) assurances that procedures established pursuant to section 10(a) will be complied with;

(14) asurances that agencies and institutions to whom financial assistance will be made available under this Act will undertake analysis of job descriptions and a reevaluation of skill requirements at all levels of employment, including civil service requirements and practices relating thereto, in accordance with regulations promulgated by the Secretary;

(15) assurances that the applicant will, where appropriate, maintain or provide linkages with upgrading and other manpower programs for the purpose of (A) providing those persons employed in public service jobs under this Act who want to pursue work with the employer, in the same or similar work, with opportunities to do so and to find permanent, upwardly mobile careers in that field, and (B) providing those persons so employed, who do not wish to pursue permanent careers in such field, with opportunities to seek, prepare for, and obtain work in other fields;

(16) assurances that all persons employed thereunder, other than necessary technical, supervisory, and administrative personnel, will be selected from among unemployed persons;

(17) assurances that the program will, to the maximum extent feasible, contribute to the elimination of artificial barriers to employment and occupational advancement, including civil service requirements which restrict employment opportunities for the disadvantaged; and

(18) such other assurances, arrangements, and conditions, consistent with the provisions of this Act, as the Secretary deems necessary, in accordance with such regulations as he shall prescribe.

APPROVAL OF APPLICATIONS

SEC. 7. An application, or modification or amendment thereof, for financial assistance under this Act may be approved only if the Secretary determines that—

(1) the application meets the requirements set forth in this Act;

(2) the approvable request for funds does not exceed 90 per centum of the cost of carrying out the program proposal in such application, unless the Secretary determines that special circumstances or other provisions of law warrant the waiver of this requirement;

(3) an opportunity has been provided to the community action agency in the area to be served to submit comments with respect to the application to the applicant and to the Secretary;

(4) an opportunity has been provided to officials of the appropriate units of general local government to submit comments with respect to the application to the applicant and to the Secretary; and

(5) an opportunity has been provided to the Governor of the State to submit comments with respect to the application to the applicant and to the Secretary.

DISTRIBUTION OF FUNDS

SEC. 8. (a) Funds made available for carrying out this Act shall be apportioned by the Secretary on an equitable basis among States and within each State among local areas, including Indian reservations, and among rural and urban areas. To the extent practicable, such funds shall be apportioned on the bases of the relative numbers of unemployed persons and the severity of unemployment in each such area.

(b) The Secretary shall make financial assistance under this Act available in such a manner that, to the extent practicable, public service employment opportunities will be available on an equitable basis in accordance with the purposes of this Act among significant segments of the population of unemployed persons, giving consideration to the relative numbers of unemployed persons in each such segment.

TRAINING AND MANPOWER SERVICES

SEC. 9. For the purpose of providing training and manpower services for persons employed in public service employment programs assisted under this Act, the Secretary is authorized to utilize, in addition to any funds otherwise available under federally supported manpower programs, not to exceed 20 per centum of the amounts made available for carrying out this Act.

SPECIAL RESPONSIBILITIES OF THE SECRETARY

SEC. 10. (a) The Secretary shall establish procedures for periodic reviews by an appropriate agency of the status of each person employed in a public service job under this Act to assure that—

(1) in the event that any person employed in a public service job under this Act and the reviewing agency find that such job will not provide sufficient prospects for advancement or suitable continued employment, maximum efforts shall be made to locate employment or training opportunities providing such prospects, and such person shall be offered appropriate assistance in securing placement in the opportunity which he chooses after appropriate counseling; and

(2) as the rate of unemployment approaches the objective of section 4(c) or financial assistance will otherwise no longer be available under this Act, maximum efforts shall be made to locate employment or training opportunities not supported under this Act for each person employed in a public service job under this Act, and such person shall be offered appropriate assistance in securing placement in the opportunity which he chooses after appropriate counseling.

(b) The Secretary shall review the implementation of the procedures established under subsection (a) of this section six months after funds are first obligated under this Act and at six-month intervals thereafter.

(c) From funds appropriated pursuant to section 4, the Secretary shall reserve such amount as he deems necessary to provide for a continuing evaluation of programs assisted under this Act and their impact on related programs.

SPECIAL PROVISIONS

SEC. 11. (a) The Secretary shall not provide financial assistance for any program or activity under this Act unless he determines, in accordance with such regulations as he shall prescribe, that—

(1) the program (A) will result in an increase in employment opportunities over those which would otherwise be available, (B) will not result in the displacement of currently employed workers (including partial displacement such as a reduction in the hours of nonovertime work or wages or employment benefits), (C) will not impair existing contracts for services or result in the substitution of Federal for other funds in connection with work that would otherwise be performed, and (D) will not substitute public service jobs for existing federally assisted jobs;

(2) persons employed in public service jobs under this Act shall be paid wages which

shall not be lower than whichever is the highest of (A) the minimum wage which would be applicable to the employment under the Fair Labor Standards Act of 1938, as amended, if section 6(a)(1) of such Act applied to the participant and if he were not exempt under section 13 thereof, (B) the State or local minimum wage for the most nearly comparable covered employment, or (C) the prevailing rates of pay for persons employed in similar public occupations by the same employer;

(3) all persons employed in public service jobs under this Act will be assured of workmen's compensation, retirement, health insurance, unemployment insurance and other benefits at the same levels and to the same extent as other employees of the employer and to working conditions and promotional opportunities neither more nor less favorable than such other employees enjoy;

(4) the provisions of section 2(a)(3) of Public Law 89-286 (relating to health and safety conditions) shall apply to such program or activity;

(5) the program will, to the maximum extent feasible, contribute to the occupational development or upward mobility of individual participants; and

(6) every participant shall be advised, prior to entering upon employment, of his rights and benefits in connection with such employment.

(b) Nothing contained in this Act shall exempt any project otherwise subject to the provisions of the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5), from the provisions of that Act. The Secretary of Labor shall have, with respect to labor standards on any such project, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 2 of the Act of June 1, 1934, as amended (48 Stat. 948, as amended; 40 U.S.C. 276(c)).

(c) Where a labor organization represents employees who are engaged in similar work in the same labor market area to that proposed to be performed under any program for which an application is being developed for submission under this Act, such organization shall be notified and afforded a reasonable period of time in which to make comments to the applicant and to the Secretary.

(d) The Secretary shall prescribe regulations to assure that programs under this Act have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, and other policies as may be necessary to promote the effective use of funds.

(e) The Secretary may make such grants, contracts, or agreements, establish such procedures, policies, rules, and regulations, and make such payments, in installments and in advance or by way of reimbursement, or otherwise allocate or expend funds made available under this Act, as he may deem necessary to carry out the provisions of this Act, including (without regard to the provisions of section 4774(d) of title 10, United States Code) expenditures for construction, repairs, and capital improvements, and including necessary adjustments in payments on account of overpayments or underpayments. The Secretary may also withhold funds otherwise payable under this Act in order to recover any amounts expended in the current or immediately prior fiscal year in violation of any provision of this Act or any term or condition of assistance under this Act.

(f) Acceptance of family planning services provided to participants shall be voluntary on the part of the individual to whom such services are offered and shall not be prerequisite to eligibility for or receipt of any benefit under the program.

(g) The Secretary shall not provide financial assistance for any program under this Act unless he determines, in accordance with regulations which he shall prescribe, that periodic reports will be submitted to him containing data designed to enable the Secretary and the Congress to measure the relative and, where programs can be compared appropriately, comparative effectiveness of the programs authorized under this Act and other federally supported manpower programs. Such data shall include information on—

(1) characteristics of participants including age, sex, race, health, education level, and previous wage and employment experience;

(2) duration in employment situations, including information on the duration of employment of program participants for at least a year following the termination of participation in federally assisted programs and comparable information on other employees or trainees of participating employers; and

(3) total dollar cost per participant, including breakdown between wages, training, and supportive services, and administrative costs.

The Secretary shall compile such information on a State, regional, and national basis, and shall include such information in the report required by section 12 of this Act.

(h) The Secretary shall not provide financial assistance for any program under this Act unless the grant, contract, or agreement with respect thereto specifically provides that no person with responsibilities in the operation of such program will discriminate with respect to any program participant or any applicant for participation in such program because of race, creed, color, national origin, sex, political affiliation, or beliefs.

(i) The Secretary shall not provide financial assistance for any program under this Act which involves political activities; and neither the program, the funds provided therefor, nor personnel employed in the administration thereof, shall be, in any way or to any extent, engaged in the conduct of political activities in contravention of chapter 15 of title 5, United States Code.

(j) The Secretary shall not provide financial assistance for any program under this Act unless he determines that participants in the program will not be employed on the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship.

SPECIAL REPORT

SEC. 12. The Secretary shall transmit to the Congress at least annually a detailed report setting forth the activities conducted under this Act, including information derived from evaluations required by section 10(c) and 11(g) of this Act and information on the extent to which (1) participants in such activities subsequently secure and retain public or private employment or participate in training or employability development programs, (2) segments of the population of unemployed persons are provided public service opportunities in accordance with the purposes of this Act.

DEFINITIONS

SEC. 13. As used in this Act, the term—

(1) "Secretary" means the Secretary of Labor.

(2) "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(3) "city" means an incorporated municipality having general governmental powers.

(4) "public service" includes, but is not limited to, work in such fields as environmental quality, health care, public safety, education, transportation, recreation, maintenance of parks, streets, and other public facilities, solid waste removal, pollution control, housing and neighborhood improvements, rural development, conservation, beautification, and other fields of human betterment and community improvement.

(5) "health care" includes, but is not limited to, preventive and clinical medical treatment, family planning services, nutrition services, and appropriate psychiatric, psychological, and prosthetic services.

(6) "local service company" means a community development corporation or other corporation, partnership, or other business entity organized to operate a public service employment program or component thereof and owned or operated in substantial part by unemployed or low-income residents of the area to be served.

(7) "unemployed persons" means—

(A) persons who are without jobs and who want and are available for work; and

(B) adults who or whose families receive money payments pursuant to a State plan approved under title I, IV, X, or XVI of the Social Security Act (1) who are determined by the Secretary of Labor, in consultation with the Secretary of Heatlh, Education, and Welfare, to be available for work, and (2) who are either (i) persons without jobs, or (ii) persons working in jobs providing insufficient income to enable such persons and their families to be self-supporting without welfare assistance;

and the determination of whether persons are without jobs shall be made in accordance with the criteria used by the Bureau of Labor Statistics of the Department of Labor in defining persons as unemployed.

EFFECTIVE DATE

SEC. 14. This Act shall be effective upon enactment and the determinations to be made under section 4(d) shall take into account the rate of unemployment for a period of three consecutive months even though all or part of such period may have occurred prior to the enactment of this Act.

Mr. BYRD of West Virginia. Mr. President, this bill has been called up at this time for the purpose of making it the pending business. There will be no action on it today, and it will become the unfinished business when the Senate meets again.

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.

EXTENSION OF TIME FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, how much time remains under the previous order for the transaction of routine morning business?

The PRESIDING OFFICER. The time has expired.

Mr. BYRD of West Virginia. I ask unanimous consent that at this time there be an additional period for the transaction of routine morning business, not to exceed 30 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

CONTROVERSIAL CBS DOCUMENTARIES

Mr. DOLE. Mr. President, the controversy over CBS and the way it handles documentaries and proposed documentaries goes on and on, thanks to largely CBS, itself which has taken the stand that it is above reproach and has set out to justify that stand.

Unfortunately for CBS the evidence continues to pile up that it not only is not above reproach but also is subject to legitimate criticism for its dubious practices involving both the manufacturing and the editing of so-called news.

Both the Washington Post of today, March 30 and this week's Barron's, the respected Dow Jones weekly, have something to say about these practices.

I would like to call both to the attention of my colleagues at this point, and ask unanimous consent to have the Washington Post editorial entitled "Mr. Salant's Letter" and the article entitled "Broadcast License, CBS Has Forfeited Access to the Nation's Airwaves" as published in Barron's National Business and Financial Weekly of March 29, 1971, printed in the RECORD.

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

[From the Washington Post, Mar. 30, 1971]

MR. SALANT'S LETTER

In our letters space today we print a response by Richard Salant of CBS News to our recent editorial concerning the dispute between CBS News, the Pentagon, Vice President Agnew, Congressman Hébert, and now—as it seems—The Washington Post. In time the U.N. may have to be called in, but for now we would like, in a unilateral action, to respond to Mr. Salant's complaint. We think it is off the point. And we think this is so because Mr. Salant invests the term "editing" with functions and freedoms well beyond anything we regard as common or acceptable practice. Mr. Salant taxes us with unfairly recommending two sets of standards in these matters, one for the printed press and another for the electronic. But he reads us wrong. We were and are objecting to the fact that *specifically, in relation to question-and-answer sequences,* two sets of standards *already* exist—and that what he and others in televison appear to regard as simple "editing" seems to us to take an excess of unacknowledged liberties with the direct quotations of the principals involved.

Before we go into these, a word might be of use about the editorial practices (and malpractices) common to us both. When a public official or anyone else issues a statement or responds to a series of questions in an interview, the printed media of course exercise an editorial judgment in deciding which part and how much of that material to quote or paraphrase or ignore. The analogy with TV's time limitations, for us, is the limit on space: deciding which of the half million words of news coming into this paper each day shall be among the 80,000 we have room to print. Thus, "Vice President Agnew said last night . . . Mr. Agnew also said . . ." and so on; it is a formulation basic to both the daily paper and the televised newscast.

That bad and misleading judgments can be made by this newspaper in both our presentation and selection of such news goes without saying—or at least it did until we started doing some public soul-searching about it in this newspaper a good while back. There is, for example, a distorting effect in failing to report that certain statements were not unsolicited assertions but responses to a reporter's question. But that we do not confuse the effort to remedy these defects with a waiving of our First Amendment rights or a yielding up of editorial prerogatives should also be obvious to readers of this newspaper—perhaps tediously so by now. What we have in mind, however, when we talk of the license taken by the electronic media in the name of "editing" is something quite different, something this newspaper does not approve and would not leap to defend if it were caught doing. It is the practice of printing highly rearranged material in a Q-and-A sequence as if it were verbatim text, without indicating to the reader that changes had been made and/or without giving the subject an opportunity to approve revisions in the original exchange.

It is, for instance, presenting as a direct six-sentence quotation from a colonel, a "statement" composed of a first sentence from page 55 of his prepared text, followed by a second sentence from page 36, followed by a third and fourth from page 48, and a fifth from page 73, and a sixth from page 88. That occurred in "The Selling of the Pentagon," and we do not see why Mr. Salant should find it difficult to grant that this type of procedure is (1) not "editing" in any conventional sense and (2) likely to undermine both the broadcast's credibility and public confidence in that credibility.

The point here is that "The Selling of the Pentagon" presented this statement as if it were one that had actually been made—verbatim—by the Colonel: TV can and does simulate an impression of actuality in the way it conveys such rearranged material. Consider, again from the same documentary, a sequence with Daniel Z. Henkin, Assistant Secretary of Defense for Public Affairs. This is how viewers were *shown* Mr. Henkin answering a question:

"ROGER MUDD: What about your public displays of military equipment at state fairs and shopping centers? What purpose does that serve?

"Mr. HENKIN: Well, I think it serves the purpose of informing the public about their armed forces. I believe the American public has the right to request information about the armed forces, to have speakers come before them, to ask questions, and to understand the need for our armed forces, why we ask for the funds that we do ask for, how we spend these funds, what are we doing about such problems as drugs—and we do have a drug problem in the armed forces; what are we doing about the racial problem—and we do have a racial problem. I think the public has a valid right to ask us these questions."

This, on the other hand, is how Mr. Henkin *actually* answered the question:

"Mr. HENKIN: Well, I think it serves the purpose of informing the public about their armed forces. It also has the ancillary benefit, I would hope, of simulating interest in recruiting as we move or try to move to zero draft calls and increased reliance on volunteers for our armed forces. I think it is very important that the American youth have an opportunity to learn about the armed forces."

The answer Mr. Henkin was *shown* to be giving had been transposed from his answer to another question a couple of pages along in the transcribed interview, and one that came out of a sequence dealing not just with military displays but also with the availability of military speakers. At that point in the interview, Roger Mudd asked Mr. Henkin whether the sort of thing he was now talking about—drug problems and racial problems—was "the sort of information that gets passed at state fairs by sergeants who are standing next to rockets." To which Mr. Henkin replied:

"Mr. HENKIN: No, I didn't—wouldn't limit that to sergeants standing next to any kind of exhibits. I knew—I thought we were discussing speeches and all."

This is how the sequence was *shown* to have occurred, following on Mr. Henkin's transposed reply to the original question:

"Mr. MUDD: Well, is that the sort of information about the drug problem you have and the racial problem you have and the budget problems you have—is that the sort of information that gets passed out at state fairs by sergeants who are standing next to rockets?

"Mr. HENKINS No, I wouldn't limit that to sergeants standing next to any kind of exhibit. Now, there are those who contend that this is propaganda. I do not agree with this."

The part about discussing "speeches and all" had been omitted; the part about propaganda comes from a few lines above Mr. Henkin's actual answer and was in fact a reference to charges that the Pentagon was using talk of the "increasing Soviet threat" as propaganda to influence the size of the military budget.

Surely, something different from and less cosmic than a challenge to CBS's First Amendment rights is involved in the question of whether or not the subject of such a rearranged interview should not be given a chance to see and approve what he will be demonstrated to have said. And surely this "editing" practice must be conceded—with reason—to have damaging effect on public confidence in what is being shown to have happened—shown to have been said. We agree with Mr. Salant's premise that we are all in the same dinghy. That is why we are so concerned that either end should sink.

[From Barron's Mar. 29, 1971]

BROADCAST LICENSE: CBS HAS FORFEITED ACCESS TO THE NATION'S AIRWAVES

We cannot help but admire a man who defends his principles and sticks to his guns. Last Tuesday evening Richard S. Salant, president of the News Division of the Columbia Broadcasting System, gave a nationwide television audience a demonstration of doggedness which, in other circumstances, might well have commanded our respect. Under fierce attack from Congress and the White House for airing the controversial documentary, "The Selling of the Pentagon," Mr. Salant refused to give an inch. Perhaps with an eye on the clock—the 11-12 p.m. slot, while not exactly prime time, is still too valuable to waste—the CBS executive took no more than a moment or so to rebut "only a few" of the critics' charges; however, he assured his viewers, "We have an answer for every one. . . ." Then, boldly switching to the offensive, the head of CBS News asserted: "We are proud of 'The Selling of the Pentagon.' . . . We are confident that when passions die down, it will be recognized as a vital contribution to the people's right to know." Lesser media of communications may occasionally run a correction or retraction; The Washington Post, not long ago, printed an extraordinary confession of error. CBS News, which is made of sterner stuff, stands defiantly on the record.

Quite a record it is, too. As to "The Selling of the Pentagon," Mr. Salant addressed himself to merely two of the many points of criticism raised. Regarding the rest, the chief critics—including the Vice President of the United States, senior editor of Air Force magazine and a non-partisan citizens' organization known as Accuracy in Media (AIM), which plans to lodge a complaint with the National Association of Broadcasters—makes a compelling, and thus far uncontroverted, case. In particular, CBS stands accused of various misstatements, including the amount spent by the Pentagon on public affairs, and the true identity of those responsible for a certain military briefing (not, as alleged, Peoria's Caterpillar Tractor Co., "which did $39 million of business with the Defense Department last year," but the local

Association of Commerce). Far worse were the omissions and distortions, including two episodes in which tapes were clipped and reassembled to convey false impressions of what the speakers said. Specific lapses aside, even the untutored eye could scarcely fail to detect, in a so-called documentary, pervasive malice and editorial bias.

On the CBS television network—which includes five wholly owned stations and 198 affiliates—slanted (or, in view of his authority and tenure, perhaps the word should be Salanted) journalism has long been the name of the game. As in "The Selling of the Pentagon," moreover, the thrust has tended to be violently against what most of the country would regard as its basic interests, institutions and values. In a prize-winning "documentary," key sequences of which subsequently proved false, CBS News professed to uncover "Hunger in America"; contrariwise, in an equally distorted report from Cuba, the television camera found, in effect, that Cubans under Castro never had it so good. Not content to cover (albeit in its own fashion) the news, CBS time and again has sought to make news. Shortly after NBC scooped the competition by airing an LSD-stimulated interview with Dr. Timothy Leary, WBBM-TV, CBS outlet in Chicago, participated in a headline making, and illegal, pot party, which became the object of an investigation by the Federal Communications Commission. In a similar, if far more brazen, exploit—on which both Vice President Agnew and Mr. Salant touched last week—CBS sought to stage, and to film, an invasion of Haiti. One picture supposedly is worth a thousand words. High time the U.S. got the picture.

As last Tuesday's performance suggests, it isn't pretty. Among other sins of omissions and commission, CBS News failed to mention that it was paid to produce one of the films at which it scoffed. In depicting a press conference, during which the briefing officer, replying to 34 questions, gave three no-comment answers, the camera focused on the latter. Statements made on tape by two Pentagon spokesmen, a Marine colonel and the Assistant Secretary of Defense for Public Affairs, were cut up, transposed and pieced together again in a way that made both of them seem unresponsive and foolish. Rep. Edward Hebert (not Herbert, as the caption later had it), chairman of the House Armed Services Committee, turned up on the screen with this gracious—and, despite Mr. Salant's subsequent remarks, wholly misleading—introduction: "Using sympathetic Congressmen, the Pentagon tries to counter what it regards as the anti-military tilt of network reporting (Ed. note: where would it ever get such an idea?). War heroes are made available for taped home district TV reports from pro-Pentagon politicians."

All this is reprehensible enough. Far worse—in a format presumably dedicated to fact—are the extremist opinions which it was used to convey. Here is a disillusioned and slightly incoherent ex-Air Force officer: "I feel that the military information arm is so vast, has been able to become so pervasive by the variety and the amounts and the way and the sheer numbers it's able to present its viewpoint to the American people, I think this attitude it was able to develop allowed Vietnam to happen. . . ." Here is CBS-News' own dispassionate Roger Mudd: "On this broadcast we have seen violence made glamorous, expensive weapons advertised as if they were automobiles, biased opinions presented as straight facts. Defending the country not just with arms but also with ideology, Pentagon propaganda insists on America's role as the cop on every beat in the world."

Anyone—even CBS, though it won't concede as much—can make mistakes. What the record shows, however, is a pattern of distortion and slanted reporting stretching back over the years. In 1963, so a revealing article and exchange of letters in The New York Times Magazine has disclosed, President Kennedy gave an exclusive interview to Walter Cronkite of CBS News on such literally inflammatory issues as the Buddhists in South Vietnam and the allegedly repressive government of Ngo Dinh Diem. In the editing process, the footage shrank from 30 minutes to 12, and, according to Pierre Salinger, then White House press secretary, "the result was a partial distortion of JFK's opinion of President Diem. In the actual interview . . . President Kennedy spoke of his respect and sympathy for the problems of President Diem. When the film was shown to the public, only the unfavorable Presidential remarks remained, and JFK's praise of Diem had been deleted. The impression was left that JFK had no confidence at all in Diem, and when he and his brother, Ngo Dinh Nhu, were later shot to death in a military coup, there were persistent charges from Madame Nhu and others that the President's statements had given aid and comfort to Diem's enemies. JFK was deeply hurt by the accusations."

Prior to the Republican convention the following year, CBS News struck again. According to Senator Barry Goldwater (R., Ariz.), Daniel Schorr, then serving as correspondent abroad, "took it upon himself to put out a news report to portray the idea that I was trying to forge links with far-rightist, neo-fascist groups in Germany . . . Schorr dealt heavily in false facts which neither he nor CBS newsmen in this country made any attempt to check with my office." So it has gone year by year. In 1968, after a storm of protest, a Special Subcommittee of the Committee on Interstate and Foreign Commerce investigated television coverage of the Democratic national convention in Chicago. In viewing the video tape of the CBS coverage, the Congressional probers noted a passage in which Walter Cronkite cried that the police "were severely manhandling a minister." According to the Committee Report: "The accompanying action shows police merely attempting to get a man dressed in clerical garb into a patrol wagon, using what the investigators felt was reasonable force to overcome the man's resistance." The Report concluded, in part: "In an attempt to give an overall impression, it might be said that the coverage presented over the air does, in retrospect, seem to present a one-sided picture which in large measure exonerates the demonstrators and protestors and indicts the city government of Chicago and, to a lesser degree, the Democratic Party."

The long reel of distortion continues to unwind. In her nationally syndicated column, Alice Widener, frequent contributor to Barron's, has chronicled some of the gamier episodes. In the fall of 1969, Frank Kearns, CBS correspondent in Rome, broadcast a report on alleged Italian opinion in the criminal case against the man who hi-jacked a commercial airliner from San Francisco. Mr. Kearns chose to quote the views of a single editor, that of the Communist newspaper "Unita," who described the hi-jacker a "Robin Hood . . . who made a fool of the repressive and hated FBI." Again, on "Face the Nation," CBS devoted a half-hour of Sunday time to Tom Hayden, revolutionist of the so-called New Left. Mrs. Widener wrote: "He was permitted by reporter Martin Agronsky of CBS, and two other reporters to get away with intellectual murder. . . . Thus it came about that at the end of the program, the arogant co-founder of the anarchic Students for a Democratic Society made an unchallenged statement about 'the poverty around the world that the United States is responsible for.'" Abbie Hoffman, convicted of inciting to riot in Chicago, appeared on the Merv Griffin show wearing a shirt made from the American flag (on the air, CBS thoughtfully bliped it out.) Small wonder that Desmond Smith of CBS once told TV Guide: "There's been a great deal of manipulation from the left. The left and SDS have been getting a great deal of play. Americans are starting to feel they're not getting the whole story."

Since then the credibility gap, notably with respect to so-called documentaries, has widened beyond belief. Webster's Seventh New Collegiate Dictionary defines documentary as follows: "adj. (1) contained or certified in writing; (2) relating to, or employing, documentation in literature or art; broadly, factual, objective." The noun, of course, possesses the same qualities. Neither word belongs in the CBS lexicon. In the famous charade on "Hunger in America," the narrator's off-screen voice said: "Hunger is easy to recognize when it looks like this. This baby is dying of starvation. He was an American. Now he is dead." Heart-rendering, but untrue. The baby was born prematurely, and, according to an FCC report, died of "septicemia due to meningitis and peritonitis to show that either the mother or father was suffering from malnutrition. . . ." Far less attention than it warrants has been paid the outrageous report on Cuba last September, which, by actual count of Accuracy in Media, contained 10 major doubtful statements, including: "For Cuba's poor, things are a good deal better than they used to be . . . the Cuban poor man doesn't want to leave . . . Schools are free, everyone must go. There is a quiet equality of the races now in Cuba. . . ."

So ran the script. However, as AIM pointed out in a letter to CBS News, real life refuses to follow it. On the contrary, the organization cited specific examples of working-class Cubans who risked their lives to flee the Castro regime. One, a Negro bricklayer, was quoted in The New York Times as saying: "Not only is there not enough to eat, but they make you spend extra hours in the fields after a 54-hour work week." As to schooling, AIM pointed out that on January 5, 1969, Castro admitted that 400,000 school-age children were not in school. Brotherhood of man? AIM quoted Erneldo Oliva, and Afro-Cuban and one of the first Castro appointees, to the effect that even under Batista, "whom we rejoiced to see go," Negroes were judges, Senators and high officials. Today only one black man holds an important post. An American Negro, who defected to Castro for five years, returned in 1968 saying that he would rather live in an American jail than remain. Citing the list of inaccuracies, AIM solicited comment from Richard S. Salant, head of CBS News, which was duly forthcoming (and, with the rest of the correspondence, put into the Record). Nine times out of 10, the criticism went unanswered.

Last Tuesday Mr. Salant took a stab at answering criticism of CBS' role in "financing a secret and illegal invasion of Haiti." Here, word, for word, is his rebuttal. "We did *not* finance the planned invasion. We did nothing illegal. No significant amount of money even inadvertently found its way to persons involved in the invasion plan. The Department of Justice found *no* unlawful activities on the part of CBS News. And John Davitt, Chief of the Criminal Division of the U.S. Department of Justice, said, quote: 'CBS advised us of the facts, advised the Bureau of Customs that they were there, and that they were filming these episodes.' At one point the Treasury Department asked us *not* to withdraw from the project. But the short answer to the Vice President is that he is attacking a journalistic investigation that never became a broadcast about an invasion that never took place."

For a short answer, not bad. But let's take a longer look at "Project Nassau," as CBS called it and it is known in the Report of the Special Subcommittee on Investigations of the House Committee on Interstate and Foreign Commerce. Let's note at once that the

executive producer, Perry Wolff, served in the same capacity on "The Selling of the Pentagon." Let's also dispose of Mr. Salant. If CBS News did not "finance the proposed invasion," it did, according to the House Report, provide funds for the leasing of a 67-foot schooner which was to be utilized by the invasion force, reimburse expenses for the transportation of weapons to be used by the conspirators, make payments to the leader of the conspiracy "with full knowledge of his identity and his criminal intentions." "Significant," of course, is what lawyers call a word of art; while exact figures were never forthcoming from CBS, the House Report states that "Project Nassau" cost more than $200,000. CBS cooperation with the government was brudging, and, the Report indicates, evoked at official instance (a CBS cameraman blew the whistle to the authorities).

But let the Subcommittee speak for itself. "The implications of what has been learned are disquieting. To the average viewer, unsophisticated in the intricacies of television production, a network news doumentary typically represents a scrupulously objective reporting of actual events shown as they actually transpired. If 'Project Nassau' is any indication, this is not always true. During the preparation of this news documentary, CBS employes and consultants intermingled and interacted with personages actively engaged in breaking the law. Large sums of money were made available to these individuals with no safeguards as to the manner in which these funds would be put to use. Events were set up and staged solely for the purpose of being filmed by the CBS camera. An individual who was retained as a consultant, and later an employe, of CBS, was allowed to or instructed to appear in the actual filming and to provide narration for it. . . .

"The CBS News organization, or at least the individuals charged with the immediate supervision of the project, displayed a shocking indifference to the real possibility that their organization and funds were being made use of to further illegal activities. The control exercised by CBS Management in New York over the activities of the producer in the field seems to have been practically nonexistent. . . Had the decision . . . not to proceed with the documentary been founded on a recognition of any of the deficiencies indicated above, the only remaining question would be why the decision was so long in coming. But, under the circumstances, the rationale for the decision is itself far from reassuring. Rather than responding to any taint of artificiality or fraud in the considerable volume of film which had been prepared, the decision was apparently made on the basis that the project was journalistically unsatisfactory in view of the unfinished nature of the enterprise."

The law requires television quiz shows and commercials to be honest. Unfortunately, however, the public enjoys no similar protection against "documentaries," a credibility gap which the Subcommittee hopes to bridge. We would like to offer a proposal or two of our own. Believe it or not, Frank Stanton, president of the Columbia Broadcasting System Inc., serves as Chairman of the U.S. Advisory Commission on Information. Unlike Vice President Agnew, who backed away from the idea, we suggest that he be asked to resign. Moreover, to judge by the record cited above (which has exhausted our space, but barely scratched the surface), CBS television stations stand wide open to challenge on thier license renewals, and we urge concerned, public-spirited citizens—as well as the FCC—to respond. CBS, in our view, has forfeited its access to the nation's airwaves. The time has come to turn it off.

Mr. DOLE. Mr. President, it is growing increasingly evident that it is not attacks by SPIRO AGNEW that are destroying the credibility of CBS, but I believe the destruction of that credibility can be blamed on only one—CBS and Richard Salant. I believe these editorials make that plain.

THE 25TH ANNIVERSARY OF STRATEGIC AIR COMMAND—"PEACE IS OUR PROFESSION"

Mr. CURTIS. Mr. President, the slogan or the motto of the Strategic Air Command is "Peace Is Our Profession." That fine organization is a deterrant to aggression. Aggressors start wars that they think they can win. They do not start them if they have a strong feeling that they are going to lose. There is no way to measure the benefits that have accrued to the United States by reason of the strength of our Strategic Air Command.

On March 21, 1971, the Strategic Air Command observed its 25th anniversary with an appropriate observance. I believe that it would be of interest to the Senators to have placed in the RECORD a statement concerning the role of the Strategic Air Command, and I therefore ask unanimous consent to have an article prepared for this occasion, entitled "Strategic Air Command After 25 Years" printed in the RECORD.

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

STRATEGIC AIR COMMAND AFTER 25 YEARS

A quarter century ago, an ambitious but obvious mandate became clear to military planners at the close of World War II. The future security and freedom of the United States could only be secured through the development of a force so powerful that potential aggressors could not possibly entertain thoughts of world domination.

It was with this mission that the Strategic Air Command was born on March 21, 1946. Today, after 25 years of growth and development, it stands out clearly as the most powerful force for peace in man's history—a mixed force of bombers and missiles that comprise over 70 per cent of the free world's nuclear firepower.

Though the men and machinery have changed since General George C. Kenney took first command, SAC's original and primary mission has remained the same—to deter all-out nuclear war. If that should fail then a capability must exist to destroy the enemy's will to fight.

Since August 1968, that capability has been assured by General Bruce K. Holloway, commander in chief, who controls the world-wide force from SAC headquarters at Offutt AFB, Nebraska. It is from there that combat ready bombers and intercontinental ballistic missiles from some 45 locations around the world would be instantly notified to launch against an enemy once an order to strike has been received from the President—the only man allowed to give such an order.

The nerve center at Headquarters SAC, near Omaha, Nebraska, is there stories underground. A large control room, communications center, trajectory center, global weather central, and portions of the Joint Strategic Target Planning Staff, intelligence, material and operations activities are surrounded by exterior and ramp walls of concrete and reinforced steel 24 inches thick. If necessary, it could be totally sealed off for weeks to insure survivability.

Through the most advanced and extensive communications system in existence, SAC's commander and battle staff have complete control over every aircraft and missile and combat crew. Employing a world-wide telephone network, global teletype circuits and a single side-band radio network, instant "red phone" contact is possible. As a further precaution a back-up flying command post with identical capabilities has been in the air since 1961 with a general officer and senior team of controllers aboard in the event the underground post is destroyed.

Approximately 40 per cent of the SAC bomber-tanker force is in constant readiness, poised to respond to the klaxon signalling an "alert". On the ground, B–52 bomber and KC–135 tanker crews could be airborne within minutes and missile launch officers in hardened dispersed silos would stand ready at their consoles. As an additional means of protection, particularly from submarine launched ballistic missiles, SAC also has dispersed a portion of its alert bombers at other strips away from the aircraft's home base. Heavy bomber units also maintain the capability of mounting an airborne alert when so directed.

The possibility of an accidental launch or attack, however, is eliminated by "positive control" measures. The aircraft would fly to predetermined points well short of enemy territory and wait for further coded instructions. Weapons in the aircraft are not armed until the bomber is ordered to attack, and then a coordinated effort by several crew members is required. If the "go code" from the President is not received, they immediately turn back. Similar multiple safeguards protect against a mistaken missile launch.

Based on a concept of maximum flexibility, SAC weapons are a blend of manned and unmanned systems. United States defense policy requires a variety of options of response to national emergencies, and SAC employs the advantages of bombers and missiles, sternly convinced that an all manned or unmanned posture would not be effective deterrence.

The backbone of the manned systems is the eight-engine B–52 which has been in the inventory since 1955. Capable of high subsonic speeds, it can fly at altitudes in excess of 50,000 feet and carry a nuclear or conventional payload. Through the use of aerial refueling, its range is limited only by the endurance of its six-man crew. Later models can go 10,000 miles unrefueled.

The total bomber force has been reduced since 1965 by the retirement of older models, from about 750 B–52s and B–58s to a current total of approximately 450 B–52s.

Scheduled as a possible follow-on to the B–52 fleet is the B–1, formerly called the Advanced Manned Strategic Aircraft (AMSA). Engineering development contracts released in June of last year allow the fabrication of five flight test aircraft plus one static test airframe and one fatigue test airframe. If congressional approval and funding for full scale production is granted, the B–1 could be flown by SAC crews as early as 1977.

The FB–111, a medium bomber, is scheduled to become a part of the operational bomber force during FY 72. A variable-sweep wing aircraft capable of Mach 2 speeds, it will be able to carry both nuclear and conventional weapons, take-off and land in less distance than a B–52, and employ advanced avionics and ejection systems. Approximately 74 FB–111s are due for the inventory.

The refueling mission of the command is carried out by 600 KC–135 stratotankers. Responsible for refueling all fighters, bombers, and reconnaissance aircraft in the Air Force, Navy and Marine Corps, the tanker fleet off-loads about 2.375 billion pounds of

jet fuel each year. Since 1965, refueling operations in Southeast Asia have supported the overall air campaign and acounted for untold emergency saves. Another invaluable role has been airlifting men and equipment to and from the United States.

Photographic and electronic reconnaissance operations are conducted by the high flying supersonic SR–71. Delivered to SAC in 1966, it can travel three times the speed of sound and photograph 60,000 square miles of surface in one hour of flight.

Indispensable in strategic air warfare, reconnaissance by SAC first detected the Soviet missile build-up in Cuba in 1962.

In carrying out the mission of deterrence, the SAC missile force poses a formidable carriage of strength. It is comprised of 54 Titan IIs and 1,000 Minuteman Intercontinental Ballistic Missile (ICBMs) which are constantly being updated.

As part of SAC's modernization program, Minuteman II was accepted into the inventory in October 1965. An improvement over Minuteman I, it uses microminiaturization, a new thrust control system and other refinements which increase its range, accuracy and flexibility over the earlier model.

An even newer missile, the Minuteman III, is also being integrated into the force. SAC assumed responsibility for the first Minuteman III's in June 1970. The first tactical squadron consisting of five manned control centers and 50 unmanned silo launchers was recently completed at Minot AFB, N.D.

Minuteman III employs an improved third stage for an additional throw weight capability. This enables the missile to carry more penetration aids to counter an anti-ballistic missile defense.

Eventually the force will include 500 Minuteman III missiles which are capable of carrying the Multiple Independently Targeted Re-Entry Vehicles (MIRVs).

From a beginning aggregate of 36,000 men and 250 war-weary bombers, the Strategic Air Command has grown to a force of 161,000 highly trained professionals in two and a half decades. This evolution has been stimulated by science, the Communist threat, and the developing role of the United States as a leader of free nations.

In this, the twenty-fifth anniversary, SAC looks back at years of hard work and dedication with the satisfaction that it has accomplished its mission. SAC readiness and firepower, combined with the determination of the American people to use it if necessary, will continue to be the best deterrent to general war in the next twenty-five years of the nuclear age.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is Calendar Order No. 51, S. 31, a bill to provide during times of high unemployment for programs of public service employment for unemployed persons, to assist States and local communities in providing needed public services, and for other purposes.

ORDER FOR ADJOURNMENT TO 10 A.M. THURSDAY, APRIL 1, 1971

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 o'clock Thursday morning next.

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

ORDER FOR RECOGNITION OF SENATORS BROCK AND PACKWOOD AND ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON THURSDAY NEXT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that after the conclusion of the prayer and the recognition of the joint leaders, the distinguished Senator from Tennessee (Mr. BROCK) be recognized for not to exceed 15 minutes, to be followed by the distinguished Senator from Oregon (Mr. PACKWOOD) also for a period of 15 minutes, and that there then be a period for the transaction of routine morning business after the conclusion of the remarks of the distinguished Senator from Oregon (Mr. PACKWOOD).

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

Mr. MANSFIELD. The Senate will then turn to the consideration of S. 31 which is now the pending business.

Mr. President, for the record it should be made clear that the joint leadership did try to work out an accommodation for certain Senators for a time limitation on the pending business on Friday. However, unfortunately we were not successful. These things happen. It is, therefore, anticipated that there will be considerable debate on S. 31 when it is laid before Senate on Thursday next.

I make this statement for the purpose of having the record made clear so that those Senators who did seek a time limitation and had hoped that this matter could be taken up Friday on that basis will be aware of the difficulties which have developed.

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

Mr. MANSFIELD. I yield.

Mr. DOMINICK. Mr. President, I do not mind saying for the record that I was the one who asked the deputy minority leader to inform the leadership that I would object to any time limitation. I think this bill has a major national impact in its present form. It is regrettable. If I may say to those who had hoped that we might reach a compromise, if we do work out a compromise, it is possible that a time limit could be reconsidered, but it is highly unlikely.

Mr. MANSFIELD. Mr. President, I appreciate the remarks of the distinguished Senator from Colorado. I think for the record it ought to be said that there were others in addition to the Senator from Colorado who raised that question.

Mr. DOMINICK. I am glad to hear that.

Mr. MANSFIELD. So that there is considerable blame or credit to go around.

ORDER FOR SENATE TO CONSIDER S. 581, THE EXPORT-IMPORT BANK BILL

Mr. MANSFIELD. Mr. President, it is my understanding that the legislation dealing with the Export-Import Bank has been reported by the committee, but it is not on the calendar. After discussing the matter with the distinguished acting minority leader and the minority leader, who is equally distinguished, I ask unanimous consent that, following the disposition of the pending business, the Senate then turn to the consideration of S. 581, having to do with the Export-Import Bank.

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

Mr. MANSFIELD. Mr. President, this will be the pending business on Monday next provided the pending bill is disposed of.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate turns to the consideration of S. 581 there be a time limitation of 1 hour on each amendment, the time to be equally divided between the manager of the bill and the sponsor of the amendment, and that there be 3 hours on the bill itself.

Mr. GRIFFIN. Mr. President, reserving the right to object, and I shall not object, I want to indicate that I have checked on this matter with the ranking minority Member, the Senator from Texas (Mr. TOWER), and also with the ranking minority member on the International Subcommittee, the Senator from Oregon (Mr. PACKWOOD). This agreement is satisfactory.

I take it that it would be understood this would apply only to germane amendments. We are talking about the offering of germane amendments.

Mr. MANSFIELD. The Senator is correct. That should be included in the unanimous-consent request.

The PRESIDING OFFICER. Is there objection? The Chair hears none and the order is entered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the unanimous-consent agreement be in the usual form.

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

The unanimous-consent agreement was subsequently reduced to writing, as follows:

UNANIMOUS CONSENT AGREEMENT

Ordered, That, effective following the disposition of S. 31, during the further consideration of the bill S. 581, to amend the Export-Import Bank Act of 1945, as amended, and for other purposes, debate on any amendment, motion, or appeal, except a motion to lay on the table, shall be limited to 1 hour, to be equally divided and controlled by the mover of any such amendment or motion and the manager of the bill: *Provided,* That in the event the manager is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or some Senator designated by him: *Provided further,* That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of the final passage of the said bill debate shall be limited to 3 hours, to be equally divided and controlled, respectively, by the majority and minority leaders: *Provided,* That the said leaders, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion, or appeal.

Mr. BYRD of West Virginia. Mr. President, the Senate should be on notice that there will, in all likelihood, be rollcall votes on both the pending business and the Export-Import Bank bill. I would hope that all Senators would make their plans accordingly.

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

ADDITIONAL STATEMENTS

GREEK INDEPENDENCE DAY

Mr. KENNEDY. Mr. President, today marks the 150th anniversary of Greek independence. And it saddens me, as it does so many Americans, that the Greek tradition of the rule of law and respect for the dignity and rights of the individual, is submerged in the acts and policies of a repressive military regime. Especially today, as we remember the independence of Greece, the strangling of democracy in the country of its birth must revolt the conscience of all mankind.

Recently, I received a letter signed by prisoners in the Aegina Prison near Athens. It expresses the hope I strongly share, that the principles of democracy will finally prevail in Greece.

Mr. President, I ask unanimous consent that the text of this letter and a list of its signers be printed at this point in the RECORD.

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

AEGINA JAIL,
December 1970.

Senator E. KENNEDY,
U.S. Senate,
Washington, D.C., U.S.A.

DEAR SENATOR: In a few months' time the military dictatorship in Greece will conclude its fourth year in power. During these four years the colonels' main concern has been to continue a series of innumerable frauds and ruses with the aim to deceive the public opinion abroad on the real face and intention of their regime. Official propaganda and the regime's conditioned means of communication, after having attempted to persuade the Free World that the "real" interest of the West would be jeopardized unless democracy in Greece were suppressed and the Greeks were terrorized, activated consequently an unscrupulous mechanism of promises directed to foreign governments and international organizations, ascertaining that the abolition of all fundamental human and civil rights is but "provisional," and that the abnormality would give off to a real constitutional order.

This allegedly provisional situation and the so-called "new order," three years and seven months after its establishment, amount to the following: martial law is still in force and courts-martial continue to function; arbitrary arrests and police questioning in defiance of the fundamental civil rights still consist an everyday practice against political opponents of the regime; parliament remains "out of law" and all political action is still banned, except, naturally, for the regime's brainwash activity; and last but not least, political prisoners are still held either in concentration camps or exiled in remote villages, or detained under heavy penalties in prisons as hostages of the military government. Many of them will have spent their fourth consecutive Christmas eve in prison.

Yet, these features of the Greek public life have been assessed recently by the official spokesman of the U.S. Government as encouraging "trend" towards a constitutional order, a trend which has been considered as a strong reason for resuming full military aid to the colonels.

We are now addressing to you this short message because we feel the need to congratulate you: we would like to express how deeply we appreciate the sagacity, integrity, and courage which led you to take a stand by the side of our people. This stand has put you on the line of our people's history and tradition which is a continuous struggle against all forms of totalitarianism and oppression. We believe it to be of primary importance that the junta did not succeed in ensnaring you into the labyrinth of its lies and deceiving you by its alleged constitutional reforms and notorious timetables of rendering to the Greeks the rights which they should have had by birth.

On this same occasion we would like to underline most strongly the huge mistake, expressed with mounting cynicism, which lies behind the doctrine of modern "provisional" dictatorships in the West. According to this doctrine, a number of free countries must undergo a stage of totalitarian rule, in order that the West can maintain its hold on allegedly precarious areas. On the basis of this doctrine an increasing number of reactionary dictatorships, and among them the Greek regime, are fostered semiopenly by the leading power of the West, under different pretexts. The doctrine is an obvious and tragic contradiction. Not a single people—and especially the Greek people—is prepared to accept, in any covered form whatsoever, the status of mercenary for defending others from faked dangers, nor would it undertake the role of forced guard of foreign interests. We believe that freedom is the same indispensable to the Americans, Europeans and Greeks as well. Only the defence of this *common-to-all* freedom could be a matter of common interest to all parties.

We thank you for keeping your clear voice in the air echoing the high principles for which we are being kept in prison and others in concentration camps.

We know that at the end these principles will prevail and we can assure you that we will not fail in this fight over a just cause which you have decided to support. We hope that more people will follow your example.

PRISONERS AT AEGINA WHO SIGNED THE LETTER TO SENATOR KENNEDY

Phoebus Ioannides, lawyer.
George Sipitanos, business man.
N. Voulelis, student.
Thomas Popoutsis, employee.
Nikos Armenis, artisan.
A. Tantsis, student.
Stelios Yannitopoulos, artisan.
Stelios Nestor, lawyer.
Nondas Ochounos, student.
Pavlos Zannas, Director of Salonika International Fair.
Argyris Maltsidis, engineer.
Antonio Goulas, student.
Costas Sophoulis, economist.
George Avramis, employee.
Nestor Hatjudis, engineer.
Ch. Protopapas, lawyer.
K. Kitsirites, lawyer.
Nikos Chloros, student.
John Vassiliou, economist.
A. Politis, petty officer.
Constantine Pirzas, teacher.
Sotirios Dedes, lawyer.
Anestis Anastassiadis, free enterprise.

OUTSTANDING SERVICE OF FORMER REPRESENTATIVE MAX McCARTHY

Mr. KENNEDY. Mr. President, I want to join Senators in praising the outstanding service which has been given by the former Representative from Buffalo, Max McCarthy.

Many words have already been spoken about Max McCarthy's contributions to his city, State, and Nation. Today, I would like to stress some of the valuable contributions which have not been mentioned. On a personal note, Max was one of the strongest supporters of Robert Kennedy's efforts on behalf of the less advantaged, both in New York and in the Nation.

Max has been persistent in his efforts to provide assistance to oil consumers in Buffalo who had been experiencing the negative impact of this administration's oil import policies. His unceasing efforts to change policies which were causing an increase in oil prices in western New York, and jeopardizing jobs, brought results. Today, more oil is flowing into Buffalo from Canada. Large refineries are in operation providing jobs and helping to meet domestic oil consumption demand.

His tireless fight against chemical and biological warfare is one of his most significant contributions. He fought for reforms governing the transportation of hazardous materials by rail. His persistence was rewarded by the passage of rail safety legislation.

Max McCarthy was also outstanding in his efforts to prevent pollution. He was outraged by the practice of dumping dredged spoils from the Buffalo River into Lake Erie. He was finally successful in persuading the Johnson and the Nixon administrations to build dikes to block passage of any dredges into Lake Erie. His campaign for clean water provides us with ample evidence of his competent and enlightened leadership.

Representative McCarthy was also successful in securing passage and funding for a series of flood control, recreation, harbor, highway, and canal projects benefiting the Buffalo area.

Early in 1965, Max was the only member of the House Public Works Committee to fight for the highway beautification bill. His persistent efforts brought Mrs. Lyndon B. Johnson, Presidential Assistant Bill Moyers, and finally the President himself to his aid. The measure was reported out of committee, passed, and signed into law.

Representative McCarthy's leadership was also felt in his attempts to give the people of communities marked for highway projects a greater voice in the location, and in fact, the wisdom of such projects.

He, along with other Congressmen, opposed the efforts of the Public Works Committee to force the District of Columbia into building highways which were opposed by a majority of residents.

His leadership was also obvious in his defense of provisions in Federal law which protect scenic and historic sites and parklands from being taken for transportation projects.

He has played a key role in securing model cities designation for his hometown. In addition, he has witnessed the inclusion of some of his important amendments in economic development legislation.

In 1968, he focused national attention on the issure of firearms legislation. The result of his vigorous campaign for firearms legislation was the passage of the 1968 Gun Control Act.

Mr. President, Max McCarthy's remarkable record has not gone unnoticed. I ask unanimous consent the following tributes be printed in the RECORD.

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

"We have a major job to do in cleaning up our waterways. You're doing a fine job for New York State and the Buffalo area." The late Senator Robert F. Kennedy; June 30, 1965.

"You have played a vital part in this age, and your countrymen are grateful to you." Former President Lyndon B. Johnson; September 24, 1968.

"An outstanding Member of the House. . . ." The New York Times; October 23, 1968.

"By any fair standard, he deserves high marks for being steadily on the ball in defending and advancing the interests of the metropolitan Buffalo community. . . . This is a record of hard work, initiative and conscientious devotion to duty." The Buffalo Evening News; October 17, 1968.

"What difference can one man make? One man can make a difference, can change attitudes and directions. Richard Max McCarthy, a Democratic representative from New York is such a man." Senator Vance Hartke; August 13, 1969.

"For anyone who thinks a good congressman is a contradiction in terms, here's somebody to set him straight. Representative Richard D. McCarthy may be forth nominating as the man of 1969." Dr. Theodor Rosebury, Life Magazine; November 28, 1969.

"The United States and the world owe a great debt to Congressman McCarthy. It restores hope in our democratic system of government that a man like this can be elected to Congress." Kenneth Boulding, The New Republic; November 29, 1969.

"Much of the progress we are making in controlling CBW today is a result of your leadership." Senator Edmund S. Muskie; September 13, 1970.

"One of the finest men to ever serve in Congress." Former Senator Paul H. Douglas; October 3, 1970.

Finally, Mr. President, I would like to point out that in addition to the 6 years of service rendered to his Nation in Congress, Mr. McCarthy has also served 1 year in the U.S. Navy; two in the U.S. Army; and 10 years as one of the leaders in a renewal and revitalization program in Buffalo. This is, indeed, a remarkable record of service.

Mr. President, we are reluctant to see Max depart, but from his record it is obvious that Buffalo, Erie County, New York State, and the Nation have not heard the last of Richard D. "Max" McCarthy.

ROLE OF CONGRESS IN INVOLVEMENT IN WAR

Mr. KENNEDY. Mr. President, we all know that one of the most pressing issues now facing our Nation—one that has continued and will continue to command the attention of this body—is the role Congress should play in controlling America's involvement in war. Until the tragic experience of Indochina, the drift of American history has been to place war powers substantially in the hands of the Executive, despite strict constitutional provisions to the contrary.

Many Americans are not fully aware of the nature of the debate now before us on the role of Congress in bringing an end to the Indochina conflict and in controlling American involvement in future wars. Too often I find that constituents visiting me—especially young people—are not fully aware of the legislation and proposals Members of Congress have made to stop the war in Indochina. This ignorance has led many to assume Congress has no role, or worse, to lose faith in the power and responsibility of Congress to share the warmaking power of the Constitution.

Recently at a "teach-in" at Mount Holyoke College, a distinguished college in my State, Mr. Thomas A. Dine, very ably reviewed the legislation and activities of the Congress toward ending the Indochina war. I commend his statement to those who doubt that Congress has the will or the way to end the war in Indochina, and I ask unanimous consent it be printed in the RECORD.

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

CAN CONGRESS END THE WAR?

(by Thomas A. Dine, Legislative Assistant to U.S. Senator FRANK CHURCH)

Tonight, I would like to talk about the work directly and immediately before us: To end the war.

The reform and restructuring of our political system may or may not come—but it should come. If it does, it will take decades to achieve. Meanwhile, we must end the war.

The reform and restructuring of our economic and social system may or may not come—yet it must—but before it does, we must end the war.

The whole framework and character of American thinking patterns need changing, indeed, must change drastically from an impersonal, technologically clean but withdrawn state of mind to one of humanity, of feeling of independent character, and of trust. But before this, the most important goal before us is to end the war.

If we are to redeem our country, which many Americans strongly desire, we first must face up to our country's greatest horror, the war in Indochina—and stop it. And to do so, Congress is our best hope.

In modern United States history, the American people have looked to the President to solve those problems most seriously plaguing the Nation. Turning depression into prosperity, linking vast distances with a network of highways, ensuring equal rights and opportunity for all citizens are a few examples. Yet, none of our last four Presidents has bitten the bullet in regard to ending America's part in the war in Indochina. No executive has used the necessary surgery to sever our disease-ridden ties with nonnationalistic regimes in Saigon, Vientiane, and Phnom Penh. None has stated that we have done as much as one nation can do for another, that it's time to come off the Asian mainland, that we are withdrawing all U.S. armed forces, allowing the Indochinese, at last, to run Indochina.

This Administration is similar to the Eisenhower-Kennedy-Johnson Administrations in not facing up to this dilemma. The Mitchell Doctrine admits to this. Shortly after Mr. Nixon's inauguration, the Attorney General told Washington skeptics, do not judge the President by his rhetoric, evaluate the President only by his deeds. Having thus witnessed his actions, we are all assembled once again to air our grievances about a war that our President refuses to end.

Since the Executive branch has been unable (or unwilling) to solve the most agonizing issue of our time, can the Legislative branch end America's participation in the war?

Ten years ago or even five years ago, the answer would have been a flat "no." Congress follows public opinion, some observers ridiculed; Congress is too conservative, others remarked; Congress doesn't initiate; I can remember when I was an undergraduate considering Richard Neustadt's book, which advocated a powerful presidency, as the Bible of modern government.

Today, however, Congress, especially the Senate, is the focal point of the war's opposition. In a leaderless nation, the American people are looking to Congress for direction. As the Senate, for instance, has tried to reassert its rightful Constitutional role in formulating, with the Executive, policies of war and peace, it has produced some hope that all is not lost, that the system is workable. This has led to legislation to compel the President and his advisors to limit at least the scope of the war, if not to end entirely our military involvement in Indochina. It has led, in this new session of Congress, to extensive legislative proposals in both houses to bring the senseless killing and acts of destruction to a halt. The key, then, to stopping American participation in this war has become a regenerated Legislative branch.

Involved in this process is a revival of the Constitution, once the sole property, so it seemed, of reactionary forces on Capitol Hill. The burning question today, however, for New Constitutionalists, like Senators Fulbright, Church, and Cooper, is whether to confide the war-making power in one man or subject it to some form of democratic control. If we are to conduct government by the separation of power—the bedrock principle of our Constitutional process—then each branch must live up to its responsibilities.

The last Congress showed that one part—the Senate—is on its way back to doing just this. In December, 1969, the first Cooper-Church amendment, which was attached to the Defense Appropriation bill and barred the introduction of American ground combat troops into either Laos or Thailand, became law. After seven weeks of acrimonious, divisive debate, the second Cooper-Church amendment passed the Senate on June 30th, by a vote of 58–37. By this action, the Senate said to the President that he could not use any funds to retain U.S. combat forces in Cambodia, provide the Cambodian government with military advisers or instructors, come to Combodia's defense with mercenaries, or supply air support to Cambodia troops. In this vote, bipartisan northern liberals were joined by a few southern moderates and midwestern Republicans.

Passage of this amendment was an event of first-rate importance. It showed first of all that our political system can work if

enough people work at it hard enough and persistently enough. It also marked the first time in history when one of the houses of Congress voted restrictions on a President in the conduct of a shooting war. The President and his own in-resident advisors, his Secretaries of State and of War, the Senate Minority Leader and the Senate Minority Whip were all fully cognizant of the significance of this legislation. Day after day, they mustered all the political artillery at their command in an all-out effort to defeat the measure. This campaign included leaders of veteran's groups, editorial writers, foreign chiefs of state, communiques from LBJ at the Ranch, and various business firms. Although Joe Alsop labeled the battle over the amendment the "non-event" of the year, its passage through one legislative body attests to the breath and striking power of those who oppose America's participation in the war. The lesson learned last spring, following Nixon's invasion into Cambodia and the killings of the students at Kent State and Jackson State, was that when forces for peace swing into action at full strength, as so many people did, young and experienced, the Legislative branch—at least the Senate—responded to the people's will. From first-hand knowledge, for example, I can tell you that students were vital in supplying intelligence and manpower to beleaguered dove forces.

Along with Cooper-Church, another important rider attached to the Foreign Military Sales bill was the repeal of the Gulf of Tonkin Resolution, that infamous blank check which President Johnson flaunted in the face of his critics. This whole peace package went to a House-Senate conference in July and languished there until New Year's eve. During this long interval, the Administration adamantly refused to accept any kind of war restrictions on the ground that it infringed upon "the President's exercise of his lawful responsibilities as Commander-in-Chief of the Armed Forces."

On September 1, 1970, the Senate took up the McGovern-Hatfield amendment to the Military Procurement Authorization bill. This end the war amendment unfortunately occupied the Senate for only six hours, then was defeated by a vote of 55 to 39. Although its failure to reach a majority was disappointing, 39 Senators voting to end the war by a fixed time, in an election year and with a downswing in public opinion, was no small achievement.

When the President came to Congress in December requesting $255 million for economic and military assistance for Cambodia, anti-war forces were split on what to do. One school said, sit on the request until there is more hard evidence that such aid is so hastily needed. A larger collection of doves said, go along with the supplemental assistance but use it as an opportunity to place restrictions on this urgent order and to limit our commitment to another Indochina government.

After many days and nights of discussions with Administration officials, including the President, Senators Cooper and Church pressed the Administration to accept prohibitions barring U.S. ground combat forces or military advisers from entering Cambodia. When this revised Cooper-Church amendment passed both houses, Senator Church said:

"This . . . represents the culmination of an attempt that has gone on now for more than a year to write a statutory limitation on the extension of American military involvement in the Indochina war. . . . I think it is a historic moment."

The President signed. As a Republican Senator said on the floor two days ago, without Cooper-Church as law, there would be American Armies in Cambodia and Laos today.

The President was then forced to go one more step. By dropping the original Cooper-Church limitations on Cambodia yet keeping the Gulf of Tonkin repealer still intact, the Foreign Military Sales bill was revived at the end of the year and rushed through both houses. A protesting House hawk, Sam Stratton of New York called this whole affair a "shot gun wedding." Perhaps, but the President signed this peculiar legislative bundle, thus removing from the dockets any legal authority for him to conduct military operations in Indochina—except to withdraw the armed forces of the United States.

The fourth Cooper-Church amendment, prohibiting American ground combat troops from being introduced into Laos or Thailand, was renewed and signed into law in this legislative finale. At the present time, then, there are two Cooper-Church amendments which are law: limiting American involvement on Cambodian soil and barring American ground combat troops from Laos and Thailand.

What are the significant, current legislative proposals which follow-up last year's drive by the Congress to play a leadership role in winding down our participation in the war in Indochina? First, I should report to you that at this stage, with the Laotian operation in process, the President has regained the upper hand; the Congress is playing a wait-and-see game. I don't believe, however, this period of inaction will continue for long.

Second, because the 92nd Congress is only one month old, the progress of legislative proposals is not very far along. Some committees are still in the organizational stage; others are planning investigations or scheduling hearings, but have not really gone to work full steam ahead. Indeed, some anti-war legislation, which might become the center of national debate later on, has not yet been offered, perhaps not even conceived.

And thirdly, before I begin a rundown of current reforms of the draft, of measures to cut off monies for military operations, and of proposals to clarify war powers, I think you should realize that in almost every case, the idea is acceptable only to a minority. Although the pressure exerted by a dedicated minority can make a difference, the primary point to remember about reasserting Congressional authority is that you need 51 votes in the Senate and 218 in the House. How you get these becomes the means to stopping the war.

Draft reform is a significant anti-war effort. The present selective service system provides military manpowers that can be easily deployed by the President on missions of war without Congressional assent. The system, as it now functions, is a modern-day form of involuntary servitude to the state. Forced conscription was, in fact, the very oppression that led our great-grandparents and grandparents to flee to this country to live in a freer society. The draft, by plucking a young man here and taking one there, does not disrupt communities and it makes it easy to conduct limited, undeclared wars. Imperial powers operate best with draft calls at the leadership's will.

A number of noteworthy proposals have been advanced to change this archaic system, but none has a likelihood of passage in either body. Why? The chairmen of the two Committees on Armed Services and the Joint Chiefs of Staff are in favor of the way cannon fodder is now supplied. They also believe that to change at the present time would be too expensive as well as too disruptive during an ongoing war. The powerful veterans lobbies agree.

First is the Volunteer Military Act of 1971 offered by the most unlikely of alliances, the Republican duet of Senators Hatfield and Goldwater. Its goal is to implement the essential recommendations given to the President by the Gates Commission, that is eliminating conscription and moving toward an all-volunteer armed force—with sufficient regular pay and bonuses. Last year, this suggestion for reform received 33 votes in the Senate; it might reach 35 in this session. People like Ted Kennedy are opposed to it because it would create a lower-middle class Army. Ed Muskie has said that such an Army would "become a mercenary force unrepresentative of the nation" and uncontrollable by civilian leadership. Some Senators are opposed because the all-volunteer force is an unproven concept and the Indochina war continues; the rest are opposed because they are against change.

None tackles, however, the real problem head-on as the Gates Commission did in its Report last year. The Commission explained that a standby draft should be activated only by "resolution of Congress at the request of the President." In a frequently overlooked section, the Commission explained:

"The necessity for legislative action will guarantee public discussion of the propriety of whatever action is under consideration. If discussion yields a reasonable consensus, the nation's resolve will be clearly demonstrated and made less vulnerable to subsequent erosion. If a consensus sufficient to induce Congress to activate the draft cannot be mustered, the President would see the depth of national division before, rather than after, committing U.S. military power.

"A standby system which authorizes the President to invoke the draft at his discretion would capture the worst of two worlds. On the one hand, it would make it possible for the President to become involved in military action with a minimum of public debate and popular support. On the other hand, once the nation was involved, especially in a prolonged limited conflict, the inequities of the draft would provide a convenient rallying point for opposition to the policy being pursued."

This reasoning makes sense in a truly democratic society.

Senator Kennedy has reintroduced his bill providing for a two-year extension of the present selective service system, but putting a ceiling of 150,000 men on inductees. This establishes clear Congressional control over the number of men liable for the draft as well as 15 innovative steps such as eliminating all *new* student deferments beyond high school and providing a study of the ramifications of granting amnesty to those convicted for refusing induction.

A straight attempt to offset the present draft system has been offered by Hatfield, Church, Cranston, McGovern, and Proxmire. These Senators want to repeal the Selective Service System and to set its expiration date at December 31, 1971. Because the military combine is adamantly opposed, these reforms will not even receive a hearing by the military committees.

Interesting proposals in the House have been Congressman Kastenmeier's idea to induct no one into the military to fight in undeclared war without his expressed consent. Koch of New York City wants to extend the definition of a conscientious objector to include opposition to military service in a particular war and to make sure draft exiles in Canada and elsewhere are not prosecuted by allowing them to claim exemption from military service as selective conscientious objectors. Fritz Ryan of New York has introduced a bill to prohibit the assignment of any person to active duty in Vietnam unless the man himself consents to such an assignment.

To illustrate how systems don't change, and even get worse with time, there is the Stennis-Smith sponsorship of the status quo, extending the President's induction authority for two more years. Included in S. 427 is a punitive section which repeals the current exemption of divinity students from induction. One can conclude that studying the story of brotherhood is no longer a safe haven

from killing rites in Indochina. This is the Nixon Administration's proposal and this is what the Generals and Admirals want. The harder it becomes for the top brass to obtain manpower for their legions, the harder they will scrap to obtain live bodies from all quarters of society. Hearings are already in progress before Stennis's Committee on Armed Services. Before the June 30th deadline for renewal, this measure will be brought to both floors where it will sail through.

In short, although President Nixon talks about creating an all-volunteer military force by 1973, he seems to be working against such a reform. He appears to be more interested in defusing the draft as a political issue than in overseeing basic changes in the law underpinning the present system of inservitude. If so, this limited goal will strengthen the determination of draft opponents in and out of Congress to demand sweeping changes of their own. Unfortunately, the necessary votes for such change are not yet available in either body.

Anti-war legislative submissions have been plentiful in the House.

To the amazement of many, Congressman Pucinski of Chicago, a long-time hawk, introduced a resolution to suspend American troop replacement in Indochina. His legislative approach is to express the sense of the Congress that the President shall no longer send American armed forces to Vietnam after March 1, 1971. As U.S. troops are rotated at the conclusion of their one year tour of duty, remaining American units in Vietnam are to be consolidated until ultimately no U.S. troops remain in Vietnam. Although it will not even receive a hearing from the House Armed Services Committee, Pucinski's action has important political ramifications. What is important here is that the doves have a convert. A machine politician, representing a heavy blue-collar district, has jumped on to ride the political wave of 1972. This might mean for Pucinski a run against Percy in the Illinois Senatorial race; this probably means that middle America is fed up with the war and what it is doing to their newly acquired affluence.

Congressman Bingham has introduced a bill, based on the Cooper-Church amendment, cutting off funds for any American combat forces or military advisers or air and sea forces in, around, or over Cambodia. This was done before Operation Dewey Canyon II and the six-day news blackout in regard to Laos. It is already out of date, but it got over 50 cosponsors in the House when it was offered. The Chairman of the House Foreign Affairs Committee said privately he would not have hearings on this proposal.

The most straight-forward approach to ending the war was offered by Bella Abzug. She submitted the following resolution last month: "To express the sense of the House that the President set the date for withdrawal from Vietnam, Cambodia, and Laos." Period. This, too, will go nowhere because the Executive refuses to accept a date on any legislation.

Although not in the form of legislation, Pete McClosky of Northern California, a former Marine Lt. Colonel and Stanford law roommate of Nixon's assistant, John Erlichman, has suggested a national dialogue about impeaching Nixon on grounds that the President is pursuing the war in Indochina illegally. He refers specifically to the invasions of Cambodia and Laos.

William Anderson of Tennessee, former skipper of the Nautilus and the first man to command a ship under the Artic, has gone to the defense of the Berrigan brothers and hit hard, in public, the image of that infamous Washington war-lord, J. Edgar Hoover. Both McClosky and Anderson are men of the military, they have taken the lead in an area of anti-war protest that they literally risk their private and political lives. They very much need our support.

Senators George McGovern and Mark Hatfield have reintroduced a revised end the war amendment, calling it the "Vietnam Disengagement Act of 1971." It has 22 cosponsors at this time. If brought to a vote in the Senate today, however, veteran observers have said that it would not even receive the 39 votes it did six months ago. The problem is the concept of a date certain, but the political climate regarding this is changing. The amendment reads:

"No funds authorized to be appropriated under this or any other Act may be obligated or expended to maintain a troop level of more than 284,000 Americans in Vietnam after May 1, 1971. After May 1, 1971, funds authorized or appropriated under this or any other Act may be expended only to bring about the withdrawal of remaining American armed forces by December 31, 1971; to insure the release of prisoners of war; to arrange asylum or other means to assure the safety of South Vietnamese who might be endangered by the U.S. withdrawal; and to provide assistance to the Republic of Vietnam consistent with the foregoing objectives."

Congressman Peter Kyros of Maine, and others, including Father Drinan, have introduced the same bill on the House side; they have attached it to the Foreign Assistance Act which means Doc Morgan, the reluctant, reticent counterpart of Fulbright on the House side, will have to receive testimony on this controversial but crucial anti-war measure. Why is the House leadership so reluctant to hold hearings on the Vietnam Disengagement Act? A knowledgable source told me that these Representatives have been supporting the war for so long and have been following whatever the President—be it Johnson or Nixon—has said, that a majority of the Members feel that they are unable to change now. No wonder there is so much desire on the part of responsible progressives to change the seniority system!

This afternoon, Senators Mondale of Minnesota and Saxbe of Ohio introduced a Cooper-Church-type amendment which prohibits the introduction of American ground troops into North Vietnam and restricts combat air activities over North Vietnam "without prior and explicit Congressional authorization." There are many technical weaknesses to this proposal—but it is, I believe, the beginning of Senatorial movement toward coming to grips with a war that has been limited to a certain extent on the ground but widened in the air. The amendment will be referred to the Foreign Relations Committee. I suspect, however, that it will not go too far as is. Because the drafting is so sloppy, for instance, other Senators will pick up the idea and rearrange the syntax to fit a more relevant need. Just before I left for the airport this afternoon, I was privy to some conversations among far-left doves who thought that the Mondale-Saxbe approach was too narrow at this stage. What is needed, they said, is a legislative measure to force the President to come out completely, not just out of one country.

What are the war powers?

In our Constitution, it was carefully provided that Congress should participate in the making of foreign policy and play the primary role in the making of war. The president was to send no ambassador to a foreign capital without confirmation by the Senate; he was to make no binding treaty without the approval to two-thirds of the senators; and he was to enter no foreign war without the concurrence of the Congress as a whole. Indeed, Congress alone was entrusted with the power to declare war, the sole exception being that the president in his capacity as commander-in-chief would have the right and duty to defend the country against sudden attack.

In a letter to James Madison in 1789, Thomas Jefferson wrote:

"We have already given in example one effectual check to the Dog of War by transferring the power of letting him loose from the Executive to the Legislative body, from those who are to spend to those who are to pay."

The clear intention of the men who wrote the Constitution was revealed not only by their wise observations, but also by the fact that the early presidents—who were among that brilliant group at the 1787 convention—carefully respected the authority of Congress to initiate war. Almost 60 years later, the understanding of this point was so clear that Abraham Lincoln could express it in these words: "The provision of the Constitution giving the war-making power to Congress, was dictated, as I understand it, by the following reasons: Kings had always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This, our Convention undertook to be the most oppressive of all Kingly oppressions; and they resolved to so frame the Constitution that no one man should hold the power of bringing this oppression upon us."

Yet today, a century later, one man does hold the war-making power. In both Korea and Vietnam, Americans were sent to war by the decision of the President. He now determines, with the help of his appointed military and civilian advisors, where we fight, when we fight and whom we fight. The ease and finality with which our country can thus be committed to foreign adventure has caused marathon warfare to become a chronic addiction. In the last 30 years, the United States has engaged in more fighting abroad than any other major nation. The dire prophecy of our forefathers has been fulfilled.

One of the most, if not the most, important yet complicated areas of pursuit by Congress this session will be, therefore, to redefine the Constitutional war power of the President and of the Congress.

Last year, the House passed a resolution that provides that the President should seek appropriate consultation with Congress before involving U.S. forces in foreign conflicts. The President could, according to the resolution's author, Clem Zablocki of Milwaukee, use American military might without prior Congressional authorization on certain occasions. But the President would have to submit to Congress a report on the reasons for the action and other pertinent information, within a feasible time.

This measure got a cold reception when it came to the Senate. Fulbright did not hold hearings on it, wanting to start from scratch on this whole issue this year, plus many Senators did not feel it sufficiently backstopped Congress's attempt to reassert itself.

Zablocki has reintroduced his resolution with slightly tighter language this year and it will be voted upon next month by an expected large majority of House Members. The chief sponsor's own contradiction, however, in regard to the American role in Cambodia and in Laos, for Senators, undermines his proposition to clarify the war powers. Zablocki's clarification seems to point directly toward the President!

The Senate Foreign Relations Committee will hold open hearings with Secretary Rogers on March 5th on the 1925 Geneva Protocols against the use of poison gas. The Committee will also start war powers hearings on March 8th and 9th. Senators are, first, anxious to determine whether it would be misleading to consent to the anti-CBW treaty, knowing full-well that the Administration is hell-bent on continuing to use tear gas and herbicides and other lethal gases in Indochina, even if the Protocol is ratified by the United States Government.

In regard to war powers, this series of hearings will be both intellectually stimulating as well as pertinent to the whole approach to putting a limit to unchecked Presi-

dential power and to caging the Dog of War. I suggest you follow the proceedings of the hearings as best you can: for instance, on the 9th of March, Amherst's own Henry Steele Commanger will be one of the witnesses on defining the war powers.

Concerning specific legislation, Senator Javits has offered the most publicized bill so far. Its purpose is to make specific rules respecting military hostilities in the absence of a declaration of war.

Javits sets out the conditions under which U.S. armed forces may act under the President as Commander in Chief. His departure from Zablocki's resolution is that the initiation of military hostilities without any war declaration must be reported promptly to the Congress, and our participation shall not be sustained beyond thirty-days unless Congress sustains it by enacting specific legislation. Congress could, by the Javits approach, terminate American involvement in hostilities prior to the end of the 30-day period by a joint resolution.

During last year's House hearings, the Javits' bill was received without favor. Prospects for it in the Senate Foreign Relations Committee this year are fair to good; it may turn out to be the starting point for a collective effort by the Committee to report to the Senate a more exacting role for a regenerated Congress to take, in leading the nation into a less-militant era.

A bill that has received wide-spread support from both sides of the political aisle is that of Senator Clifford Case of New Jersey. This liberal Republican, a member of the Committee on Foreign Relations, has proposed a bill requiring all international agreements other than treaties entered into by the United States Government to be transmitted to the Congress within 60 days. This would include secret executive agreements between the U.S. and another nation as well as "understandings".

Senator Taft has a resolution which theoretically restricts deployment of troops outside United States territory. However, a close reading reveals that it permits the President so much freedom to roam in Indochina that the New Constitutionalists, who are a majority on the Foreign Relations Committee, will only hear Taft's testimony out of Senatorial courtesy and then let his suggestion lie dormant.

Senator Tom Eagleton of Missouri, a thoughtful activist, is planning to introduce his own resolution to clarify war-declaring and war-making powers early next month.

What the President has not come to terms with is that, since the repeal of the Gulf of Tonkin Resolution, he has no legal authority to conduct any military operations in Indochina, except to withdraw.

And this brings me to the next effort by the Cooper and Church alliance. On CBS's Face the Nation three weeks ago, Senator Church called for a declaration of national purpose in which the Congress and the President would join in stating that this country's objective is the total withdrawal of all our military personnel—land, sea, and air—from Indochina. Senator Cooper said he wanted to see the President state clearly that no residual American force such as our 65,000 men in Korea would remain in Vietnam, that I, the President, intend to withdraw all military personnel.

Since that television appearance, the Administration has objected that there is no need for such a declaration, the President is getting us out. As we all know, the credibility of our government is at an all-time low, so the President needs a strong push from Congress to focus on that essential end objective. Such a resolution would allow the President to reaffirm his intentions while reaping the benefit of joint responsibility with Congress on a goal that might otherwise elude the American people. By refusing to go along with Congress, he might invite widespread criticism from all spectrums of the political scale.

Also, the President is taking a political risk when we do sail away from the shores of Indochina, that the right wing in this country will come crashing down on his head for "losing Vietnam" to the Communists. Richard Nixon should know about right-wing attacks on Commanders in Chief; he was a regular assailant, battering Truman for not bolstering Chiang Kai-shek before he had to flee China's mainland. Both Cooper and Church want to prevent the sort of vicious political recrimination which occurred after the Korean War in the days of Joe McCarthy, by joining the Legislative and the Executive branches in sharing the responsibility for ending America's military participation in Indochina.

This new Cooper-Church approach was bolstered this Tuesday when the Senate Democratic Caucus adopted an unprecedented policy resolution calling for withdrawal of all U.S. ground, air, supply and other forces from Indochina by the end of the 92nd Congress in January, 1973. The Majority Leader, Mike Mansfield, insisted that adoption of the resolution was neither a challenge to the President nor an attempt to bind his hands to a definite deadline. Nor was it, he said, "a presidential resolution" for the Democrats to run on in 1972. Yet, it was an attempt by the majority party in the Senate to establish a general "time frame" for withdrawal from Indochina. The resolution states that it is the sense of the Senate Democrats "that in the 92nd Congress, the Senate majority should work to achieve . . . (an) end involvement in Indochina and to bring about the withdrawal of all prisoners in a time certain." What this means is that the Senate, perhaps the whole Congress, has moved one step closer to the day when it will assert its war-making power and legislate a cutoff of military appropriations for a war in which very few people believe anymore. As the pro-Administration newspaper, *The Washington Evening Star*, declared in a headline, "Congress a Bit Nearer to Closing Viet Purse."

What does all of this mean for the country? What relevance does this have for members of college communities?

One, it means that the system is not dead; it is, however, barely alive. Besides our fanatic anti-Communist crusade, a major part of the problem has been a steady decline of Congress—a necessary link in the checks and balances chain. This branch must improve its performance in fulfilling the role assigned to it by the Constitution. The waning authority of Congress relates not only to peripheral matters, but reaches to the very core of its legislative responsibility—to the war power, the treaty power, and its power over the public purse. It even reaches to the Senate's advice and consent of Supreme Court nominees and both houses approval of white elephants like the SST.

The resultant ascendancy of the executive, built upon the steady erosion of congressional power over a long period of years, should command the urgent attention of all those who believe in balanced Constitutional government. It is not too much to say that the very preservation of the Republic itself, is the ultimate issue at stake. Therefore, it is the duty of Congress to redress the imbalance which has arisen by reclaiming its authority under the Constitution. It will be a long and difficult undertaking. I have tried to present a case to you tonight that there is hard evidence that many people are trying. And try they must. Otherwise, Congress is reduced to the level of a badly tarnished medieval pageant, and little more. And, we, the American people, are the serfs.

Can students have an effect on this process? Many of you feel a sense of frustration and helplessness—you have tried so very hard before and your only return was a wider war and more barbarism. The President might not listen to you, but the Congress does. Many Members hear loud and clear young people voicing their outrage and trying to redress grievances. To become so discouraged, however, that you do very little about the war is a state of mind similar to that which led the Congress into a generation of impotence. Don't fall into that same kind of attitudinal trap.

The presence last spring of literally thousands of concerned, serious college and graduate students in Senatorial and Congressional offices day after day gave an impetus and a spirit about Capitol Hill which most of you would not understand unless you worked there the whole year, haunted by its more sedentary ways of deliberating crucial issues of state. Law students and physics majors, freshmen who could barely write and recent graduates, not only expressed themselves in many ways, but on June 30th, after eleven previous votes over a gruelihg seven-week period on attempts by the hawks and presidential lackeys to gut the Cooper-Church amendment, got concrete results when the amendment finally passed that sunny summer day. New legislation will need the same kind of assistance from Patriots of Peace like yourselves. Join with those in the Legislative branch to bring an end to the war. If you don't, a very few of us will go it alone anyway; positive results will be less certain than they would be with your participation. Help us stop this nation from committing more crimes of war. Write, talk, demonstrate, and recruit for causes that will stop the war now. Let's not wait for another President, no matter for which party he will be the standard-bearer.

Third, on this very score, all of you should be turning your attention to considering the impact you can make when you vote in Federal elections next year and two years after that and so on. For the political activists, I strongly urge you to start thinking about practical political tactics such as raising money, registering voters, and selecting candidates. For those of you who still have faith in the ballot box, please register. Over 20 million voters under 21 are eligible; in New Hampshire, for example, 40,000 more people will be eligible to vote in that important primary alone. How many will vote differently than their parents no one knows. But the candidate who can turn-on people's trust in the American Government again will be the victor, this I am sure.

In this regard, Mount Holyoke College's Committee to End the War Now sounds like the most positive, effective program possible. It will mean long hours; you will not be able to rely on your textbooks for the answers; it might cost you money, but the end results will be worth it. If this war is ever going to end, it is only going to do so when American public opinion is unmistakably insisting that it end. Full and fair debate on the Vietnam Disengagement Act and the new Cooper-Church proposal, in both houses of Congress, could help crystallize public opinion—and getting people to register to vote their opinions could produce that majority for peace we all seek.

At the same time, the change from senseless war to rational peace will come if there is more cooperation among varying factions of the peace movement. Change can take place only when liberal and radical pressures are both strong. Together, they make it possible continually to test the limits of what can be done. Liberals, it seems, never know whether the door is unlocked, being afraid to try it. Radicals, on the other hand, only caring about one large leap forward, blindly pass all doors, missing many opportunities for small advances. It is late, but still timely, to target complementary pressures on the Congress to stop the fighting.

A final note. Like the invasion of Cam-

bodia last year, the invasion of Laos reflects an American President's deliberate decision to expand the war he claims to be winding down. What this says to the Legislative branch is: Now it is up to the two houses to end the war by a series of legislative measures and procedures by a time certain. The popular mandates given two Presidents in 1964 and in 1968 were not enough. It is time for such opinion to find expression in Acts of Congress.

Congress can end America's participation in the war.

Congress can return Americans to their rightful homes again.

Congress can articulate the irrationality of Pax Americana and lead in the rebuilding of our Democracy.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, how much time remains in the period for the transaction of routine morning business?

The PRESIDING OFFICER. Eight minutes.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business now be closed.

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

ORDER FOR RECOGNITION OF SENATOR ALLEN AND FOR FURTHER PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senator from Alabama (Mr. ALLEN) be recognized for not to exceed 10 minutes, and that following the conclusion of his remarks there again be a period for the transaction of routine morning business not to exceed 6 minutes, with statements therein limited to 3 minutes.

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

ADJUSTING FARM SUPPORTS—USDA'S DOUBLE STANDARD

Mr. ALLEN. Mr. President, last week Secretary Hardin raised the price support on manufacturing milk from $4.66 per 100 pounds to $4.93, or to 85 percent of parity.

Actually, the action represented an "upward adjustment" from the $4.66 support price announced by Secretary Hardin on March 12.

I support the Secretary's decision to raise the support level of this vital commodity because I believe the income of dairy farmers will be augmented as a result.

However, I am both amazed and concerned over the reasons offered in support of the Secretary's decision, and I feel strongly that the handling of the matter raises serious and substantive questions and doubts concerning current USDA commodity policy.

I fear, for example, that this administration not only has adopted, but is vigorously pursuing a policy designed to reduce price supports to the lowest level that the Congress will tolerate.

There is substantial evidence to substantiate the concern, which relates to cotton, and perhaps to other commodities, in addition to dairy.

Secretary Hardin attributed the upward adjustment in dairy supports to increased costs, citing specifically a $10 to $20 per ton increase in concentrated feed. Were these costs not evident to commodity program planners at USDA prior to March 12 of this year? Actually these cost increases, which stem primarily from the corn blight, were beginning to pinch the producer as far back as last fall. Yet they are cited as the basis for a sizable adjustment, computed, and announced in a period of less than 2 weeks.

The situation becomes even more anomalous when the official position taken publicly by departmental spokesmen is considered. For example, only 3 days before Secretary Hardin took action to increase the price support on manufacturing milk, one of his leading subordinates stated in an officially published and distributed text:

> In the light of history, I must urge dairymen not to be their own worst enemies and push for higher supports at this time.

Were conditions within 3 days' time that much different? Had that much changed?

Perhaps upon reflection USDA decided not only to revise price support levels, but also to revise its own thinking.

If that is the case, it will come as especially good news to the American cotton farmer, for no doubt action will be quickly forthcoming to bring about badly needed revisions in the 1971 cotton program.

I would remind the Senate that cotton farmers—who are forced with increasing frequency in many areas to find off-farm jobs just to make ends meet—do not receive 85 percent of parity; cotton price supports and payments are far below that level, and have been for several years.

Actually for the current marketing year the combined cotton price support loan and payment total about 70.3 percent of parity, or almost 15 percent less than dairy.

Remember also, and this is very important, that the cotton producer only receives a guarantee on the domestic portion, or 65 percent, of his cotton allotment, so in real terms he is compensated at a considerably lower level in terms of parity.

Unfortunately, in the case of the cotton producer, USDA has made no upward adjustment in the level of price support. This year USDA is offering the cotton producer a 2-cent lower loan, and in effect has thereby reduced the farmer's incentive to plant at a time when markets probably will be lost as a result of inadequate production.

I might state parenthetically that I noticed in the press this morning that the cotton crop in Mexico is expected to be some 300,000 bales short of the production of last year.

Mr. President, let me remind you that cotton is now in short supply, and with producers being compensated for some time now at well below 80 percent of parity, there is little wonder why. By comparison, the dairy price support program now has accumulated 100 million pounds of butter, and it is my understanding that the total may well double by 1 year from now.

Meanwhile the cotton loan reduction goes into effect at a time when new farm legislation is bringing about a 1.8-cent-per-pound cut in payments, and the elimination of a premium of almost one-half cent per pound for fiber of certain quality.

What possible justification can be offered for these downward administrative adjustments? Certainly USDA cannot contend that cotton producers have escaped the cost increases cited as justification for the upward adjustment in dairy supports.

Even the most efficient cotton producers today operate on a razor-thin margin. Their costs—like those of the dairy farmer—continue to rise rapidly.

In fact, the Economic Research Service reports that in some of the South's most efficient farming areas, costs of production in cotton rose between 1966 and 1968 from $40.7 million to $48.3 million. While more recent figures are not yet available, an upward trend is well established.

I make these comparisons as a means of emphasizing that cotton farmers are confronted with similar—perhaps even substantially worse—income problems when compared to the dairy farmer.

The dairy farmer has gained needed assistance and adjustment, but primarily because, in his case, enough Members of Congress made it clear that they would not tolerate USDA's "bare minimum" policy on support levels.

It is obvious that no new trends in costs emerged between March 12 when Secretary Hardin announced a price support of $4.66 per hundredweight for dairy, and March 25 when he made his upward adjustment to $4.93.

It is equally obvious that no new trends in cotton costs, production, or price have emerged since USDA announced the specifics of its ill-conceived program on December 8.

There are important reasons why the 1971 cotton program should be changed. A policy based rigidly on bare minimums will work no better in cotton than it would have in dairy.

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

ORDER FOR RECOGNITION OF SENATOR GRIFFIN ON THURSDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Thursday next, immediately following the remarks of the able Senator from

Oregon (Mr. PACKWOOD), the distinguished assistant Republican leader (Mr. GRIFFIN) be recognized for not to exceed 15 minutes.

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

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON THURSDAY NEXT

Mr. BYRD of West Virginia. Mr. President, it is understood that an order has already been entered providing for a period for the transaction of routine morning business on Thursday.

The PRESIDING OFFICER. That is correct.

Mr. BYRD of West Virginia. I thank the Chair.

I ask unanimous consent that on Thursday the period for the transaction of routine morning business not exceed 30 minutes, with statements limited therein to 3 minutes.

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

EXTENSION OF PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, how much time remains at this time under the order for transaction of routine morning business?

The PRESIDING OFFICER. Three minutes.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the current period for the transaction of routine morning business, with a limitation of statements therein to 3 minutes, be extended for an additional 10 minutes.

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

THE SENATE'S VOTE ON THE SST

Mr. ALLOTT. Mr. President, last Wednesday, when the Senate voted to discontinue funding for the SST, the Rocky Mountain News carried a most intelligent column which explained why the Senate should not do what it did.

The author of the column is Mr. Pasquale Marranzino. He makes a very illuminating reference to Bill Mitchell, whose name reminds us of another time when Congress came down hard on the side of shortsightedness concerning the future of aircraft.

Mr. President, I am indebted to Dr. Joseph L. Sajbel of Pueblo, Colo., for sending this column to me by special delivery, so that I can bring it to the attention of the Senate before the memory of last Wednesday's mistake begins to fade. Mr. Marranzino deserves to have the public record show that he saw the real nature of the dispute which has been temporarily settled in favor of those whose take seriously what Ogden Nash said in jest—progress was all right once, but it just went on for too long.

Mr. President, I ask unanimous consent for Mr. Marranzino's column to be printed on the RECORD.

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

LET'S KEEP SST MOVING

(By Pasquale Marranzino)

The discussion got around to Billy Mitchell and finally to the rumble in Congress and the nation over footing the rest of the bill to make the SST a reality.

Billy Mitchell was the Army Air Force pilot who tried to convince Congress and the armed forces that the airplane was here to stay and could be a better defensive clout for our arsenal than battleships and tanks and foot-slogging soldiers.

In Billy's day and after it during the great Depression, Congress, under public pressure to stop military spending and do more charity at home, refused to authorize money for fighter planes that went at $20,000 a copy. The story was a sad one when we got to 1940.

Miraculously, American ingenuity went to work and in a matter of months the industry was cranking out fighters and bombers for defense. We were much late in entering the competition. The Luftwaffe had been at the drafting boards and experimenting for years. They were far ahead of everything we had. The jet almost came in time to give them the skies. And the V–1 and V–2 rockets, a year earlier, would have given Europe to them and the East Coast would have been under bombardment.

The arguments against our building the SST seem specious. Protect our atmosphere from bugaboos like cancer and total disruption. Protect the stratosphere. Protect the ear drums and the small wild life from sonic booms. These are all precautions that are understandable. But are they realistic?

Once again, money seems to be the problem. Why subsidize the industry and the airlines? To date we have expended $800,000 in the program. We are close enough to complete the building and get an SST into the air with expenditure of another $300 million.

The French-English Concorde has been flying for quite a while. The Russians have an SST of their own that will be operational this fall.

The world's airlines—which have looked almost exclusively to American plane builders for equipment in the past—will turn to France and England or even Russia to keep up with the competition.

No matter how much our Congress and our environmentalists holler, we aren't going to keep other SSTs out of the international skies. We possibly could ban their flights over our own territories, but they will have the Atlantic and the Pacific trade. When you can cut business travel between continents in half, you will corner the customers.

Some professionals in the industry—builders, pilots and airline officials—have been planning on the SST since 1966. Perhaps their motivation is personal. But of the 35,000 professional pilots manning U.S. commercial planes, about 5 per cent will be flying the SST if and when it comes off the assembly line and is certified.

Some of these pilots will be those who were part of the first commercial service in history—that's how fast this dynamic industry has grown.

Lost in the argument is the fact that the major powers already are flying military craft of all kinds that fly at the speed projected for the SST and faster. We have that kind of a bird in the sky for defense purposes. Why not use it for peaceful progress?

Perhaps the syndrome for pulling our necks into the shell and abandoning our world leadership in all fields is something we shall not overcome. I trust not.

PROPOSED AMENDMENT OF AIRPORT AND AIRWAY DEVELOPMENT AND REVENUE ACT

M:. CANNON. Mr President, on behalf of myself and Senators MAGNUSON and PEARSON, I submit for printing in the RECORD today amendments to the Airport and Airway Development and Revenue Acts of 1970—Public Law 91–258, May 21, 1970—which I intend to introduce on Thursday next. The purpose of these amendments is to clarify and reaffirm the intent of Congress regarding the expenditure of aviation user tax revenues from the airport and airway trust fund established by that law.

Mr. President, it is with chagrin that I offer these amendments to the Airport and Airways Development Act, and Revenue Act in that Congress enacted this program only last May. However, the administration has callously ignored the major provisions of the legislation and has disregarded the intent of Congress in seeking funds to implement the provisions of the act. In effect, the administration has broken faith with the Congress and with the users of our aviation system who sought together to develop a comprehensive program to provide for the capital investment needs of the airport and airways system over the next decade.

In enacting that historic legislation, Congress acknowledged that the Nation's aviation system needed rapid modernization and expansion and determined that capital improvements to the airport and airway system—paid for by the users of the aviation system—should be accorded the highest priority in allocating the newly available financial resources and should be made as expeditiously as possible.

At the same time, it was recognized that the Federal Government, and the Nation as a whole, has an abiding interest in the continued development of air transportation. Accordingly, we contemplated that General Treasury revenues would be used to fund routine FAA operations and administrative expenses, as well as a portion of research and development costs, at least until the capital investment effort to modernize the Nation's airports and airways was substantially underway.

The administration has mistakenly interpreted the Airport and Airways Acts of 1970 to permit it to request appropriations less than the minimum levels for airport development and airways facilities specified in section 14 of title I of the Airport and Airway Development Act. Further, although Congress intended that the capital investment programs for aviation system modernization be fully funded from user tax revenues in the trust fund prior to the use of such funds for maintenance, operations, and administrative expenses, the administration has disregarded these statutory priorities and has given routine FAA expenses the same status as capital improvements.

For example, although the Airport and Airways Development Act clearly specifies that not less than $295 million is authorized for airport construction and planning grants during each of the next 5 fiscal years, in its appropriation request for the current fiscal year the administration asked Congress for only $50 million for this purpose. Furthermore in choosing to ignore the specified level of funding for airport development, the administration proposed to spend more

than $200 million of user tax revenues to pay for the ordinary housekeeping programs of the Federal Aviation Administration. This diversion of funds from capital programs to pay for administrative programs long paid for from general tax revenues clearly violates the spirit of the act while ignoring the vital and pressing need for airport development in the United States. The Congress in approving appropriations for fiscal year 1971 did not approve the administration attempt to divert funds from capital programs and the result is that on July 1 there will be a $402 million surplus in the trust fund.

Mr. President, in its request for funds for fiscal 1972, the administration again ignores the pressing airport needs of the United States and asks for only $107 million in liquidating cash for airport programs while at the same time seeking to spend almost $700 million in user charge tax revenues for the operations and maintenance of the Federal Aviation Administration. Again, I am hopeful that Congress will reject this request and will speedily enact these amendments or similar legislation in order to preclude the administration from making similar proposals in the future.

Mr. President, in addition to the attempts to divert user charge revenues for noncapital purposes, the administration is about to present to Congress a proposal that would entirely abolish the airport grant-in-aid program established by the Airport and Airways Development Act.

In the next few days, I am told, the administration's transportation revenue sharing proposal will be submitted which would, if approved, turn over to the 50 States at least $220 million per year in user charge tax revenues which Congress had intended to be reserved for airport grants. The proposal would allow the States to use that money for any transportation purpose; for operational expenditures as well as for capital investments. There would be no assurance that a single dollar of the user charge revenues would be used for airport construction in the United States.

From what I have been able to learn about the President's transportation revenue sharing proposal, I find it without merit because it would largely disband present Federal assistance to transportation programs designed to insure specific levels of capital investment and would allow the States to use these Federal funds for any transportation purpose they desire.

While I am not greatly concerned that Congress will approve this scheme, it is a dramatic indication of the administration's disinterest in providing high priority to the development of a modern aviation system to meet our air transportation needs of the 1980's. While other transportation programs are urgently needed in the United States and should be funded on their own merits, the Nation's airline passengers, shippers, the airline companies and owners and operators of private aircraft were all assured that the additional tax burdens imposed upon them by this program would result in a dramatically better air transportation system in the future.

In testimony before the Congress in 1969 the administration stressed that at least $5 billion worth of airport development was urgently required in the United States in the next 10 years.

In addition the administration estimated that the Federal contribution to this development requirement should be at least $250 million per year or $2.5 billion over the 10-year period.

Mr. President, in adopting those estimates, the Congress tried to fashion a program that would guarantee that funds would be available for these purposes and generally constructed the program along the lines of the administration's proposal.

It now appears, less than 2 years later, that the President is abandoning his support of the airport and airways development program and in effect turning over to the States user charge revenues without any requirement that they be invested in airport facilities. The President's proposal makes it all the more urgent that Congress quickly consider and adopt legislation such as that I am introducing today in order that we reassure those who are now bearing a special tax burden that their aviation needs will be met in a timely and coordinated manner. This bill was drafted with the assistance of the entire aviation community and reflects strong support of the groups representing the users. I intend to hold hearings on it very soon in the Aviation Subcommittee. I introduce the bill as a working paper because it reflects the general objectives we all wish to achieve. However, I am open to suggestions and amendments and we will carefully consider other alternatives aimed at the same objectives during the course of hearings.

Let me make it absolutely clear the objective these amendments are designed to achieve. First, the administration will be required to request and the Congress appropriate not less than $290 million per year for airport development and planning grants and, second, the administration will be required to request and the Congress appropriate not less than $250 million per year for air navigation facilities. Then and only then will user charge-derived trust fund revenues be available for the other purposes specified in the act.

These amendments are designed to insure that first and foremost, the user charge derived revenues will be allocated to meet the minimum capital needs of the system and that they may not be used for any other purposes until the minimum authorized amounts have been requested and appropriated. That will assure that the highest priority is given to capital development and improvement and will result in a minimum amount of investment in the system in each of the years for which the program is authorized.

A word of explanation regarding the legislation; the amendment to section 14 sharpens the intent of Congress and safeguards user tax revenues in the trust fund for priority of expenditure for the airport and airway capital programs. It does so by assuring that amounts earmarked for airport development and airway facilities will remain in the trust fund until used for those purposes. In addition, the amendment proscribes the expenditure of user funds until the airport and airways programs have been adequately funded.

The amendment to section 208 removes the superfluous authorizing language which has caused ambiguity and incorporates by reference the priorities and minimum levels established in section 14.

I ask unanimous consent to have the text of the bill printed in the RECORD.

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

S. —

A bill to amend the Airport and Airway Development and Revenue Acts of 1970 to further clarify the intent of Congress as to priorities for airway modernization and airport development, and for other purposes

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

SHORT TITLE

SECTION 1. This Act may be cited as the "Airport and Airway Development and Revenue Acts Amendments of 1971."

TITLE I—AIRPORT AND AIRWAY DEVELOPMENT

SEC. 101. Section 14 of Title I of the Airport and Airway Development Act of 1970 (84 Stat. 219, P.L. 91-258) is amended by adding thereto the following new subsection:

"(e) PRESERVATION OF FUNDS AND PRIORITY FOR AIRPORT AND AIRWAY PROGRAMS.—

"(1) Amounts equal to the minimum amounts authorized for each fiscal year by subsections (a) and (c) of this section shall remain available in the Trust Fund until appropriated for the purposes described in such subsections.

"(2) No amounts transferred to the Trust Fund by section 208(b) of Title II of this Act (relating to aviation user taxes) may be appropriated for any fiscal year to carry out the activities enumerated in subsection (d) of this section (relating to administrative, research and development, maintenance and operating expenses) unless at least the minimum amounts for airport development established by subsection (a) of this section and at least the minimum amount for airways facilities established by subsection (c) of this section have been appropriated for any such fiscal year."

TITLE II—AIRPORT AND AIRWAY REVENUES

SEC. 201. Paragraph (1) of subsection (f) of section 208 of Title II of the Airport and Airway Revenue Act of 1970 (84 Stat. 237, P.L. 91-258) is amended to read as follows:

"(1) AIRPORT AND AIRWAY PROGRAMS.—Amounts in the Trust Fund shall be available, as provided by appropriation Acts, for making expenditures after June 30, 1970, and before July 1, 1980, to meet the obligations of the United States authorized under Title I of this Act."

AUTHORIZATION FOR SECRETARY OF THE SENATE AND PRESIDENT PRO TEMPORE TO TAKE CERTAIN ACTION DURING THE ADJOURNMENT OF THE SENATE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that during the adjournment the Secretary of the Senate be authorized to receive messages from the House of Representatives and that the President pro tempore or Acting President pro tempore be authorized to sign bills duly passed by the two Houses and examined and found duly enrolled by the Secretary of the Senate.

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

ORDER FOR CONSIDERATION OF UNFINISHED BUSINESS ON THURSDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Thursday next, the the conclusion of the period for the transaction of routine morning business, the Chair lay before the Senate the unfinished business, S. 31.

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

AUTHORIZATION FOR COMMITTEES TO FILE REPORTS DURING ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that committees may be authorized to submit committee reports during the adjournment over to Thursday next at 10 a.m.

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

LEGISLATIVE PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for Thursday next is as follows:

The Senate will convene at 10 a.m., following the adjournment.

Immediately following the recognition of the majority and minority leaders under the standing order, the able Senator from Tennessee (Mr. BROCK) will be recognized for 15 minutes, followed by the distinguished Senator from Oregon (Mr. PACKWOOD) for not to exceed 15 minutes, followed by the able assistant Republican leader (Mr. GRIFFIN) for not to exceed 15 minutes, after which there will be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 3 minutes.

Following the conclusion of routine morning business, the Senate will resume its consideration of S. 31, a bill providing for programs of public service employment for unemployed persons, which will by virtue of the adjournment, become the unfinished business.

On Thursday, there will possibly be rollcalls. There will undoubtedly be a rollcall on passage of S. 31; and if the Senate does not complete action on S. 31 on Thursday, it is hoped that action will be completed thereon on Friday.

If action on S. 31 is completed on Thursday or Friday, the Senate will, on Monday next, proceed to the consideration of the export-import bill, S. 581, and permission has already been granted to the committee to submit its report thereon during the adjournment.

An agreement has already been entered into with respect to S. 581 on Monday next, under which there will be 3 hours of debate on the bill, equally divided and controlled by the majority and the minority leaders or their designees; there will be 1 hour on each amendment, motion, or appeal, except a motion to lay on the table, to be equally divided between the mover of such amendment or motion and the manager of the bill; and, under the usual form of such agreement, those Senators in control of time on passage of the bill may allot from such time under their control additional time to any Senator during the consideration of any amendment, motion, or appeal.

Also, of course, under the usual form, no amendments not germane to the bill may be received.

There will undoubtedly be one or more rollcall votes on S. 581.

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

Mr. BYRD of West Virginia. I yield.

Mr. DOMINICK. Is my understanding correct that this unanimous-consent agreement, which has been obtained and which the Senator is now outlining, applies to the bill (S. 581) only at the conclusion of action on S. 31, whether that hapepns to be on Friday or a week from Friday?

Mr. BYRD of West Virginia. The Senator is correct. Let us hope it will not be a week from Friday, because that would be Good Friday.

Mr. DOMINICK. Correct. That would be a good time.

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

Mr. BYRD of West Virginia. I yield.

Mr. GRIFFIN. I commend the distinguished majority whip not only for the excellent presentation he has made today concerning the schedule for Thursday, Friday, and Monday, but for the way he does it every day the Senate is in session. It is precise and exact, and very helpful to Senators on both sides of the aisle, who have to schedule their own time and like to know as closely as possible what is going to happen in the Senate.

The distinguished majority whip will be interested to know that when I suggested to the staff on our side that this information be conveyed and made available to Senators by way of tape recording, they told me this is already being done on our side, through the cloakroom, so that the information is available immediately after the Senate adjourns each day, which is very helpful.

Mr. BYRD of West Virginia. Mr. President, I thank the distinguished assistant Republican leader. I hope that the summary of the program which I am attempting to make each day for the following day on which the Senate is in session will be helpful to the staff on each side in their transmitting such information to the various offices of Senators, and hope it is helpful to Senators themselves.

May I say further, Mr. President, that in view of what the able minority whip has just stated, I shall be encouraged even to do a better job in the future in my summing up of the program at the close of each day.

BABY GIRL BORN TO SENATOR AND MRS. THURMOND

Mr. GRIFFIN. Mr. President, now, if I may have another moment or two for even a happier note, I have received word that the distinguished Senator from South Carolina (Mr. THURMOND) and his wife are now the proud parents of a 7-pound, 11-ounce baby girl. I know that this is welcome news to his many colleagues and his many friends in South Carolina and around the country, and we congratulate Senator and Mrs. Thurmond.

ORDER FOR ADJOURNMENT TO 10 A.M., THURSDAY, APRIL 1, 1971

Mr. BYRD of West Virginia. Mr. President, in view of the very happy note concerning the glad event which has just been brought to the attention of the Senate by the distinguished assistant Republican leader, I think the Senate ought to proceed now to adjourn forthwith. I therefore move that, in accordance with the previous order, the Senate stand in adjournment until 10 a.m. on Thursday next.

The motion was agreed to; and (at 2 o'clock and 51 minutes p.m.) the Senate adjourned until Thursday, April 1, 1971, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, March 30, 1971*

The House met at 12 o'clock noon.

Rev. Everett G. Miller, Sr., Dundalk Methodist Church, Dundalk, Md., offered the following prayer:

O Lord, our Heavenly Father, whose glory is in all the world: Most heartily we beseech Thee, with Thy favor to behold and bless Thy servants, the Members and agents of our House of Representatives. Grant that as they legislate for us they may be of one mind to establish justice and promote the welfare of all our people.

Endow all Members of Congress with a right understanding, pure purposes, and sound speech. Enable them to rise above all self-seeking and party zeal to the nobler concerns of public good and human brotherhood.

Cleanse our public life of every evil; subdue in our Nation all that is harmful; and make us a disciplined and devoted people. We ask all this that we may do Thy will on earth; even through Jesus Christ our Lord. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 789. An act to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended.