really screens around a sensitive man, baffles to turn aside the stones that always fly at the head of a man bent on destroying unearned privilege, easy custom, and injustice sanctioned by usage and time.

I well remember his first big effort in Congress for the enactment of fair employment practices legislation. I remember his work in its behalf, and was pleased to help him get his first FEPC bill out of subcommittee. That was in 1949.

When he became chairman of the committee in 1960, he presided over the initiation of an impressive list of new laws and programs that have wrought great changes in American life. Just to name a few of them: The Manpower Development and Training Act, the Economic Opportunity Act, the Juvenile Delinquency Prevention and Control Act, the Vocational Education Act, and those landmark measures, the Elementary and Secondary Education Act, and the Higher Education Act.

If others reaped more fame and glory from the great civil rights movement of the 1960's, their success was due in no small measure to the foundations he helped lay in the 1930's and 1940's and 1950's.

In essence, those civil rights leaders of the 1960's were simply saying the same things Adam Powell had been saying all through the years. The difference was that the time had come for the Nation to listen.

In this little statement of recollection of Adam Powell, I can only say that my long association with him was a pleasant one. I worked with him to the best of my ability to help him to be a successful chairman—and that he was. For all of his flamboyance he was not a jealous man, and never begrudged another member of the committee a share of the credit when credit was due.

He is gone from this House now. The controversies of the past have lost their urgency and their passion.

Those who had differences with him here and elsewhere may now join with his friends in bearing honest witness of his life as each of us knew it, and let history be the judge.

Adam Clayton Powell, Jr., would not care two hoots about that verdict. But, in the judgment of history, I believe he will not come off badly at all.

SENATE—*Tuesday, April 25, 1972*

The Senate met at 10 a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

PRAYER

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

Almighty God, grant to Thy servants here strength of character, vigor of mind, and soundness of judgment to match the high demands of our day. In the competition of programs at home and the collision of forces abroad, keep us united in dedication to freedom for all men everywhere. Give to each the courage of his convictions without arrogance and the will to fight for them without ill will for any man.

Guide us, O Father, through the work of this day. Give us grace to find our highest satisfaction in a steadfast purpose to do Thy will.

In Thy holy name, we pray. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The assistant legislative clerk read the following letter.

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., April 25, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

REPORTS OF COMMITTEES SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of April 20, 1972, the following reports of committees were submitted:

By Mr. HARTKE, from the Committee on Commerce, with amendments:

H.R. 11417. An act to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corporation for the purpose of purchasing railroad equipment, and for other purposes (Rept. No. 92–756).

By Mr. CRANSTON (for Mr. HARTKE), from the Committee on Veterans' Affairs, with amendments:

S. 2219. A bill to amend title 38 of the United States Code to authorize the Administrator of Veterans' Affairs to provide certain assistance in the establishment of new public nonprofit medical, health professions, and allied health schools and the expansion and improvement of health manpower training programs in Veterans' Administration facilities and in existing educational institutions affiliated with the Veterans' Administration (Rept. No. 92–757).

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, April 20, be dispensed with.

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

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on April 20, 1972, the President had approved and signed the act (S. 3153) to amend the act of January 8, 1971 (Public Law 91–660; 84 Stat. 1967), an act to provide for the establishment of the Gulf Islands National Seashore, in the States of Florida and Mississippi, for the recognition of certain historic values at Fort San Carlos, Fort Redoubt, Fort Barrancas, and Fort Pickens in Florida, and Fort Massachusetts in Mississippi, and for other purposes.

REPORT OF ADMINISTRATOR OF THE NATIONAL CREDIT UNION ADMINISTRATION—A MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Banking, Housing and Urban Affairs:

To the Congress of the United States:

Pursuant to the provisions of Title I, Section 102, of the Federal Credit Union Act, as amended (12 U.S.C. 1752a(e)), enclosed is the Annual Report of the Administrator of the National Credit Union Administration for the calendar year 1971.

RICHARD NIXON.

THE WHITE HOUSE, *April 24, 1972.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. ALLEN) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

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. 218) to extend the authority conferred by the Export Administration Act of 1969.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 12931) to provide for improving the economy and living conditions in rural America; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. POAGE, Mr. PURCELL, Mr. FOLEY, Mr. JONES of Tennessee, Mr. BELCHER, Mr. TEAGUE of California, and Mr. KYL were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 13361) to amend section 316(c) of the Agricultural Adjustment Act of 1938, as

amended; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. ABBITT, Mr. MCMILLAN, Mr. JONES of North Carolina, Mr. WAMPLER, and Mr. MIZELL were appointed managers on the part of the House at the conference.

The message also announced that the House had passed a bill (H.R. 14070) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (H.R. 8817) to further cooperative forestry programs administered by the Secretary of Agriculture and for other purposes.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. ALLEN).

HOUSE BILL REFERRED

The bill (H.R. 14070) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes, was read twice by its title and referred to the Committee on Aeronautical and Space Sciences.

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

ORDER FOR RECESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. tomorrow, Wednesday.

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

(Subsequently, this order was revised to provide for the Senate to recess until Thursday, April 27, at 9:30 a.m.)

SPECIALLY ADAPTED HOUSING FOR DISABLED VETERANS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 2013, Calendar No. 699.

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

The assistant legislative clerk read as follows:

S. 2013, to amend chapter 21 of title 38, United States Code, to increase the maximum amount of the grant payable for specially adapted housing for disabled veterans.

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

There being no objection, the Senate proceeded to consider the bill, which was ordered to be engrossed for a third reading, was read the third time and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 802 of title 38, United States Code, is amended by striking out "$12,500" and inserting in lieu thereof "$20,000".

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–730), explaining the purposes of the measure.

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

EXPLANATION OF BILL

This bill is identical to S. 3343 which the Committee on Veterans' Affairs has previously reported to the Senate (Rept. No. 92–720). The committee recommends favorable action on S. 3343.

SPECIALLY ADAPTED HOUSING FOR DISABLED VETERANS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 690, S. 3343.

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

The assistant legislative clerk read as follows:

S. 3343, to amend chapter 21 of title 38, United States Code, to increase the maximum amount of the grant payable for specially adapted housing for disabled veterans.

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

There being no objection, the Senate proceeded to consider the bill, which was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 802 of title 38, United States Code, is amended by striking out $12,500" and inserting in lieu thereof $20,000".

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–720), explaining the purposes of the measure.

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

EXPLANATION OF BILL

This bill would increase the maximum amount of a grant payable by the Administrator of the Veterans' Administration to provide specially adapted housing for disabled veterans. Under present law, a severely disabled veteran is entitled to a grant of not more than 50 percent of the cost of a home and necessary land up to a maximum of $12,500. This bill would amend section 802 of title 38, United States Code, by increasing the maximum grant authority to $20,000.

Veterans eligible for housing assistance grants are principally service-connected quadraplegics, paraplegics, and others who require the use of a wheelchair. Their condition requires ramps, special bathroom equipment, extra large rooms, exercising facilities, and other devices which are essential for many of them to live comfortably outside a hospital.

When the law was first enacted in 1948 by Public Law 80–702 which provided for grants of up to $10,000 for "wheelchair homes," the average cost of constructing a new single family residence was $7,850. While housing construction costs have risen steadily since then, the maximum amount of the grant has been increased just once and then only to $12,500 (Public Law 91–22). The average cost of a "wheelchair home," including necessary land, was $35,991 in fiscal year 1971. The average cost for fiscal year 1972 (as of January 31, 1972) has already increased to $38,213. The committee believes the need for additional grant authority is thus readily apparent.

All major veterans organizations have submitted their views to the committee, and they are unanimous in recommending that the proposed grant increase is necessitated by increased construction costs.

During the 24 years of the program's existence, 11,452 veterans have been aided at an expense of $113.5 million. In fiscal year 1971, 666 grants were made. A total of 354 grants have been made as of January 31, 1972, with an estimated total of 700 for this fiscal year. Approximately 725 grants are projected for fiscal year 1972.

COST

First full fiscal year costs occasioned by this bill are estimated at $5.5 million. The Veterans' Administration estimates a 5-year cost of approximately $26 million based upon an average of 700 grants per annum at an additional outlay of $7,500 per grant. The committee has examined the cost estimate provided by the Veterans' Administration and finds no basis to question its authenticity and therefore adopts it as its own.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar, beginning with New Reports.

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

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar, beginning with New Reports, will be stated.

DEPARTMENT OF DEFENSE

The second assistant legislative clerk proceeded to read sundry nominations in the Department of Defense.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

U.S. ARMY

The second assistant legislative clerk proceeded to read sundry nominations in the U.S. Army.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

U.S. NAVY

The second assistant legislative clerk proceeded to read sundry nominations in the U.S. Navy.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

The second assistant legislative clerk proceeded to read sundry nominations in the Air Force, in the Army, and in the Navy, which had been placed on the Secretary's desk.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nominations today.

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

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate resume the consideration of legislative business.

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

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I have no request for further time.

Mr. GRIFFIN. Mr. President, seeing the distinguished Senator from Alaska (Mr. GRAVEL) on the floor, and having read certain reports in the newspapers this morning, I should like to direct an inquiry to him in the hope that he might answer it.

I wonder whether it is true, as the newspapers report, that the Senator from Alaska intends, when he gets the floor, to read into the CONGRESSIONAL RECORD Government documents which are classified secret.

Mr. GRAVEL. Mr. President, my intention is to ask unanimous consent to place the documents in the RECORD, I think they are relevant to what is going on in Indochina today.

I came into possession of these documents some time ago and have been studying them diligently.

When I was 23 years old, I was a top-secret officer. I feel that my judgment has improved since then. I have evaluated the documents carefully, and I feel they contain no military information or other information that would jeopardize the safety of this country. But I feel that the documents do have a great deal of information about the political decisionmaking process that took place in 1969, and from that time until today.

I, like many other citizens, am concerned over what is happening today in Vietnam and, for that reason, I feel it is important to give my colleagues this political information, which casts a new light on the activities that are taking place in Vietnam today.

So I feel it is my constitutional obligation as a U.S. Senator, and in line with the oath of office I took to uphold the Constitution of the United States from internal and external threats, that I point out the domestic threat in the policy that is being implemented today. It is very important to fulfill my constitutional function to inform the people of my constituency and to inform my colleagues, to ask to have this matter placed in the RECORD so that everyone can read it and make his own judgment on the information.

Mr. GRIFFIN. I take it, then, that the Senator's answer to my question, as to whether he intends to read Government documents classified as secret, is yes.

Mr. GRAVEL. I think my colleague misunderstands my statement. My statement was that I would ask unanimous consent to insert it into the RECORD. I would be surprised and deeply chagrinned if someone objected to that unanimous-consent request, because that would mean that person would like to deny information to his colleagues or to the American people, information I feel is vital at this point in our history.

Mr. GRIFFIN. I thank the Senator from Alaska for his response.

Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator from Michigan will state it.

Mr. GRIFFIN. Notwithstanding the consent order previously entered into, which allocates 15 minutes of time to the distinguished Senator from Alaska (Mr. GRAVEL), would a motion be in order under the rules to have the Senate go into a closed session

The ACTING PRESIDENT pro tempore. A motion to go into closed session would be in order at any time.

Mr. GRIFFIN. Would it be in order, even if the distinguished Senator from Alaska had the floor and was in the process of reading documents into the RECORD?

The ACTING PRESIDENT pro tempore. Under the precedents of the Senate, even though a Senator has been allotted time, he could be taken from the floor long enough for such a motion to be made.

Mr. GRIFFIN. Mr. President, of course I do not know what these various documents involve. However, I think it would be very unfortunate if the Senator from Alaska should seek to take it upon himself solely to be the judge of the classification or declassification of highly sensitive papers. If he does seek by unanimous consent to have such classified material printed in the RECORD, I want him to know that I will be constrained to object. Furthermore, if he should proceed to use his 15 minutes for the purpose of reading the material on the floor, I believe I owe an obligation to the Senate at such a time to seek recognition for the purpose of moving that the Senate go into a closed session so that the whole Senate will be apprised of what the Senator from Alaska is doing.

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, the Chair recognizes the distinguished Senator from Alaska for not to exceed 15 minutes.

CERTAIN CLASSIFIED VIETNAM DOCUMENTS

Mr. GRAVEL. Mr. President, to clarify the remarks of the distinguished Senator from Michigan, he would move that the Senate go into closed session and not executive session.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. GRAVEL. Mr. President, I have in my possession documents that I think are vital to the safety and well-being of this democracy. I ask unanimous consent that those documents be printed at this place in the RECORD.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. GRIFFIN. Mr. President, I object.

The ACTING PRESIDENT pro tempore. Objection is heard. The Senator may not have the material printed in the RECORD.

Mr. GRAVEL. Mr. President, as I understand the rules, I cannot move to have these documents printed in the RECORD. Under the rules the only way that I can proceed to get them in the RECORD is to proceed to read them and entertain objection. Prior to that time, I would like, if my colleague would accommodate me with this courtesy, to at least have my speech printed in the RECORD so that I might then have a colloquy with him.

Mr. GRIFFIN. Mr. President, may I have the assurance of the Senator from Alaska that the speech does not contain material that is classified.

Mr. GRAVEL. Mr. President, the speech has four quotations from the material. That is all there is. There is no document contained in the speech or in my introductory remarks. And I think that we have had some experience with my introductory remarks in the past.

Mr. GRIFFIN. Mr. President, the Senator does quote from the classified information in his remarks; is that correct?

Mr. GRAVEL. Yes, that is correct. Mr. President, I ask unanimous consent that I may have my remarks printed at this point in the RECORD.

Mr. GRIFFIN. Mr. President, I object.

Mr. GRAVEL. Mr. President, I think it is clear at this point that the Republican minority in the Senate does not want to see this information made available to the American public and to the Senate. I have had a copy of it made available to the Senators on the floor and will pass it to any Senator who comes to the floor. I also have had one delivered to the Presiding Officer.

The initial documents cover the policy activities involved. Other Senators have received copies of the study.

It is most unfortunate that this most deliberative body in the world is party to covering up and hiding information that has been hidden by the executive. I say unfortunate because this information should have been made known to the American people at its very inception. What it shows is that the Chief Executive of this country, upon entering office, wanted to equip himself with the information necessary. He had this informa-

tion in hand, and then he implemented his policy.

Mr. President, there are two facets to the information. One involves the bombing. There were two views in the administration relevant to the bombing. One was that the bombing was not effective. That was the opinion of the Central Intelligence Agency, an agency that has an excellent track record. The other was that the bombing was possibly effective. That was the view of advisers who have a very poor track record.

The other part of this information shows that the Vietnamization that this administration wanted to accomplish was initiated in May or April.

The information shows categorically that everyone advising the President at that time advised him that the policy would not work. So, after receiving all of this advice, the President went ahead and implemented his policy, against the advice of the agencies and contrary to the facts available to him.

Based upon this, one can only come to the conclusion that the President of the United States had only one concern—and that concern was foremost—to save face. Today we are locked in a war that has been reescalated. We are killing thousands and hundreds of thousands of people only to save face, the political face of one individual.

Mr. President, I do not mean to overdramatize the situation. However, this is reminiscent of monarchs of the past who, at their own personal whim, would cause the death of thousands and hundreds of thousands of people. That is exactly what is happening in this country today.

I know of no other way to bring this country to its senses than to give the information that I have here. My opinions are the opinions of one individual. I think that we are interested in getting the opinions of all American people. And that opinion can only be an enlightened one if they have the facts. That is all I am attempting to do.

The facts are impressive. With the information given to the President in 1969, it is categorically demonstrable that Richard Nixon, by his activity of the last 5 months, has forced the offensive that has now taken place.

Mr. President, I will proceed to read my formal speech.

Mr. President, 4 years ago the President told the American people that he had a plan to end the war in Vietnam. We now know that he never had a plan to end the war. Instead, he adopted a policy that would indefinitely maintain the American military presence in Vietnam but at a lower level of visibility. And the result is now clear for all to see, with the war waging at a level as intense and as destructive as any time before.

Now I can conclusively demonstrate to my colleagues in the Senate and to the American people that the President was advised in 1969 that the policy we now employ had not worked in the past and was unlikely to succeed in the future.

As President-elect, Richard Nixon directed a series of questions to the national security agencies of the executive branch—the State Department, the CIA, the Defense Department. These sets of questions were called National Security Study Memoranda. They were intended to form the basis for his subsequent decisions on a range of foreign policy issues. I would have today inserted in to the public RECORD some of the questions and answers contained in NSSM 1, which covered the situation in Southeast Asia. The portions to have been placed in the RECORD would have focused specifically on the bombing. However, there was objection by the Republican whip of the Senate.

Comparing the entire NSSM 1 to the President's actual policy decisions, we realize that at no time after taking office did Richard Nixon seriously consider getting out of Vietnam or of negotiating with the North Vietnamese for an end to the war. Instead, he ignored NSSM 1's evaluation and persisted in the fundamental policy of his predecessors—propping up our client regime in Saigon.

The responses to sections of NSSM 1, which I have studied but not yet inserted in the RECORD, show that his advisors had concluded that the Thieu regime could not survive without an indefinite American military presence in South Vietnam.

It is now apparent that Richard Nixon developed a policy of reconstituting the war to maintain this required presence, while at the same time pacifying the American people with his rhetoric of "winding down" the war. This reconstitution of our presence required Richard Nixon to invade Cambodia and Laos, to escalate the bombing on all fronts and to initiate a greatly increased naval presence, the consequences of which are difficult to determine.

In adopting this policy, he adopted a new way of describing how the war was going. Instead of talking about battles won and lost, or soldiers lost on the two sides—the infamous "body counts" and "kill ratio" of the Johnson administration—he adopted as a yardstick the number of Americans withdrawn from South Vietnam and the number killed each week. So long as the withdrawal continued, and the casualties declined, he could claim that his policy was succeeding. The logic of this appeared to be acceptable to the American public.

What Richard Nixon did not point out was that success in withdrawing troops or in reducing American casualties was not the same as success on the battlefield. In fact, he was able to take these steps only because the Vietcong and North Vietnamese reduced the level of their attacks, preferring to bide their time while American troops withdrew, before resuming the attack.

The answers which the agencies provided to NSSM 1, together with what we now know about Mr. Nixon's policy, show that this policy was not constructed on the basis of the best evaluations of the military situation at the time. It was, in my judgment, developed solely to avoid the appearance of defeat for Richard Nixon.

The President has been trying until now to save the South Vietnamese by continuous, widespread bombing. We now know that the interdiction bombing has failed. In spite of the heaviest bombing campaign in history, conducted during the last year upon Laos and the Ho Chi Minh Trail, the Communist side has been able to launch a massive new offensive. And it was only by the reescalation of the American presence, bringing with it the heaviest aerial bombardment of the war, that the South Vietnamese have thus far been able to avoid a quick defeat.

This could have been foreseen. Mr. Nixon was aware from prior studies that bombing of the supply trails had not succeeded in crippling the enemy's war effort, and he was counseled by his advisers in NSSM 1 that it would not succeed in the future.

As with the material contained in the Pentagon Papers, had the American people been privy to this information at the time, I doubt that they would have supported the adoption of such a policy. It was only through the use of secrecy and through deceptive rhetoric that the American public was led to accept this "winding down" policy, thinking it would lead to an end to the war.

Recent events pose an enormous threat to world peace and to our very survival. In order that the Senate and the American people can know as much as possible about the true situation in Vietnam, and can participate in the crucial decisions this country must now make, I have today attempted to place in the record of the Senate the answers he received dealing with the effectiveness of bombing.

The Defense Department in its answer to NSSM 1 advised him that, although bombing could reduce the quantity of supplies reaching the south, enough would still get through to carry on the war:

> The external supply requirements of VC/NVA forces in South Vietnam are so small relative to enemy logistic capacity that it is unlikely any air interdiction campaign can reduce it below the required levels . . . the enemy can continue to push sufficient supplies through Laos to South Vietnam in spite of relatively heavy losses inflicted by air attacks.

The State Department agreed:

> Our interdiction efforts in Laos do not appear to have weakened in any major way. Communist capabilities to wage an aggressive and protracted campaign in South Vietnam as well as to support military operations against RLG (Royal Laotian Government) forces in Laos itself.

And the Central Intelligence Agency observed:

> . . . almost four years of air war in North Vietnam have shown—as did the Korean War—that, although air strikes will destroy transport facilities, equipment and supplies, they cannot successfully interdict the flow of supplies . . .

We also know from the Pentagon Papers that studies conducted by the Johnson administration both prior to, and during, the bombing of North Vietnam, showed that this too would not work. It would not force the North Vietnamese to halt their support for their allies in the South, and it could not choke off supplies flowing in from the Soviet Union and China, destined for South Vietnam.

President Nixon was given the same advice, and he too has now ignored it—at the greatest peril for the survival of all mankind.

The Central Intelligence Agency in responding to NSSM 1 told the President

that 3 years of daily bombing had totally failed to achieve its objective:

The major effects of the bombing of North Vietnam were extensive damage to the transport network, widespread economic disruption, greatly increased manpower requirements, and the problems of maintaining the morale of the people in the face of personal hardships and deprivation. Hanoi was able to cope effectively with each of these strains, so that the air war did not seriously affect the flow of men and supplies to Communist forces in Laos and South Vietnam. Nor did it significantly erode North Vietnam's military defense capability or Hanoi's determination to persist in the war.

The Defense Department advised the President:

. . . it is generally agreed that the bombing did not significantly raise the cost of the war to North Vietnam.

In fact, the Defense Department reported that, because of increased aid from Russia and China, "North Vietnam is better off today, 1969 than it was in 1965."

The State Department ominously concluded, in light of the President's recently escalated bombing—that:

There is little reason to believe new bombing will accomplish what previous bombings failed to do, unless it is conducted with much greater intensity and readiness to defy criticism and risk of escalation.

The President is now trying to halt the flow of supplies by bombing Haiphong, and there have even been suggestions that the port might be mined or blockaded, which could lead to a confrontation with other nations such as the U.S.S.R. But he was advised that closing the port of Haiphong would not prevent North Vietnam from continuing the war.

First, as the State Department notes, there are at least 14 other ports that could be used to bring supplies into the country. Second, the CIA points out that "all of the war-essential imports could be brought into North Vietnam over rail lines or roads from China in the event that imports by sea were successfully denied." And the CIA did not believe that ground transportation from China could be halted by interdiction bombing. The Defense Department, too, saw enormous difficulties standing in the way of any attempt to seal off North Vietnam from its allies.

I can only conclude that Richard Nixon is today pursuing a reckless, futile, and immoral policy which he knows will not work, but which is intended solely to enable him to save face.

He is doing this at great risk to world peace. His escalation of the war in Indochina could lead this Nation into a nuclear confrontation, if the Soviet Union moves to back up North Vietnam in the face of our bombing and naval bombardment. As in Cuba 10 years ago, we could be eyeball to eyeball with the other great nuclear power, only now in an area of the world where we lack the geographic advantage of a decade ago and where active hostilities are underway.

All Americans must now move to repudiate this policy and this war. The Congress, in particular, must act now to end all American involvement in the Indochina conflict.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. At this time in accordance with the previous order there will be a period of not to exceed 30 minutes for the transaction of routine morning business with speeches by Senators limited to 3 minutes.

The Senator from Virginia is recognized.

FOREIGN RELATIONS AUTHORIZATION ACT OF 1972

Mr. HARRY F. BYRD, JR. Mr. President, the Foreign Relations Authorization Act of 1972, which is S. 3526, will be before the Senate for consideration this week. Section 503 of that bill proposes to repeal action taken by Congress last year.

On page 30 of the Foreign Relations Authorization Act of 1972, lines 12 through 16, the section number being 503, would repeal action taken by Congress last year and signed into law by the President on November 17, 1971.

Section 503 of the Foreign Relations Authorization Act, if approved in the form submitted by the Committee on Foreign Relations, again would make the United States dependent on Communist Russia for a strategic war material.

A year ago, in a measure which was subsequently signed by the President and which is now law, Congress took the view that it is not logical to appropriate huge sums of money for national defense and simultaneously to be dependent on Russia for a strategic war material; namely, chrome. So last year Congress enacted legislation which would exempt from the embargo on Rhodesia the importation of this strategic material, chrome.

Rhodesia has two-thirds of the world's chrome supply and without having access to that chrome the United States then became dependent on Communist Russia.

I regret that the Committee on Foreign Relations is attempting to undo what Congress did and the law the President signed last November 17.

At the appropriate time I shall present an amendment to the Foreign Relations Authorization Act of 1972 to eliminate from its provisions lines 12 through 16 on page 30, the section number being 503.

CERTAIN CLASSIFIED VIETNAM DOCUMENTS

Mr. GRIFFIN. Mr. President, I regret that the distinguished Senator from Alaska does not seem to be in the Chamber at the moment.

I want to make it clear that my action in earlier objecting to the Senator's request was taken in order to preserve and protect the integrity of the Senate as an institution. I am not familiar with the contents of the classified document or documents to which reference has been made.

However, I do know this: If a Senator believes certain classified information ought to be made available to the Senate or to the public, it would seem to make sense for the Senate as a whole to consider the question. My action was designed to enable that course to be taken. If the Senator from Alaska really wants to proceed, then it would seem to be most appropriate to give the Members of this body an opportunity first to hear the Senator's justification for making public this classified material. I believe that would be the wise and proper way to proceed.

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

Mr. ROBERT C. BYRD. 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. ROBERT C. BYRD. 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.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following letters, which were referred as indicated:

PROPOSED SUPPLEMENTAL APPROPRIATIONS, 1972, FOR THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE (S. DOC. NO. 92–72)

A communication from the President of the United States transmitting proposed supplemental appropriations for fiscal year 1972 in the amount of $82,700,000 in budget authority for the Department of Health, Education, and Welfare (with accompanying papers); to the Committee on Appropriations.

PROPOSED APPROPRIATION TO PAY CLAIMS AND JUDGMENTS RENDERED AGAINST THE UNITED STATES (S. DOC. NO. 92–71)

A communication from the President of the United States transmitting an appropriation request of $5,508,032 to pay claims and judgments rendered against the United States (with accompanying papers); to the Committee on Appropriations.

PROPOSED SUPPLEMENTAL APPROPRIATION, 1972, FOR THE DEPARTMENT OF THE INTERIOR, SOUTHWESTERN POWER ADMINISTRATION (S. DOC. NO. 92–70)

A communication from the President of the United States transmitting a proposed supplemental appropriation for the fiscal year 1972 in the amount of $500,000 for the Department of the Interior, Southwestern Power Administration (with an accompanying paper); to the Committee on Appropriations.

REPORT ON INCREASES IN CERTAIN TARIFFS

A communication from the President of the United States, reporting, pursuant to law, on increases in certain tariffs; to the Committee on Finance.

REPORT ON PROPERTY ACQUISITIONS OF EMERGENCY SUPPLIES AND EQUIPMENT

A letter from the Director of Civil Defense, reporting, pursuant to law, on property acquisitions of emergency supplies and equipment, for the quarter ended March 31, 1972; to the Committee on Armed Services.

REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting a report entitled "Assessment of Operations and Management of Opportunities Industrialization Centers," Department of Labor, Department of Health, Education, and Welfare, Office of Economic Opportunity, dated April 20, 1972 (with an accompanying report); to the Committee on Government Operations.

PROPOSED AMENDMENTS TO THE RULES OF CRIMINAL PROCEDURE FOR THE U.S. DISTRICT COURTS

A letter from the Chief Justice of the United States, transmitting, pursuant to law, proposed amendments to the Rules of Appellate Procedure, adopted by the Supreme Court (with accompanying papers); to the Committee on the Judiciary.

PROPOSED AMENDMENT OF FEDERAL FOOD, DRUG, AND COSMETIC ACT

A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to amend the Federal Food, Drug, and Cosmetic Act to require the disclosure of ingredients on the labels of all foods (with accompanying papers); to the Committee on Labor and Public Welfare.

PROPOSED HIGHWAY SAFETY ACT OF 1972

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the Highway Safety Act of 1966, title 23, United States Code, section 401 et seq. (with accompanying papers); to the Committee on Public Works.

PROPOSED FEDERAL-AID HIGHWAY AND MASS TRANSPORTATION ACT OF 1972

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize appropriations for the construction of certain highways and public mass transportation facilities in accordance with title 23 of the United States Code, to establish an urban transportation program, and for other purposes (with accompanying papers); to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

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

A resolution of the Senate of the State of Hawaii; to the Committee on Banking, Housing and Urban Affairs:

"S. RES. No. 115

"Resolution requesting the U.S. Department of Housing and Urban Development (HUD), in cooperation with Hawaii's congressional delegation, to provide additional funds under the Federal lease program for low and moderate income housing

"Whereas, the construction of many housing projects which caters to one economic segment of the community, especially for families of low income, will result in the concentration of families with similar health, social and other problems in a particular geographical area, thereby creating additional socio-economic problems; and

"Whereas, the Hawaii Housing Authority has under lease approximately five hundred fifty units in the State and one of the problems with the leasing program is an insufficient number of units available for lease at a price low enough to make the program feasible; and

"Whereas, the federal leasing program is an excellent program since it endeavors to scatter families of limited means throughout the community, control such rental units in some buildings to not more than 10% and thus make available more units for less rent; now, therefore

"Be it resolved by the Senate of the Sixth Legislature, State of Hawaii, Regular Session of 1972, that the U.S. Department of Housing and Urban Development (HUD), in cooperation with Hawaii's congressional delegation, be and is hereby requested to provide additional funds under the federal lease program for low and moderate income housing; and

"Be it further resolved that the Hawaii Housing Authority continue to study and encourage the lease concept among those in the private sector of our community who are interested in providing low and moderate lease rental units in cooperation with the Hawaii Housing Authority; and

"Be it further resolved that duly certified copies of this Resolution be transmitted to the President of the U.S. Senate; the Speaker of the U.S. House of Representatives; the Congressional delegation from the State of Hawaii; and the Director of the Hawaii Authority."

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

"ASSEMBLY JOINT RESOLUTION NO. 10—RELATIVE TO THE IMPROVEMENT OF SAFETY STANDARDS FOR TOYS

"Whereas, Injuries to children in excess of 700,000 incidents per year have resulted from defectively designed or defectively manufactured toys; and

"Whereas, The protection of children from the harmful effects of dangerous toys requires vigilance in discovering dangerous conditions and strict enforcement of health and safety laws relating to toys; and

"Whereas, Self-regulation by the toy industry has not proved to be an effective deterrent to the introduction of dangerous toys into the market for eventual use by small children; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes Congress to review existing legislation on child protection and toy safety to determine whether further protection is needed; and be it further

"Resolved, That the Legislature of the State of California respectfully memorializes the Food and Drug Administration of the United States Department of Health, Education, and Welfare, and the Federal Trade Commission, to vigorously enforce existing laws and regulations relating to child protection and toy safety; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Food and Drug Administration of the United States Department of Health, Education and Welfare, and to the Federal Trade Commission."

A concurrent resolution of the General Assembly of the State of Indiana; to the Committee on Finance:

"A CONCURRENT RESOLUTION MEMORIALIZING CONGRESS TO REVIEW THE REGULATIONS OF THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

"Whereas, the Congress of the United States by amendment to the Social Security Act (402a), effective July 1, 1969, as a work incentive, provided for an income disregard in the amount of the first $30, plus ⅓ of the remainder, for employed members of families with dependent children in arriving at the amount of income available to meet the needs as established by the States; and

"Whereas, the Department of Health, Education, and Welfare by Regulation 233.20, published in the Federal Register, Vol. 34, No. 19, January 29, 1969, in Section 7, provides that "the applicable amounts of earned income to be disregarded will be deducted from the gross amount of 'earned income,' and all work expenses, personal and non-personal, will then be deducted. Only the net amount remaining will be applied in determining need in the amount of the assistance payment."; and

"Whereas, This regulation permits families to have large earned income and continue to receive Assistance to Dependent Children, plus having the medical needs of the family met from public funds; and

"Whereas, It is felt that while the provision for initially disregarding the first $30, plus ⅓ of earned income, provides for work related expense and child care nonetheless continuing such income disregard can be counter productive toward reducing welfare costs and thus serves as a start-up work incentive for recipients of Assistance to Dependent Children: Therefore, be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

"Section 1. The Indiana General Assembly hereby respectfully memoralizes the Congress of the United States to review the regulation of the Department of Health, Education, and Welfare in accordance with the amendment to the Social Security Act to determine if this regulation exceeds the intent of Congress.

"Section 2. Copies of this resolution shall be sent to the Speaker of the House of Representatives, the President of the Senate and each member of the Indiana delegation to the Congress of the United States."

A resolution adopted by the city of Pacific, King County, Wash., praying for the enactment of legislation relating to revenue sharing; to the Committee on Finance.

A resolution adopted by the American Legion, Natchitoches, La., in opposition to the proposition of amnesty to draft evaders and deserters from the Armed Forces; to the Committee on Foreign Relations.

The petition of the Fort Wadsworth Committee, Little Neck, N.Y., requesting a proclamation declaring 1 minute of prayer at 11 a.m., July 4, 1972, for the "Independence" of our Prisoners of War; to the Committee on Interior and Insular Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LONG, from the Committee on Commerce, without amendment:

H.R. 11589. An act to authorize the foreign sale of certain passenger vessels (Rept. No. 92–758), together with minority views.

By Mr. STEVENSON, from the Committee on the District of Columbia, with amendments:

S. 2208. A bill to improve the laws relating to the regulation of insurance in the District of Columbia, and for other purposes (Rept. No. 92–759).

EXECUTIVE REPORTS OF COMMITTEES

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

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

Jarold A. Kieffer, of Minnesota, to be an Assistant Administrator of the Agency for International Development;

Curtis W. Tarr, of Virginia, to be Under Secretary of State for Coordinating Security Assistance Programs;

Joseph S. Farland, of West Virginia to be Ambassador Extraordinary and Plenipotentiary to Iran; and

Martin J. Hillenbrand, of Illinois, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary to the Federal Republic of Germany.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. MOSS (for himself and Mr. MAGNUSON):

S. 3527. A bill to amend the Fair Packaging and Labeling Act to require additional information on the labels of cosmetics, and

for other purposes. Referred to the Committee on Commerce.

By Mr. STEVENSON:

S. 3528. A bill to amend title 18, United States Code, to protect the people of the United States against the lawless and irresponsible use of handguns, and to assist in the prevention and solution of crime by establishing a national registration of handguns and minimum licensing standards for the possession of handguns, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. METCALF (for himself, Mr. PERCY, Mr. ROTH, Mr. BROCK, Mr. GURNEY, Mr. MUSKIE, Mr. CHILES, Mr. HUMPHREY, and Mr. HART):

S. 3529. A bill to prescribe certain standards and procedures governing the establishment and operation of advisory committees in the Federal Government, and for other purposes. Referred to the Committee on Government Operations.

By Mr. BEALL:

S. 3530. A bill to provide for the conveyance of certain real property in the District of Columbia to the National Firefighting Museum and Center for Fire Prevention, Incorporated. Referred to the Committee on the District of Columbia.

By Mr. ALLOTT (for himself and Mr. DOMINICK):

S. 3531. A bill to authorize the Secretary of the Interior to participate in the planning, design, and construction of outdoor recreational facilities in connection with the 1976 Winter Olympic Games. Referred to the Committee on Interior and Insular Affairs.

By Mr. ANDERSON (for himself and Mr. MONTOYA):

S. 3532. A bill to authorize the conveyance of certain lands to the New Mexico State University, Las Cruces, N. Mex. Referred to the Committee on Interior and Insular Affairs.

By Mr. GAMBRELL:

S. 3533. A bill to impose a moratorium on involuntary student transportation until a uniform plan of racial desegregation shall have been implemented throughout the country. Referred to the Committee on the Judiciary.

By Mr. GRIFFIN:

S. 3534. A bill to facilitate the adoption by U.S. citizens of Vietnamese children who have been orphaned or abandoned as a result of the war in Southeast Asia. Referred to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MOSS (for himself and Mr. MAGNUSON):

S. 3527. A bill to amend the Fair Packaging and Labeling Act to require additional information on the labels of cosmetics, and for other purposes. Referred to the Committee on Commerce.

COSMETIC ACT OF 1972

Mr. MOSS. Mr. President, a fine basic statement of the "Consumer's Right to Know" is in the declaration of policy of the Fair Packaging and Labeling Act. Section 2 of that act states:

> Informed consumers are essential to the fair and efficient functioning of a free market economy. Packages and their labels should enable consumers to obtain accurate information . . .

The legislation then goes on to establish certain requirements and prohibitions. Among the requirements is the identity of the commodity, the name and place of business of the manufacturer, the quantity of the contents, as well as such additional regulations as Secretary of Health, Education, and Welfare may prescribe with respect to food, drugs, devices, or cosmetics.

Furthermore, these additional regulations are specifically designed to prevent deception of consumers and facilitate value comparisons. The Secretary may promulgate additional regulations to require that the label declare, in the case of commodities consisting of two or more ingredients, the common names of each ingredient.

Thus there already is sufficient authority under the Fair Packaging and Labeling Act to require ingredient labeling. But with regard to cosmetics, I believe that more is necessary. Thus I introduce for myself and for the distinguished chairman of the Senate Commerce Committee, Senator MAGNUSON, the Cosmetic Act of 1972.

Legislation designed to accomplish the same objectives has already been introduced in the House by Congressman FRANK EVANS of Colorado.

The Cosmetic Act of 1972 establishes a new title II to the Fair Packaging and Labeling Act. This title, headed "special additional requirements relating to cosmetics," sets out the following requirements: First, registration of manufacturers of cosmetics—each manufacturer of any cosmetic is to register with the Secretary of Health, Education, and Welfare. As a part of registration, the manufacturer would file a statement with the Secretary including the name and address of the manufacturer, the address of each plant in which each cosmetic is manufactured, the name of each cosmetic manufactured, and the formula of each cosmetic—including the name and quantity of each component of each cosmetic—a copy of the label and labeling of each cosmetic, and the list of uses of each cosmetic manufactured. In return for this information, the Secretary would grant a registration number, without which a manufacturer would be prohibited from producing cosmetics.

Second, testing and other requirements—each manufacturer and importer of cosmetics would be required to certify the results of certain tests which are designed to evaluate a cosmetic's toxicity, sensitizing capacity, contamination, carcinogenicity, mutagenicity, and teratogenicity.

Third, additional labeling requirements—after submitting the above information, the manufacturer would be required to label cosmetics with the following information: the name of each ingredient in the cosmetic, a list of the uses of the cosmetic together with directions for use, the date after which the cosmetic should not be used because any preservative or antibacterial agent in the cosmetic would no longer be effective, and the registration number assigned to the manufacturer by the Secretary.

Some may ask why this legislation is necessary, particularly in view of a recent regulation announced by the Food and Drug Administration. The Food and Drug Administration's regulation calls for too little. Let us look closely at the Food and Drug Administration proposal. It proposes a voluntary registration of cosmetic makers and packers and the voluntary filing with FDA of product formulations. The proposal also permits manufacturers to identify trade secrets or other privileged and confidential information which would not be disclosed to the public. Let us look at what the FDA regulations do not require. They do not call for mandatory registration of cosmetic makers. They do not call for mandatory filing with the FDA of formulations. They do not call for mandatory public disclosure of ingredients. They do not call for mandatory directions for use. And they do not call for mandatory dating of preservatives or antibacterial agents.

According to the FDA's Federal Register insert, the Commissioner believes that—

> Promulgation of a mandatory regulation could result in lengthy litigation that would seriously delay FDA from obtaining the type of information expected as a result of this promulgation. If it is determined that the information obtained through the procedure established in these regulations does not adequately contribute to the efficient enforcement of the Act, additional steps will be taken to promulgate mandatory regulations.

I am pleased to note that statement, for it means that the Commissioner truly believes the public should be well informed.

But since the public may not become well informed through the regulations, I believe that enactment of the Cosmetic Act is necessary. The provision of information directly to consumers is a most modest requirement. One manufacturer, Avon Products Inc., has already embarked upon a program of public disclosure of formulations. As a minimum, I should think that the rest of the cosmetic industry could follow suit. To Avon Products, my heartiest congratulations for its foresight.

An additional note is necessary considering the transfer of authority for the Fair Packaging and Labeling Act envisioned in the Consumer Safety Act, S. 3419, recently reported by the Senate Commerce Committee. Under section 204 of S. 3419, the cosmetic chapter—chapter VI—of the Food, Drug, and Cosmetic Act is repealed and cosmetics are classified as "consumer products." Additionally administration of the Fair Packaging and Labeling Act would also rest in the Consumer Safety Agency. Thus all regulation of cosmetics would be handled by the Consumer Safety Agency although, for the purposes of introduction, the Cosmetic Act grants these powers to the Secretary of Health, Education, and Welfare.

Cosmetics are used every day by nearly all of the American people. But the industry has been virtually unregulated to date. Consumers spend billions of dollars a year on cosmetics, even more than they spend for prescription drugs. But regulation has been woefully inadequate. A brief listing of the scope of cosmetic products could indicate why adequate labeling, testing, and regulation is most necessary. Cosmetic products include baby products, bath preparations, eye make-up preparations, fragrances, hair

preparations, make-up preparations, manicuring preparations, oral hygiene products, personal products, shaving preparations, skin care preparations, and suntan and sunscreen preparations.

The list is virtually endless; the cost to the public is significant, and the hazards are many and sometimes grave. In closing, I would like to comment briefly on the press conference conducted by the President's Adviser on Consumer Affairs, Virginia Knauer, on April 10, 1972, at which time the Food and Drug Administration's voluntary regulations were announced. In effect, Mrs. Knauer has encouraged retailers to act on behalf of the consumer. This is a sound suggestion. She has enlisted the support of the Mass Retailing Institute, the National Association of Chain Drug Stores, Osco Drug, and Giant Foods in requiring of cosmetic manufacturers appropriate labeling for the consumer. Presence of this major ally is most heartening. Now that the consumer has an ally in the retailer, let us hope that the cosmetic industry, too, will become an ally in providing the necessary information so that consumers can make informed choices in the marketplace. Avon Products has announced that it will be the consumer's ally, let us see if the rest of the industry can join in.

Mr. President, I ask unanimous consent that following my remarks, the text of the Cosmetic Act of 1972 be printed in the RECORD, together with several statements issued at Mrs. Knauer's press conference and the text of the voluntary regulations proposed by the Food and Drug Administration.

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

S. 3527

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 "Cosmetics Act of 1972".

SEC. 2. The Fair Packaging and Labeling Act (15 U.S.C. 1451–1461) is amended as follows:

(1) by inserting title "TITLE I—FAIR PACKAGING AND LABELING" immediately above the heading of section 2;

(2) by striking out "section 3" in section 4(a) and inserting in lieu thereof "section 102";

(3) by striking out "section 6" in section 4(a) and inserting in lieu thereof "section 301";

(4) by striking out "section 3" in section 4(b) and inserting in lieu thereof "section 102";

(5) by striking out "section 4" and "section 2" in section 5(b) and inserting in lieu thereof "section 103" and "section 101", respectively;

(6) by striking out "section 4" in section 5(c) and inserting in lieu thereof "section 103";

(7) by redesignating sections 2 through 5 as sections 101 through 104, respectively; and

(8) by inserting immediately after section 104, as redesignated by clause (7), a new title as follows:

"TITLE II—SPECIAL ADDITIONAL REQUIREMENTS RELATING TO COSMETICS

"REGISTRATION OF MANUFACTURERS OF COSMETICS

"SEC. 201. (a) Each manufacturer of any cosmetic shall register with the Secretary. Each person who is engaged as a manufacturer on the effective date of the Cosmetics Act of 1972 shall register not later than the close of the thirtieth day following its effective date. Each person who becomes a manufacturer after the effective date of the Cosmetics Act of 1972 shall register prior to the date upon which such person sells or offers for sale any cosmetic. Upon registration, each manufacturer shall be assigned a registration number by the Secretary.

"(b) As a part of registration, each person described in subsection (a) shall file a statement with the Secretary in such form and detail as the Secretary shall prescribe and it shall include—

"(1) the name and address of the manufacturer and of any other person whose name will appear on the label or labeling of any cosmetic manufactured by such manufacturer, and the address of each plant in which such cosmetic is manufactured;

"(2) the name of each cosmetic manufactured by such manufacturer, and the formula of each such cosmetic which shall include the name and quantity of each component of each such cosmetic;

"(3) a copy of the label and labeling of each cosmetic manufactured by such manufacturer; and

"(4) a list of the uses of each cosmetic manufactured by such manaufacturer which are represented on the label or labeling of each such cosmetic and any other reasonably foreseeable uses of each such cosmetic.

"(c) If, at any time, the information contained in a statement filed by a manufacturer under subsection (b) is not accurate and up to date, such manufacturer shall file with the Secretary, within thirty days after such statement is no longer accurate and up to date, such amendment or amendments as may be necessary to make the information contained in such statement accurate and up to date.

"TESTING AND OTHER REQUIREMENTS

"SEC. 202. (a) Except as provided in subsection (b), it: shall be unlawful for any person engaged in the manufacture or importation of any cosmetic to import or manufacture for sale or distribution or cause to be distributed in commerce any cosmetic unless—

"(1) such person, either himself or by contract, conducts tests to determine the effects of such cosmetic with respect to the conditions described in subsection (c);

"(2) such person submits to the Secretary an accurate and complete description of each test conducted concerning such cosmetic and the results of each such test;

"(3) such person submits to the Secretary an accurate and complete description of the process used to manufacture and package such cosmetic;

"(4) such person submits to the Secretary a list of each health claim made on the label or labeling of such cosmetic or made in any advertising concerning such cosmetic, and an accurate and complete description of each test conducted and any other data compiled by such manufacturer in support of such claim; and

"(5) the Secretary determines that such cosmetic is safe, when used as directed on its label or labeling, for any use represented on its label or labeling or for any other reasonable foreseeable misuse, and that any health claim made with respect to such cosmetic on its label or labeling or in any advertising is accurate.

"(6) the cosmetic is substantially identical to the cosmetic tested and determined to be safe.

"(b) With respect to any cosmetic which has been sold to consumers in the United States before the effective date of the Cosmetics Act of 1972, such cosmetic may continue to be sold by the manufacturer on and after the effective date of the Cosmetics Act of 1972 and before the Secretary makes any determination pursuant to paragraph (5) of subsection (a), if such manufacturer complies with the provisions of paragraph (1) through (4) of subsection (a) of this section within 365 days after the effective date of the Cosmetics Act of 1972.

"(c) In order to make a determination pursuant to paragraph (5) of subsection (a), the Secretary must receive from the manufacturer of any cosmetic information concerning each cosmetic manufactured by such manufacturer with respect to—

"(1) systemic toxicity,
"(2) primary irritancy,
"(3) allergenic sensitizing capacity,
"(4) microbiological contamination,
"(5) photosensitizing capacity,
"(6) eye irritation,
"(7) animal feeding,
"(8) inhalation,
"(9) skin absorption,
"(10) carcinogenicity,
"(11) mutagenicity,
"(12) teratogenicity, and
"(13) stability of preservative systems,

and the information described in paragraphs (3) and (4) of subsection (a). The Secretary may, in response to a written request from such manufacturer, waive the testing requirement for any of the above items with respect to such cosmetic if he determines that any such test is not relevant to the making of a determination for such cosmetic pursuant to paragraph (5) of subsection (a). The Secretary may require any type and number of tests for any of the above items, and for any other items, which he deems necessary in order to make a determination pursuant to paragraph (5) of subsection (a) concerning such cosmetic.

"(d) The Secretary shall make a determination pursuant to paragraph (5) of subsection (a), within one hundred and twenty days after he has received all of the information concerning such cosmetic from any manufacturer as required to be submitted to him under this section. The Secretary may, prior to the one hundred and twentieth day, by written notice to the manufacturer, extend such one-hundred-and-twenty-day period for up to sixty additional days as the Secretary deems necessary to enable him to study and investigate such information.

"(e) Any information received by the Secretary regarding the tests, referred to in the first sentence of subsection (c), conducted in connection with any cosmetic by or for the manufacturer of such cosmetic shall be available to any person upon request to the manufacturer.

"ADDITIONAL LABEL AND LABELING REQUIREMENTS

"SEC. 203. (a) It shall be unlawful for any person engaged in the manufacture of any cosmetic to distribute, sell, or offer for sale in commerce such cosmetic unless the label of such cosmetic includes the following information:

"(1) the name of each ingredient of such cosmetic, except that perfumes and colorings may be designated as perfumes and colorings, and except that reasonable variations shall be permitted for small packages which shall be established by regulations prescribed by the Secretary;

"(2) a list of the use or uses of such cosmetic together with directions for each such use;

"(3) the date after which such cosmetic should not be used because any preservative or antibacterial agent which is an ingredient of such cosmetic will no longer be effective; and

"(4) the registration number assigned to the manufacturer of such cosmetic by the Secretary.

"(b) The labeling requirement prescribed under subsection (a) shall be in addition to any requirements required under title I of this Act and under any other provision of law.

"DEFINITIONS

"SEC. 203. For purposes of this title—

"(1) The term 'Secretary' means the Secretary of Health, Education, and Welfare.

"(2) The term 'cosmetic' means any article included in the definition of such term under section 201 (i) of the Federal Food, Drug, and Cosmetic Act."

SEC. 3. (a) Section 6 of the Fair Packaging and Labeling Act is amended by striking out "section 4 or section 5 of this Act" in subsections (a) and (b) and inserting in lieu thereof "section 103, 104, 201, or 202 of this Act".

(b) Section 7 of such Act is amended—

(1) by striking out "but the provisions of section 303 of that Act (21 U.S.C. 333) shall have no application to any violation of section 3 of this Act," and

(2) by striking out "sections 4 and 5" in subsection (c) and inserting in lieu thereof "sections 103, 104, 201, 202, and 203". (c) Section 8 of such Act is amended by striking out "section 5(d)" and inserting in lieu thereof "section 104(d)".

(d) Section 12 of such Act is amended—

(1) by striking out "section 4" and inserting in lieu thereof "section 103"; and

(2) by adding at the end thereof a new sentence as follows:

"It is further declared to be the express intent of Congress to supersede any and all laws of the State or political subdivisions thereof insofar as they may now or hereafter provide for labeling requirements for any cosmetic which are less stringent than or require information different from the requirements of this Act or regulations promulgated pursuant thereto."

(e) Such Act is further amended by inserting "TITLE III—GENERAL PROVISIONS" above the heading of section 6, and by redesignating sections 6 through 13 as sections 301 through 308, respectively.

SEC. 4. (a) Subsection (a) of section 303 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333(a) is amended to read as follows:

"(a) Any person who violates a provision of section 301 shall be imprisoned for not more than five years or fined not more than $50,000, or both."

(b) The last sentence of section 706(a) of such Act is amended by striking out "other than a hair dye (as defined in the last sentence of section 601(a))".

(c) Subsection (i) of section 201 of such Act is amended by striking out "except that such term shall not include soap."

SEC. 5. This Act shall become effective on the first day of the second calendar month following the date of enactment.

REMARKS BY VIRGINIA H. KNAUER, SPECIAL ASSISTANT TO THE PRESIDENT FOR CONSUMER AFFAIRS

Ladies and gentlemen, those of you who cover my office and the FDA understand the many consumer issues we are involved with. One week it is automobile repair, the next week orange juice labeling, the next bacon packaging and others.

I thought it might be best to begin what I hope will be a series of progress reports on a number of these problem areas. The subject I wish to discuss today concerns cosmetics.

Overall, Americans buy approximately $4 billion worth of cosmetics annually. Most of these transactions are satisfactory from the consumer's viewpoint. Masking a wrinkle, or highlighting a positive feature can have a great effect on a person's morale and ego, let me assure you.

Nonetheless, a significant number of Americans, particularly those with allergies or sensitive skin, have had unpleasant reactions from using some cosmetics. With rare exception, these individuals have no way of knowing what is in the cosmetic before it is purchased and thus no way of avoiding ingredients that may cause allergic reactions. Similarly, their physicians don't know what's in the product either, so they can't tell patients who are allergic to an ingredient what products to avoid.

Industry officials have estimated that over 30 million Americans may exhibit allergic reactions. The National Commission on Product Safety cites figures to show that cosmetics injure over 60,000 persons annually so as to restrict activity for one day or to require medical attention.

While statistics serve a useful purpose, by themselves they do not reveal the experience of pain and suffering undergone by some Americans. My letters tell me that, and I have brought a few of these letters with me to share with you so that you may better understand the experience undergone by those individuals suffering allergic or sensitizing reactions from cosmetic ingredients.

Too many women found that their witchcraft instead of enhancing beauty, had the opposite effect; instead of beguiling the beholder, the makeup abuses the user. We intend to see that the beauty game has more winners and fewer losers. We intend to take the witch out of witchcraft.

We are announcing today a series of steps, both private and governmental, which add up to a major breakthrough for consumers in the field of cosmetics.

As you have seen from FDA's statement, it has announced publication of new regulations calling for voluntary registration of cosmetic manufacturers and packagers and for the voluntary filing with FDA of product ingredients and formulations. I want to call to your attention the fact that the FDA regulations require that the need for confidentiality must be proven. This will sharply limit traditional secrecy surrounding product formulations. Moreover participating companies will be requested to provide poison control centers and licensed physicians with all the information needed for the treatment of patients suspected of being adversely affected by the products. Thus, if a person has an allergic reaction to a particular cosmetic, and that cosmetic manufacturer is following the recommended procedure, he or she can obtain prompt expert advice on how to treat the problem.

Registration of product ingredients and formulations will also be very helpful to speed the physician's evaluation of the patient's needs. For instance, if FDA becomes aware that a cosmetic ingredient, such as hexachlorophene, has possible harmful side effects it would know from that listing what cosmetics contained that ingredient. While taking appropriate action on the product, it could also alert physicians as to what side effects to look for, and how to treat them.

In addition, FDA has announced it will consider fully the issue of mandatory labelling for sensitizing cosmetic ingredients. As you know, and as the Report of the National Commission on Product Safety makes explicit, there is doubt as to the authority of FDA to impose such a requirement. Nevertheless, the issue is one that warrants close examination, and I applaud FDA's action in taking a new look at this question.

Now I would like to share with you some of my efforts. I have been concerned about the adverse reactions caused by some cosmetics since I first came into office as the President's Consumer Advisor. In fact, over a year ago, I urged the cosmetic manufacturers to agree to register their product formulations with FDA.

In addition to encouraging the cosmetic industry to take voluntary action, I have solicited the support of several retail associations, not only in the field of cosmetics, but in other consumer areas as well. As I have stated on several occasions, I believe the retailer is the consumer's purchasing agent; as such, he should be the consumer's advocate.

I am pleased to tell you we have with us today several retailers who have taken this message to heart.

In response to my request, members of the Mass Retailing Institute, and the National Association of Chain Drug Stores will be asking their cosmetic suppliers to provide shoppers, on request, with information regarding cosmetic ingredients. As you know, Avon Products has already agreed to do this.

In addition, both Osco Drug and Giant Foods have initiated their own programs to obtain cosmetic information for the consumer.

Details of their specific action programs are contained in the information presented to you. Mr. Kurt Barnard, Executive Vice President of the MRI, has been unavoidably detained, and I will have his statement for you. Mr. Richard Cline, President of Osco Drugs, and Esther Peterson, Consumer Advisor to the President of Giant Foods, are here to answer any of your questions.

This actions of the retailers represented here today are significant in and of themselves. But, their importance will be magnified as their competitors undertake similar programs. Thus, consumers will have a major ally assisting them to obtain more cosmetic ingredient information. Similarly, manufacturers will have a powerful economic incentive to furnish more information. If they don't, they risk not only the loss of consumer confidence but a loss of patronage from the Nation's retailers.

The members of the cosmetics industry have shown commendable initiative in filing the petitions which form the basis of FDA's new regulations, and I welcome their cooperation.

The FDA proposals call for voluntary action. We have no way of knowing how many industry members will participate, though we certainly expect that most elements in the industry will cooperate to the fullest.

The significance of FDA's action and the constructive response of the cosmetics industry should not be under-estimated. After years of inconclusive discussion between industry and former FDA commissioners regarding cosmetic safety and labeling. Dr. Edwards has put to the test the questions of industry support for voluntary consumer protection. Government and public attention will focus on industry reaction to FDA's call for cooperative action on behalf of the consumer.

Simultaneously, consumers and retailers are making known their desire for more cosmetic ingredient information. This adds a powerful economic incentive for the cosmetics industry to respond. I have every reason to believe that the combination of government interest and public pressure will stimulate the competitive instincts of the industry and produce real gains for the American consumer.

CARBON RECEIVED BY VIRGINIA KNAUER OF LETTER TO MANUFACTURER

JANUARY 8, 1972.

DEAR SIRS: About a week and a half ago I purchased a can of [your feminine hygiene spray product] at the drug store. Previously, I had used [other products]; this was my first experience with your product.

Friday night, January 1st, I used it for the first time. To make a long story short, I almost ended up in the emergency ward, and only pride prevented me from going there immediately, I got such a reaction from [your feminine hygiene spray product] that for two and a half days I was almost out of my mind.

The reaction consisted of gross swelling of the tissues, itching, burning and a lot of pain. My neighbor who has had experience with alergies suggested I begin taking antihistamine immediately, which I did, and that helped to lessen the symptoms, but they persisted until Monday evening at which time

it was lessened enough to allow me to do my housework. I am an executive secretary and work on Monday was sheer Hell.

I am, and will continue to be, so angry with your company, that frankly, I hope the product is removed from the market. When I mentioned this to one of the other girls in the office, she said that her experience with the product was not as severe, but was similar.

I am under the impression that the problem lies in the carrier you use to make the aerosol work, but then I am not a chemist, obviously. All I know is that if I am capable of receiving such a terrible reaction to this product, and I have not suffered similar reactions from the other products I mentioned, then the fault lies solely in [your feminine hygiene spray product].

It will be apparent by now that I am extremely upset; this experience completely ruined my week and (being New Year's incidently) and suffered greatly because of it. I also suffered humiliation as I had to cancel plans and make excuses for myself.

Yours truly,

——— ———.

MICHIGAN.

AUGUST 5, 1971.

MRS. VIRGINIA KNAUER,
Director, Office of Consumer Affairs, Executive Office of the President, Washington, D.C.

DEAR MADAM: I'm writing to you in regard to ——— aerosol underarm deodorant—not the anti-perspirant.

I ran into a problem under my arms after I had used this product and my Doctor told me to check the can for the ingredients. When I did, I found nothing listed.

I thought all ingredients had to be listed on every product sold. I checked several of their other items and they also do not list a thing.

Could you find what ingredients are in this aerosol underarm deodorant and please let me know. I am not using it now, but had purchased two cans of their special. I do not want to discard it if it is not harmful. I could give it to someone else, even though I cannot use it.

I would appreciate it if you would let me know what this product consists of and also instruct that Company to show what their products are made of.

Thank you for your consideration and assistance.

——— ———.

AKRON, OHIO.

JULY 6, 1971.

MRS. VIRGINIA KNAUER,
Special Assistant to the President for Consumer Affairs, Executive Office of the President, Washington, D.C.

DEAR MRS. KNAUER: I am writing to you about an incident that happened a few days ago. I will give you the details briefly.

Wednesday night, June 30, to be exact, I started to use a cosmetic called ——— Lotion.

Two days later small red blisters occurred where I had been using the lotion. I discontinued use of the lotion and put a medication on instead. The blisters began healing and I resolved that the lotion was causing the trouble. I may note that there was no statement declaring that certain skins may be sensitive to the product.

I then wrote a complaint to (the manufacturer) and I hope to receive a reply. I am enclosing a copy of the complaint for your reference.

I am asking if you could refer this letter to the Federal Food & Drug Administration and advise me on any further action that should be taken.

I am a thirteen-year old girl and just beginning to use cosmetics. This episode causes me to put distrust on the entire cosmetic industry. I hope you have a solution to my problem.

Thank you very much,

——— ———.

BURLINGTON, N.J.

COPY RECEIVED BY VIRGINIA KNAUER OF LETTER TO MANUFACTURER

FEBRUARY 4, 1972.

GENTLEMEN: A week ago I wrote you regarding a problem I had with your ——— mascara.

In the letter, I stated that my eyes became red and inflamed from use of your ———. Even after removing the make-up the eyes remained inflamed and painful. The medical department at my place of employment sent me home in fear of an infection and would not allow me to return to work until I had a doctor's release saying I had no contagious infection. I actually had no choice but to see an eye doctor. The doctor informed me there were mascara fibers in my eyes and under the lids of the eyes.

Your product's package states "hypo-allergenic" and nothing else. I did not expect to have such a problem. I returned the make-up to the store and my money was refunded. The store, in turn, returned the product to you for inspection.

Enclosed is a copy of the doctor bill and a copy of the release allowing me to return to work. The situation wasn't serious and I am thankful for that, but it was a lot of trouble and costly to me.

I am submitting this statement to you for reimbursement to me. I have checked the legal points with an attorney and I was informed you are most certainly legally responsible.

I am awaiting your reply and restitution for this incident.

Sincerely,

——— ———.

SANTA ROSA, CALIF.

JANUARY 22, 1972.

MRS. KNAUER,
Office of Consumer Affairs, Office of the President, Washington, D.C.

DEAR MRS. KNAUER: I am sure you will route this to the proper office, but I wanted to apprise you of a situation which I feel is a consumer affairs item.

I recently purchased two sticks of ——— eye shadow, one green and one blue, at my neighborhood drug store. I used each one only a few times, and each time a very strong burning sensation occurred on my eyelids. I tried using each one several times to be sure this was being caused by the eye shadow, and there is no doubt about it.

I returned them to [my drug store] and without any question, was given a replacement with another brand which is satisfactory.

However, I feel very strongly that there is some toxic ingredient in the ——— eye shadow which should be investigated and corrected so that this cannot happen again. I asked the sales girl to let her product representative know about this, and I trust she will.

In the meantime, I feel it is important enough to let you know that this kind of product is on the market.

Thank you for whatever you can do about this.

Very truly yours,

——— ———.

TARZANA, CALIF.

AUGUST 1, 1971.

MRS. VIRGINIA KNAUER,
Special Assistant to the President for Consumer Affairs, Washington, D.C.

DEAR MRS. KNAUER: The [women's group] of Miami, Florida, wishes to petition you to use the influence of your office to require cosmetic firms to label the ingredients of all their products.

1. Women have as much right to know precisely what they are putting on their skins as they do in what they are putting into their stomachs. The skin does absorb chemicals and can be damaged, impairing the individual's health.

2. Most people have allergies to one thing of another. If cosmetic ingredients are labeled and a bad reaction does develop in some women users, the product containing these ingredients can be avoided in the future. Furthermore, long, expensive tests by a dematologist might be avoided.

3. Hair coloring is very widely used in this country. An allergic reaction to the hair cosmetics can be severe and dangerous. The only way a woman can determine if she is allergic to a particular product is to buy a regular sized package and then to test for allergy as prescribed in the accompanying literature. If she finds she is allergic, she has already lost the entire sale price.

4. Since all hair coloring producers advise to pre-test for allergy, it is only sensible and economically equitable for hair coloring manufacturers to sell "allergy sample" kits at all cosmetic counters handling their products, at a small fraction of the sale price of their full-sized product. Thus, women could always test for safety, economically.

If cosmetic companies refuse to list the ingredients in their products, they are relying on mumbo-jumbo and deceit in trying to foist on women, products of little or no value, products that they tacitly admit, that though costing more than a competitor's products, contain nothing different.

If the industry is based on fraud and deceit, there is no common sense reason to support it. If the cosmetic industry has something of value to offer, they will have no fear of listing their ingredients on the labels of their products.

The idea must finally sink in that it is the consumer that should be protected—not the profits of the cosmetic industry.

Sincerely,

——— ———.

MIAMI, FLORIDA.

OFFICE OF CONSUMER AFFAIRS,
Washington, D.C., March 10, 1972.

MR. ROBERT J. BOLGER,
Executive Vice President, National Association of Chain Drug Stores, Inc., Arlington, Va.

DEAR MR. BOLGER: Recently a key FDA official was quoted in the trade press to the effect that a "means must be found to lead consumers susceptible to allergies to cosmetic products which do not have ingredients which produce allergic reactions." Industry officials have estimated that over 30 million Americans may exhibit allergic reactions and figures developed by the National Commission on Product Safety suggest many thousands of adverse reactions to cosmetic products each year.

There is no requirement for cosmetic ingredient labeling under existing law and even where allergists have pinpointed a cosmetic component as responsible for a particular reaction, the consumer-patient has hitherto been in no position to ascertain whether the particular component was or was not present in a cosmetic purchased over the counter in your members' stores.

Recently one cosmetic company took voluntary steps to alleviate this situation. The Avon Company has announced a policy whereby Avon will tell any customer the ingredients of any cosmetic formula, on request.

The purpose of this letter is to inquire as to whether the members of your Association, as the consumers' "purchasing agents," have given thought to asking their cosmetic suppliers whether they might also

be willing to supply ingredient information on request as the Avon Company has done. Perhaps an initial survey of suppliers might specifically mention the "hypoallergic cosmetics" (which are advertised and promoted to consumers for their low or non-allergic reactions potential) as likely candidates for ingredient disclosure on request.

Would you advise me on the willingness of your members to inquire of their suppliers regarding the possibility of cosmetic ingredient disclosure on request. If one or more of their suppliers show a willingness to follow the Avon policy, perhaps your members might then devise a convenient means of obtaining this information for customers in need of this assistance.

I will be extremely interested in your reply.

Sincerely,

VIRGINIA H. KNAUER,
Special Assistant to the President for Consumer Affairs.

STATEMENT FROM KURT BARNARD, EXECUTIVE VICE PRESIDENT OF MASS RETAILING INSTITUTE HEADQUARTERED IN NEW YORK CITY

Mass Retailing Institute has promised full cooperation with Mrs. Virginia H. Knauer, President Nixon's Special Assistant for Consumer Affairs, in communicating to all its members the problem of adverse allergic reactions caused in some individuals by some ingredients of some cosmetic products whose users had no way of knowing, at the time of purchase, what ingredients the products contained.

It will develop and suggest to its members a mechanism they can employ to solicit from their cosmetics suppliers information concerning cosmetic ingredients, and to have such information available to shoppers on request.

Under consideration is an ingredient information request form to be submitted to manufacturers together with an order, and a binder in the store, available to shoppers on request, containing the ingredient lists supplied by cooperating manufacturers.

MRI also will write to the principal suppliers of cosmetics to its members suggesting they consider adopting the same kind of ingredient disclosure on the packaging of their products as is used on packaged food products and, indeed, on a number of cosmetic items.

MRI represents chains operating over 10,000 discount department stores and leased departments. In 1971 the industry sold $30 billion worth of merchandise to some 42 million families in the fifty States.

MRI is happy to cooperate with Mrs. Knauer in this effort. We feel that what is good for the consumer is good for the discount department store industry.

PRESS RELEASE OF OSCO DRUG, INC.

Osco Drug, Inc., a subsidiary of Jewel Companies, Inc., today announced a policy of ingredient disclosure for toiletries and cosmetics items.

The announcement, made by Richard G. Cline, President of Osco, at a Washington Press Conference of the President's Office of Consumer Affairs, states:

"We share the concern expressed by Mrs. Knauer and Mr. Edwards for those millions of people in the United States who may be allergic to substances used in cosmetic and toiletry preparations commonly sold in drug stores. Unfortunately, in the purchase of cosmetic and toiletry products, these people have no practical method for determining product ingredients and are thus helpless in avoiding products to which they react.

"To solve this industry problem manufacturers and retailers need to take voluntary action to make information available at the point of sale that will make it possible for customers with known allergies to avoid substances harmful to them.

"Two steps have been taken by Osco Drug to initiate corrective action. First, we have written each of our cosmetic and toiletry suppliers recommending that ingredient labeling or inserts be initiated for each of their products and as an immediate response that they send Osco a list of ingredients for each of their products sold in our stores, so that we can make this information available to our customers. Second, we have directed that statements of ingredients be included on all Osco label cosmetic and toiletry products. Since the package changeover for Osco label products will not be completed for some time, we are sending each of our stores ingredient lists for these products, in order that this information may be made available to customers upon request. Ingredient information on 25 Osco private label items will be available in our stores this week.

"Further, as you know, Osco is a subsidiary of Jewel Companies, Inc., a diversified family of retailers operating over 1,000 stores in 20 states and in-home shopping businesses coast to coast. The presidents of each of the Jewel Companies have authorized me to tell you that they are initiating similar action as follows:

" 'Turn*Style, which operates self-service department stores, is also writing its vendors asking voluntary ingredient disclosure action and will also make ingredient disclosures for all of its private label products.

" 'Jewel Food Stores, Eisner Food Stores, Star Markets, Buttreys, and White Hen Pantries, Jewel Companies' operating food markets, are also requesting information from their suppliers for in-store customer reference.

" 'Finally, the Direct Marketing Division, operating 2,000 in-home shopping businesses in 42 states and serving about one million homes every two weeks, is today introducing a new hypo-allergenic line of cosmetic products to be sold throughout their areas of operation. Ingredient information will be made available for each of these products as well as for all other cosmetic and toiletry products currently in their line.'

"This action on the part of all Jewel Companies is in keeping with other Jewel consumer information programs responding to 'Consumer's Right to Know,' such as prescription drug price posting, cost-per-measure pricing, open dating, nutrition labeling and meat labeling."

OSCO DRUG, INC.,
Franklin Park, Ill., April 7, 1972.

DEAR ———: In response to a concern expressed by Mrs. Virginia Knauer, Special Assistant to President Nixon for Consumer Affairs, I am writing you about a serious problem you and I can do much to alleviate.

As you know, millions of people in the United States are allergic to substances used in cosmetics and toiletry preparations commonly sold in drugstores. Unfortunately, in the purchase of cosmetic and toiletry products, many persons have no practical method of determining product ingredients, and thus they are helpless in avoiding products to which they react. Manufacturers and retailers need to take voluntary action to make available, at the point of sale, information that will enable customers with known allergies to avoid substances harmful to them.

We, at Osco, have no fixed ideas about the form in which ingredient information should be provided for any particular product. In the spirit of voluntary action which can best serve customer needs and those of the industry, we do, however, recommend strongly that the industry subscribe to a guiding principle of maximum disclosure of product information in a form consistent with the customer's need and right to know.

So that you will know fully the action Osco Drug is taking, I wish to advise you that I have directed a change in our private label packaging so that ingredient statements will be included on all Osco label cosmetic and toiletry products. Since that package changeover will not be completed for some time, we are sending to each of our stores ingredient lists for these products, and we will make these available to customers on request.

Ingredient disclosure will also be one element Osco will use in the evaluation of your new products and in re-evaluating existing products as those come up for review. Our buyers and full staff are ready to work with you to develop ways that will make this information available and that are appropriate for your products.

What action should you take? Clearly, you are the most appropriate one to decide that for your products. Several alternatives and priorities are obvious:

1. Make information available on the product label and its package, wherever possible.
2. Make information available in a package insert where package or product labeling is impractical.
3. Make information available to retailers, who can then provide it to sales personnel in stores so that they can answer customer inquiries.
4. Include cautionary use statements wherever appropriate.

Any package or label changes you undertake will, of course, require time to work their way through distribution channels. Thus, as an immediate response, I ask you to send me a list of ingredients for each of your products so that I can make this information available in each of our stores. If your decision should be not to supply us with this information, we would like to know your reasons for choosing not to do so.

This letter is going to key executives of each Osco cosmetic and toiletry supplier. Frankly, I know each of you shares our concern for customer health. There may be valid reasons that have made ingredient disclosure difficult in the past; however, as our customers' purchasing agents, we ask you to respond positively.

We all are aware of pending regulations which might be both less appropriate and more difficult than any voluntary action we can take. Thus, I trust you will take this opportunity to seize the initiative and assure our mutual customers of your sincere concern for their well being.

Sincerely,

RICHARD G. CLINE.

TEXT OF APRIL 10 ANNOUNCEMENT TO SALES PERSONNEL FROM DIRECT MARKETING DIVISION, JEWEL COMPANIES, INC., EXPLAINING COSMETIC AND TOILETRY INGREDIENT DISCLOSURE POLICY

We think our customers have the right to know what touches their skin. The DMD of Jewel will become one of the very first companies in the United States to provide customers with a printed list of ingredients for cosmetics. Beginning Wednesday, April 12, a list of ingredients will be inserted in each customer order of Jewel Natural Charm cosmetics. We will go even a step further than listing ingredients; we will also list the 60 most common allergens found in cosmetics which are not used in our Natural Charm hypo-allergenic cosmetic line. So that our people can answer questions asked by customers, we will immediately provide every one of our sales people with a comprehensive list of ingredients used in any product which comes in repeated contact with the skin, including dishwashing liquids, shampoos, bar soaps, hair sprays, etc. We will also change all packaging in these categories to show ingredients or make available to the customer a statement of ingredients. These packaging changes should be completed by the end of 1972.

This is a voluntary action on Jewel's part

because we feel strongly that our customers have the right to know what they are buying and what is coming in contact with their skin. This decision and action on our part further emphasizes the basic "customers first" philosophy of our business.

Osco Drug, Inc. operates 185 drug stores in the following States:

Arkansas, Idaho, Illinois, Indiana, Iowa, Kentucky, Maine, Massachusetts, Michigan, Minnesota, Missouri, Montana, New Hampshire, North Dakota, South Dakota, Washington, Wisconsin.

NEWS RELEASE OF GIANT FOOD, INC.

Giant Food Inc. announced today it will list the amount of each active ingredient on the labels of its private brand over-the-counter drugs and health and beauty aids. Last year, the company began a similar program on its private label foods.

Esther Peterson, Consumer Advisor to the Giant Food President Joseph B. Danzansky, said the program is designed to give consumers, especially those with allergy problems, the point-of-purchase information they need to make informed buying decisions.

In addition to allergy problems, the labeling program is expected to be helpful to people whose health could be adversely affected by certain common ingredients, such as sugar and salt. Although these and similar substances may not be active ingredients, they will be listed on the label because they could have an adverse affect on health.

Morris H. Bortnick, Giant's Vice President of Professional Services, observed that the cost of providing this information will be negligible, based on experience with Giant's nutritional labeling project and other labeling programs.

The 26 products that will be labeled under the new program are as follows:

Giant Brand Gelatin Capsules.
Giant Brand Expirin (aspirin substitute).
Giant Brand Adult Suppositories.
Giant Brand Nose Drops.
Giant Brand Bath Oil.
Giant Brand Cream Rinse.
Giant Brand Shampoo.
Giant Brand Mouthwash (4 different formulations).
Giant Brand Shave Cream.
Giant Brand Antiperspirant Deodorant.
Giant Brand Children's Aspirin.
Giant Brand Baby Shampoo.
Giant Brand Buffered Aspirin.
Giant Brand Extra Strength Tablets (analgesic).
Giant Brand Alox Gel (antacid).
Giant Brand Cold Capsules.
Giant Brand Rest All Nite (cough suppressant).
Giant Brand Extra Strength Cough Mixture.
Giant Brand Witch Hazel.
Giant Brand Hand Lotion.
Giant Brand Protein Shampoo.
Giant Brand Dandruff Shampoo.
Giant Brand Baby Oil.

GIANT FOOD, INC.,
PROFESSIONAL SERVICES DIVISION,
Washington, D.C., April 5, 1972.

DEAR ———: We are currently reviewing all of our private label Health and Beauty Aid items with respect to labeling disclosure information.

Kindly forward to me as soon as possible the complete quantitative formulation of the following items with respect to both active and inactive ingredients, fillers, excipients, preservatives, or any other additives used.

Product List:

Thank you for your cooperation.

Very truly yours,

MORRIS H. BORTNICK.

COSMETIC PRESS CONFERENCE STATEMENT

(By Charles C. Edwards, M.D.)

Cosmetics brighten the lives of millions of Americans. They are important products in today's society.

But cosmetics, unlike drugs and food—which FDA also regulates—are not essential to human welfare. They do not enjoy a benefit-to-risk consideration as do drugs. In a word, cosmetics must be *safe*.

One year ago, the FDA went to the industry and requested a series of voluntary actions to help provide consumers assurance of cosmetic safety. We asked the industry to face three specific issues:

1. The need for FDA to know what companies are involved in cosmetic manufacturing or packaging;

2. The need for FDA to know what ingredients and how much are in various products;

3. The need for FDA to know at least as much as industry about consumer complaints of averse reactions from use of cosmetic products.

The actions being announced today are industry's very positive reaction to the first two points. I commend the cosmetic industry—and especially the leadership of its Trade Association—for their foresight and their cooperation.

But the proof of this voluntary program will come only with full participation by manufacturers and packagers.

Past experience shows clearly that voluntary regulation works best where pressures in effect force compliance. The consumer-customer can be the major single source for such pressure. So, it seems to me that the responsibility for success or failure in this voluntary program depends in equal measure upon the cooperation of industry and the active interest of consumers.

The alternatives are continuation of today's unacceptable status quo or new legislative attention from the Congress.

In order for FDA to make meaningful decisions from ingredient lists we must also have full information on consumer experience associated with the use of cosmetics.

At this time, the FDA receives only a very small fraction of the total number of cases of adverse reactions. The feedback simply must be greater and the industry can help by opening their complaint files to us. I do not see any workable alternative if we are going to establish a valid base for preventive actions.

We understand that a further industry petition providing for the voluntary submission to FDA of consumer complaints and comments now is ready. The proposal meets the third of FDA's suggestions for a voluntary program. I urge that the proposal be presented to us promptly so that full implementation of the registration and reporting system can be carried forward with minimum delay.

The voluntary program at this time does not include a commitment by industry to ingredient labeling. At the same time, the FDA clearly recognizes that such labeling could prevent consumer deception and facilitate value comparisons.

FDA consideration, therefore, is being given to publishing a proposal under the Federal Fair Packaging and Labeling Act for labeling at least the "sensitizing" ingredients.

Overall, this is a promising and unprecedented program. It has major potential for increasing protection to the American consumer through a combined effort involving reasonable regulation and a responsible industry. In addition to the intrinsic value of the effort, it offers a major precedent for similar activities involving other important segments of regulated industries. The FDA will lend the program its full support.

Thank you.

U.S. DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Rockville, Md.

The Food and Drug Administration today announced regulations calling for the voluntary registration of cosmetic makers and packers and for the voluntary filing with FDA of product formulations.

The regulations are based on two proposals offered by the Cosmetic, Toiletry and Fragrance Association (CTFA). Both proposals were published last August 26 in the FEDERAL REGISTER for public comment prior to final FDA consideration.

Under the final regulations published today foreign and domestic manufacturers and packers of cosmetic products and raw materials will be asked to provide the FDA with formulations, brand names, product categories and amount of ingredients for their products. Trade secrets or other privileged and confidential information must be identified as such and must be accompanied by a statement justifying exemption from public disclosure under the "Freedom of Information Act."

Participating companies will be requested to provide poison control centers and licensed physicians with all information as needed for the treatment of patients suspected of being adversely affected by the products.

Some public comment received by FDA urged label declarations of ingredients on cosmetics, Charles C. Edwards, M.D., Commissioner of Food and Drugs, said he recognizes that regulations requiring ingredient disclosure on the labels of such products would help prevent the deception of consumers and facilitate value comparisons. This issue was not a part of the CTFA petitions. FDA consideration, however, is being given to publishing a separate proposal under the Federal Fair Packaging and Labeling Act, for labeling of "sensitizing" cosmetic ingredients.

FDA will make available special forms to the cosmetic industry for filing the various information called for in today's proposal. Those desiring registration forms may contact the Division of Colors and Cosmetics Technology, Food and Drug Administration, Department of Health, Education, and Welfare, Washington, D.C. 20204, or any FDA District Office.

Exempted from the regulation are beauty shops cosmetologists, retailers, pharmacists and others who may compound cosmetic products at a single location and administer, dispense or distribute them at retail from that location.

COSMETIC PRODUCTS—FDA regulations for voluntary registration of cosmetic product establishments and voluntary filing of cosmetic product ingredient statements; effective 30 days after notice is published in the Federal Register that the necessary forms are available.

[TITLE 21—FOOD AND DRUGS, CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE; SUBCHAPTER D—COSMETICS]

COSMETIC PRODUCTS

PART 170—VOLUNTARY REGISTRATION OF COSMETIC PRODUCT ESTABLISHMENTS

PART 172—VOLUNTARY FILING OF COSMETIC PRODUCT INGREDIENT AND COSMETIC RAW MATERIAL COMPOSITION STATEMENTS

In the matter of issuing regulations establishing a procedure for (1) the voluntary registration of cosmetic product establishments and (2) the voluntary filing of cosmetic product ingredient statements:

A notice regarding these regulations which were based on two petitions filed by the Cosmetic, Toiletry, and Fragrance Association, Inc., (CTFA), 1625 Eye Street N.W., Wash-

ington, D.C. 20006, was published in the Federal Register of August 26, 1971 (36 F.R. 16934). In the same notice the Commissioner of Food and Drugs proposed a parenthetical statement which, if the regulations were adopted, would be inserted to identify certain cosmetic products that are also regarded as drugs by the Food and Drug Administration. Interested persons were invited to submit comments on the proposal within a 30-day period which ended September 25, 1971. Twenty-two comments were received.

With regard to the promulgation of these regulations in general, a member of Congress urged that the registration and filing of ingredient statements by producers of cosmetics be mandatory, that foreign producers of cosmetics be subject to the regulations, and that ingredient labeling of cosmetic products be required. Two other comments challenged the legality of establishing voluntary regulations under section 701(a) of the Federal Food, Drug, and Cosmetic Act and urged that the regulations issued be mandatory. These two comments included legal arguments to support claims that it is extra legal to provide that data submitted voluntarily by firms filing cosmetic product ingredient statements be kept confidential by FDA; that authority now exists to require mandatory registration of cosmetic product establishments, filing of cosmetic ingredient statements, labeling declaration of ingredients on cosmetic products, and label declaration of any registration number issued by the Commissioner; and that authority now exists to provide that any cosmetic product that did not have an FDA-issued registration number on the label would be deemed to be misbranded.

The Commissioner has considered these comments and concludes that under section 701(a) of the act he is authorized to accept the voluntary registration of cosmetic product establishments and the voluntary filing of cosmetic product ingredient statements and cosmetic raw material composition statements as set forth in the regulations established below. He also agrees that foreign producers should be included in this voluntary registration. He concludes however that promulgation of a mandatory regulation could result in lengthy litigation that would seriously delay FDA from obtaining the type of information expected as a result of this promulgation. If it is determined that the information obtained through the procedure established in these regulations does not adequately contribute to the efficient enforcement of the act, additional steps will be taken to promulgate mandatory regulations. The Commissioner further concludes that mandatory ingredient labeling goes beyond the scope of the proposal and cannot be implemented by these regulations.

Comments recommending label declarations of ingredients for cosmetic products are considered by the Commissioner to be meritorious. The Commissioner recognizes that regulations requiring cosmetic product ingredient disclosure on the labels of such products will prevent the deception of consumers and facilitate value comparisons. This issue was not a part of the CTFA petitions. Consideration is being given to publishing a proposal under the Federal Fair Packaging and Labeling Act, § 5(c)(3), 15 U.S.C. 1454 (c)(3), for labeling of sensitizing ingredients.

A dermatologist commented that the proposed regulations were a step in the right direction but that they did not go far enough, particularly in the provision for providing coded samples to physicians treating persons suffering from allergic reaction. He urged establishment of a "Register" that would list all ingredients of all cosmetic products used in the United States and would be made available to every practicing dermatologist. The Commissioner concludes that a "Register" of cosmetic ingredients goes beyond the scope of the proposal and cannot be implemented by these regulations. The Commissioner considers that promulgation of labeling requirements for cosmetic ingredients will substantially satisfy the need of dermatologists for this type of data.

One comment from a professor at a school of medcine urged that feminine hygiene deodorants be considered drugs as are feminine douche products. This request was also included in the comment submitted by the member of Congress. Twelve of those commenting opposed the Commissioner's proposed parenthetical statement. These comments have been fully considered.

The Commissioner concludes that the parenthetical statement is not a necessary element of this voluntary regulation. In lieu of this statement, the proposed regulations have been changed to indicate that a cosmetic product which is also a drug is subject to the drug requirements of the Federal Food, Drug, and Cosmetic Act.

In his proposed parenthetical statement, the Commissioner cited cosmetic product categories which are also regarded as drugs because of their intended use. He would like to point out that the failure to cite feminine hygiene deodorants as an example should not be construed to indicate that such products may not also be considered drugs under appropriate circumstances.

One comment concerned the possible theft of ingredient information and urged that funds commensurate with the value of the formulations submitted to FDA be set aside to reimburse the owner of a stolen cosmetic formulation. The Commissioner concludes that creation of a special fund goes beyond the scope of the proposal and cannot be implemented by these regulations.

A public interest group objected to the all-inclusive scope of the petitioner's proposed provisions concerning confidentiality of statements submitted pursuant to Part 172. The Commissioner concludes that these objections are valid, and the regulations have been changed so that such provisions are consistent with the mandate of section (3)(e)(4) of the Administrative Procedures Act (5 U.S.C. 552(b)(4)).

Fourteen associations or firms that are either involved in or closely allied to the cosmetic product industry favored the regulations proposed by the petitioner. However, some of these suggested amendatory language that would clarify and improve the procedure for obtaining compositional information regarding proprietary ingredients used in finished cosmetics.

Accordingly, on the basis of the comments received and the Commissioner's conclusions, the proposed regulations are being promulgated with the following changes:

1. For clarity, the titles of Parts 170 and 172 have been changed and new definitions are added to §§ 171.1 and 172.1.

2. Changes have been made throughout Parts 170 and 172 in order to include foreign cosmetic producers in these voluntary registration procedures.

3. A sentence has been added to § 172.1(b) to point out that a cosmetic product which is also a drug is subject to the drug provisions of the act.

4. Clarifying changes have been made in § 172.5(a)(1) and (2), (b)(5), (d)(2) and (3), and (e), and a new subdivision has been added to paragraph (d)(1).

5. A new § 172.6 *Information requested about cosmetic raw material* has been added, and proposed §§ 172.6–172.9 have been redesignated as §§ 172.7–172.10.

6. To further implement new § 172.6, appropriate amendments have been made in §§ 172.2, 172.3, 172.4, 172.7, and 172.9.

7. The section heading of § 172.8 has been changed and the section is revised to clarify the procedure for acknowledging the receipt of statements, advising persons filing incomplete statements, and issuing statement numbers to persons filing complete statements.

8. Section 172.9 is revised to clarify the conditions under which trade secrets, and other privileged and confidential commercial information will be held in confidence consistent with the provisions of section 3(e)(4) of the Administrative Procedures Act as amended.

9. A new paragraph (b) has been added to § 172.10 to explain how the Food and Drug Administration Cosmetic Raw Material Composition Statement Number may be used.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 602, 701(a), 52 Stat. 1054 as amended, 1055, 1057 as amended; 21 U.S.C. 361, 362, 371(a), 374) and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered*, That 21 CFR Chapter I be editorially amended by redesignating the present Subchapters D and E as Subchapters E and F, respectively, and that a new Subchapter D—Cosmetics be established consisting at this time of two new Parts 170 and 172, as follows:

PART 170—VOLUNTARY REGISTRATION OF COSMETIC PRODUCT ESTABLISHMENTS

Sec.
170.1 Definitions.
170.2 Who should register.
170.3 Time for registration.
170.4 How and where to register.
170.5 Information requested.
170.6 Amendments to registration.
170.7 Notification of registrant; cosmetic products establishment registration number.
170.8 Inspection of registrations.
170.9 Misbranding by reference to registration number.
170.51 Exemptions.

AUTHORITY: The provisions of this Part 170 issued under secs. 601, 602, 701(a), 704, 52 Stat. 1054, as amended, 1055, 1057, as amended; 21 U.S.C. 361, 362, 371(a), 374.

§ 170.1 Definitions.

(a) The term "cosmetic product" means a finished cosmetic the manufacture of which has been completed.

(b) "Establishment" means a place of business where cosmetic products are manufactured or packaged.

(c) The term "manufacture" of a cosmetic product means the making of any cosmetic product by chemical, physical, biological, or other procedures, including manipulation, sampling, testing, or control procedures applied to the product.

(d) The term "packaging" of a cosmetic product means filling or labeling the product container, including changing the immediate container or label (but excluding changing other labeling) at any point in the distribution of the cosmetic product from the original place of manufacture to the person who makes final delivery or sale to the ultimate consumer.

(e) The term "all business trading names used by the establishment" means any name which is used on a cosmetic product label and owed by the cosmetic product manufacturer or packer, but is different from the principal name under which the cosmetic product manufacturer or packer is registered.

(f) The term "act" means the Federal Food, Drug, and Cosmetic Act.

(g) The definitions and interpretations contained in sections 201 and 602 of the Federal Food, Drug, and Cosmetic Act shall be applicable to such terms when used in the regulations in this part.

§ 170.2 Who should register

The owner or operator of a cosmetic product establishment which is not exempt under § 170.51 and engages in the manufacture or packaging of a cosmetic product is requested to register for each such establishment, whether or not the product enters interstate commerce. This request extends to any foreign cosmetic product establishment whose

products are exported for sale in any State as defined in section 201(a)(1) of the act. No registration fee is required.

§ 170.3 Time for registration

The owner or operator of an establishment entering into the manufacture or packaging of a cosmetic product should register his establishment within 30 days after the operation begins.

§ 170.4 How and where to register

FD Form 2511 ("Registration of Cosmetic Product Establishment") is obtainable on request from the Food and Drug Administration, Department of Health, Education, and Welfare, Washington, D.C. 20204, or at any Food and Drug Administration district office.

The completed form should be mailed to Cosmetic Product Establishment Registration, Food and Drug Administration, Department of Health, Education, and Welfare, Washington, D.C. 20204.

§ 170.5 Information requested

FD Form 2511 requests information on the name and address of the cosmetic product establishment, including post office zip code; all business trading names used by the establishment; the kind of ownership or operation (e.g., individually owned, partnership, or corporation); and the type of business (manufacturer, packer, and/or distributor). The information requested should be given separately for each establishment as defined in § 170.1(b).

§ 170.6 Amendments to registration

Within 30 days after a change in any of the information contained on a submitted FD Form 2511, a new FD Form 2511 should be submitted to amend the registration. This amendment is also necessary when a registration is to be cancelled because an establishment has changed its name and no longer conducts business under the original name.

§ 170.7 Notification of registrant; cosmetic product establishment registration number

The Commissioner of Food and Drugs will provide the registrant with a validated copy of FD Form 2511 as evidence of registration.

This validated copy will be sent only to the location shown for the registering establishment. A permanent registration number will be assigned to each cosmetic product establishment registered in accordance with these regulations.

§ 170.8 Inspection of registrations

A copy of the FD Form 2511 filed by the registrant will be available for inspection at the Food and Drug Administration, Department of Health, Education, and Welfare, Washington, D.C. 20204.

§ 170.9 Misbranding by reference to registration or to registration number

Registration of a cosmetic product establishment or assignment of a registration number does not in any way denote approval of the firm or its product by the Food and Drug Administration. Any representation in labeling or advertising that creates an impression of official approval because of registration or possession of a registration number will be considered misleading.

§ 170.51 Exemptions

The following classes of persons are not requested to register in accordance with this Part 170 because the Commissioner has found that such registration is not justified:

(a) Beauty shops, cosmetologists, retailers, pharmacies, and other persons and organizations that compound cosmetic products at a single location and administer, dispense, or distribute them at retail from that location and who do not otherwise manufacture or package cosmetic products at that location.

(b) Physicians, hospitals, clinics, and public health agencies.

(c) Persons who manufacture, prepare, compound, or process cosmetic products solely for use in research, pilot plant production, teaching, or chemical analysis, and who do not sell these products.

(d) Carriers, by reason of their receipt, carriage, holding, or delivery of cosmetic products in the usual course of business.

PART 172—VOLUNTARY FILING OF COSMETIC PRODUCT INGREDIENT AND COSMETIC RAW MATERIAL COMPOSITION STATEMENTS

Sec.

AUTHORITY: The provisions of this Part 172 issued under secs. 601, 602, 701(a), 704, 52 Stat. 1054, as amended, 1055, 1057, as amended; 21 U.S.C. 361, 362, 371(a), 374.

§ 172.1 Definitions

(a) The term "commercial distribution" of a cosmetic product means annual gross sales in excess of $1,000 for that product.

(b) The term "cosmetic product" means a finished cosmetic the manufacture of which has been completed. Any cosmetic product which is also a drug or device or component thereof is also subject to the requirements of Chapter V of the act.

(c) The term "flavor" means any natural or synthetic substance or substances used solely to impart a taste to a cosmetic product.

(d) The term "fragrance" means any natural or synthetic substance or substances used solely to impart an odor to a cosmetic product.

(e) The term "ingredient" means any single chemical entity or mixture used as a component in the manufacture of a cosmetic product.

(f) The term "proprietary ingredient" whose name, composition, or manufacturing process is protected from competition by secrecy, patent, or copyright.

(g) The term "chemical description" means a concise definition of the chemical composition using standard chemical nomenclature so that the chemical structure or structures of the components of the ingredient would be clear to a practicing chemist. When the composition cannot be described chemically, the substance shall be described in terms of its source and processing.

(h) The term "cosmetic raw material" means any ingredient, including an ingredient that is a mixture, which is used in the manufacture of a cosmetic product for commercial distribution and is supplied to a cosmetic product manufacturer, packer, or distributor by a cosmetic raw material manufacturer or supplier.

(i) The definitions and interpretations contained in sections 201, 601, and 602 of the act shall be applicable to such terms when used in the regulations in this part.

§ 172.2 Who should file

(a) Either the manufacturer, packer, or distributor of a cosmetic product is requested to file FD Form 2512 ("Cosmetic Product Ingredient Statement") whether or not the cosmetic product enters interstate commerce. This request extends to any foreign manufacturer, packer, or distributor of a cosmetic product exported for sale in any State as defined in section 201(a)(1) of the act. No filing fee is required.

(b) It is requested that FD Form 2513 ("Cosmetic Raw Material Composition Statement") be filed by either the manufacturer or supplier of a cosmetic raw material that is a proprietary ingredient or whose precise composition is not known to the cosmetic manufacturer, packer, or distributor receiving the ingredient whether or not the raw material enters into interstate commerce. This request extends to any foreign manufacturer or supplier of a cosmetic raw material that is exported for such use in any State as defined in section 201(a)(1) of the act. No filing fee is required.

§ 172.3 Times for filing

(a) Within 180 days after forms are made available to the industry, FD Form 2512 should be filed for each cosmetic product being commercially distributed as of the effective date of this regulation. FD Form 2512 should be filed within 60 days after the beginning of commercial distribution of any product not covered within the 180-day period.

(b) FD Form 2513 should be filed, pursuant to § 172.2(b), by a cosmetic raw material manufacturer or supplier for each cosmetic raw material.

§ 172.4 How and where to file

FD Form 2512 and FD Form 2513 and FD Form 2514 ("Discontinuance of Commercial Distribution of Cosmetic Product or Cosmetic Raw Material") are obtainable on request from the Food and Drug Administration, Department of Health, Education, and Welfare, Washington, D.C. 20204, or at any Food and Drug Administration district office. The completed form should be mailed or delivered to: Cosmetic Product Statement, Food and Drug Administration, Department of Health, Education, and Welfare, Washington, D.C. 20204, according to the instructions provided with the forms.

§ 172.5 Information requested about cosmetic products

(a) FD Form 2512 requests information on:

(1) The name and address, including post office ZIP code, of the person, manufacturer, packer, or distributor) designated on the label of the product.

(2) The name and address, including post office ZIP code, of the manufacturer or packer of the product if different from the person designated on the label of the product, when the manufacturer or packer submits the information requested under this paragraph.

(3) The brand name or names of the cosmetic product.

(4) The cosmetic product category or categories.

(5) The ingredients in the product.

(b) The person filing FD Form 2512 should:

(1) Provide the information requested in paragraph (a) of this section.

(2) Have the form signed by an authorized individual.

(3) Provide poison control centers with ingredient information and/or adequate diagnostic and therapeutic procedures to permit rapid evaluation and treatment of accidental ingestion or other accidental use of the cosmetic product.

(4) Provide ingredient information (and, when requested, ingredient samples) to a licensed physician who, in connection with the treatment of a patient, requests assistance in determining whether an ingredient in the cosmetic product is the cause of the problem for which the patient is being treated.

(5) Request that an FD Form 2513 be filed pursuant to § 172.6(b) by the manufacturer or supplier of any proprietary ingredient (in-

cluding mixtures) or of any other cosmetic raw material which is used as an ingredient and has not as yet been assigned a cosmetic raw material composition statement number.

(c) One or more of the following cosmetic product categories should be cited to indicate the product's intended use.

(1) *Baby products:*
(i) Baby shampoos.
(ii) Lotions, oils, powders, and creams.
(iii) Other baby products.
(2) *Bath preparations:*
(i) Bath oils, tablets, and salts.
(ii) Bubble baths.
(iii) Bath capsules.
(iv) Other bath preparations.
(3) *Eye make-up preparations:*
(i) Eyebrow pencil.
(ii) Eyeliner.
(iii) Eye shadow.
(iv) Eye lotion.
(v) Eye make-up remover.
(vi) Mascara.
(vii) Other eye make-up preparations.
(4) *Fragrance preparations:*
(i) Colognes and toilet waters.
(ii) Perfumes.
(iii) Powders (dusting and talcum) (excluding aftershave talc).
(iv) Sachets.
(v) Other fragrance preparations.
(5) *Hair preparations (noncoloring):*
(i) Hair conditioners.
(ii) Hair sprays (aerosol fixatives).
(iii) Hair straighteners.
(iv) Permanent waves.
(v) Rinses (noncoloring).
(vi) Shampoos (noncoloring).
(vii) Tonics, dressings, and other hair grooming, aids.
(viii) Wave sets.
(ix) Other hair preparations.
(6) *Hair coloring preparations:*
(i) Hair dyes and colors (all types requiring caution statement and patch test).
(ii) Hair tints.
(iii) Hair rinses (coloring).
(iv) Hair shampoos (coloring).
(v) Hair color sprays (aerosol).
(vi) Hair lighteners with color.
(vii) Hair bleaches.
(viii) Other hair coloring preparations.
(7) *Make-up preparations (not eye):*
(i) Blushers (all types).
(ii) Face powders.
(iii) Foundations.
(iv) Leg and body paints.
(v) Lipstick.
(vi) Make-up bases.
(vii) Rouges.
(viii) Make-up fixatives.
(ix) Other make-up preparations.
(8) *Manicuring preparations:*
(i) Basecoats and undercoats.
(ii) Cuticle softeners.
(iii) Nail creams and lotions.
(iv) Nail extenders.
(v) Nail polish and enamel.
(vi) Nail polish and enamel removers.
(vii) Other manicuring preparations.
(9) *Oral hygiene products:*
(i) Dentifrices (aerosol, liquid, pastes, and powders).
(ii) Mouthwashes and breath fresheners (liquids and sprays).
(iii) Other oral hygiene products.
(10) *Personal cleanliness:*
(i) Bath soaps and detergents.
(ii) Deodorants (underarm).
(iii) Douches.
(iv) Feminine hygiene deodorants.
(v) Other personal cleanliness products.
(11) *Shaving preparations:*
(i) Aftershave lotions.
(ii) Beard softeners.
(iii) Men's talcum.
(iv) Preshave lotions (all types).
(v) Shaving cream (aerosol, brushless, and lather).
(vi) Shaving soap (cakes, sticks, etc.).
(vii) Other shaving preparation products.
(12) *Skin care preparations (creams, lotions, powder, and sprays):*
(i) Cleansing (cold creams, cleansing lotions, liquids, and pads).
(ii) Depilatories.
(iii) Face, body, and hand (excluding shaving preparations).
(iv) Foot powders and sprays.
(v) Hormone.
(vi) Moisturizing.
(vii) Night.
(viii) Paste marks (mud packs).
(ix) Skin lighteners.
(x) Skin fresheners.
(xi) Wrinkle smoothing (removers).
(xii) Other skin care preparations.
(13) *Suntan and sunscreen preparations:*
(i) Suntan gels, creams, and liquids.
(ii) Indoor tanning preparations.
(iii) Other suntan preparations.

(d) Ingredients in the product should be indicated as follows:

(1) A list of each ingredient of the cosmetic product in descending order of predominance by weight (except that the fragrance and/or flavor may be designated as such without naming each individual ingredient when the manufacturer or supplier of the fragrance and/or flavor refuses to disclose ingredient data) should be accompanied by a letter designating the percentage of the ingredient added, as follows:

(i) The letter A represents over 50 percent.
(ii) The letter B represents over 25 percent to 50 percent.
(iii) The letter C represents over 10 per cent to 25 percent.
(iv) The letter D represents over 5 percent to 10 percent.
(v) The letter E represents over 1 percent to 5 percent.
(vi) The letter F represents over 0.1 percent to 1 percent.
(vii) The letter G represents 0.1 percent or less.
(viii) The letter H represents 0 percent. (The letter H is to be used only to indicate that a particular color additive is absent in certain shades of a product as described in the instructions in FD Form 2512).

(2) An ingredient, including an ingredient that is a mixture, should be listed by its common or usual name, if it has one; or by its chemical name (except proprietary ingredients); or by its trade-name and the name of manufacturer or supplier. If such ingredient complies with a published standard (e.g. "The United States Pharmacopeia," "National Formulary," Food Chemicals, Codex," "CTFA Standards—Specifications," etc.) list only the common, usual or chemical name found in the published standard and the name of the standard used. If a cosmetic raw material composition statement number has already been assigned to an ingredient, list only the number and the name under which the ingredient was registered.

(3) When the manufacturer or supplier of a fragrance and/or flow refuses to disclose ingredient data, the fragrance and/or flavor should be listed as such with the product name and/or trade name or number and the name of the manufacturer or supplier of each proprietary mixture that is included.

(e) A separate FD Form 2512 should be filed for each different formulation of a cosmetic product. However, except for the hair coloring preparations listed in paragraph (c)(6, of this section for which a statement for each shade of such product is required, a single FD Form 2512 may be filed for two or more shades of a cosmetic product where only the amounts of the color additive ingredient used are varied or in the case of flavors and fragrances where only the amounts of the flavors and fragrances used are varied.

§ 172.6 Information requested about cosmetic raw materials

(a) FD Form 2513 requests information on:

(1) The name and address, including post office ZIP code, of the manufacturer or supplier of the cosmetic raw material.

(2) The trade name or names of the cosmetic raw material.

(3) The identity of the ingredient in a cosmetic raw material or of the ingredients if the cosmetic raw material is a mixture.

(b) The person filing FD Form 3251 should:

(1) Provide the information requested in paragraph (a) of this section for each cosmetic raw material which is to be an ingredient in a cosmetic product offered for commercial distribution, whenever it is a proprietary ingredient (except that the fragrance and/or flavor may be designated as such without naming each individual ingredient when the manufacturer or supplier of the fragrance and/or flavor refuses to disclose ingredient data) or an ingredient whose precise composition is not known to the cosmetic product manufacturer, packer, or distributor using it.

(2) Have it signed by an authorized individual.

(c) Information on the composition of cosmetic raw material should be shown as follows:

(1) A cosmetic material or an ingredient in a cosmetic raw material, including mixtures, should be listed by its common or usual name, if it has one; or its chemical name; or its chemical description. If the information is not available, list the trade name and supplier and request the manufacturer or supplier to file an FD Form 2513. If such cosmetic raw material or ingredient complies with a published standard (e.g. "The United States Pharmacopeia," "National Formulary," "Food Chemicals Codex," "CTFA Standards—Specifications," etc.) list only the common, usual, or chemical name in the published standard and the name of the standard used. If a cosmetic raw material composition statement number has already been assigned to an ingredient, list only the number and the name under which the ingredient was registered.

(2) A cosmetic raw material that is a prepared mixture of ingredients should have each ingredient listed in descending order of predominance by weight (except that fragrance and/or flavor refuses to disclose ingredient data) with a letter designating the percentage of the ingredient added as described under § 172.5(d)(1).

(3) When the manufacturer or supplier of a fragrance and/or flavor refuses to disclose ingredient data, the fragrance and/or flavor used in a cosmetic raw material should be listed as such with the product name and/or trade name or number and the name of the manufacturer or supplier.

(4) Ingredients in a prepared mixture of color additives, with or without diluents, that are used as cosmetic raw materials should be listed as described in subparagraphs (1) and (2) of this paragraph, using the approved name of the color additive and/or diluent as listed in Part 8 of this chapter.

(d) The information requested should be given separately for each cosmetic raw material.

§ 172.7 Amendments to statement

(a) Changes in the information requested under § 172.5(a)(3) and (5) on the ingredients or brand name of a cosmetic product should be submitted by filing an amended FD Form 2512 within 60 days after the product is entered into commercial distribution. Other changes do not justify immediate amendment, but should be shown by filing an amended FD Form 2512 within a year after such changes. Notice of dis-

continuance of commercial distribution of a cosmetic product should be submitted by FD Form 2514 within 180 days after discontinuance of commercial distribution becomes known to the person filing.

(b) Changes in the information requested under § 172.6(a)(2) and (3) on the name or ingredients of a cosmetic raw material should be submitted by filing an amended FD Form 2513 on or before the time the cosmetic raw material is supplied to a cosmetic product manufacturer, packer, or distributor for use in a product for commercial distribution. The manufacturer, packer, or distributor should also be informed about any change in the name of a cosmetic raw material so he can send an amended FD Form 2512 as requested in paragraph (a) of this section. Other changes should be indicated by filing an amended FD Form 2513 within a year after these changes are made. Notice of discontinuance of commercial distribution of a cosmetic raw material should be submitted by FD Form 2514 within 180 days after discontinuance of commercial distribution becomes known to the person filing.

§ 172.8 Notification of person submitting cosmetic product ingredient statement and cosmetic raw material composition statement

When FD Forms 2512 and 2513 are received, the Commissioner of Food and Drugs will either assign a permanent cosmetic statement munber or an FDA reference number in those cases where a permanent number cannot be assigned. Receipt of the forms will be acknowledged by sending the individual signing the statement an appropriate notice bearing either the FDA reference number or the permanent cosmetic statement number. If the person submitting FD Form 2512 has not complied with § 172.5(b)(1) and (2) or the person submitting FD Form 2513 has not complied with § 172.6(b), he will be notified as to the manner in which his statement is incomplete.

§ 172.9 Confidentiality of statements

(a) Each item of information contained in, attached to, or included with FD Forms 2512, 2513, 2514, and amendments thereto and constituting a trade secret or other privileged and confidential commercial information exempt from disclosure to the public must be clearly marked as confidential. Each item of information so marked must be accompanied by a statement setting forth adequate grounds to justify its confidentiality. If the Food and Drug Administration concludes that an item so marked is not exempt from disclosure to the public, the person submitting the information will be informed and will be given an opportunity to appeal that decision to the Assistant Commissioner for Public Affairs, whose decision on the matter will be final.

(b) Data and information otherwise exempt from public disclosure may be revealed in administrative or court enforcement proceedings where the data or information are relevant. Any such use will be in a manner that reduces public disclosure to the minimum necessary under the circumstances.

(c) Data and information otherwise exempt from public disclosure may be disclosed to consultants, advisory committees, and other persons who are special government employees. Such persons are thereafter subject to the same restrictions with respect to disclosure as any Food and Drug Administration employee.

§ 172.10 Misbranding by reference to filing or to statement number

(a) The filing of an FD Form 2512 or 2513 or assignment of a number of the statement does not in any way denote approval by the Food and Drug Administration of the firm or the product. Any representation in labeling or advertising that creates an impression of official approval because of such filing or such number will be considered misleading, except as set forth in paragraph (b) of this section.

(b) The manufacturer or supplier of a cosmetic raw material that has been assigned a Food and Drug Administration Cosmetic Raw Material Composition Statement Number (FDA CRMCS No.) pursuant to § 172.8 may use this number without violating the misbranding provision of this section under the following conditions:

(1) the FDA CRMCS No. is placed on the label of the container which is used to ship or transport the cosmetic raw material to a manufacturing establishment if the principal display panel of the label also contains the following disclaimer: "The FDA Cosmetic Raw Material Composition Statement Number is assigned for raw material identification purposes only and does not in any way denote approval of the firm or the raw material by the Food and Drug Administration." The disclaimer phrase shall be prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices) as to render it likely to be read and understood by the ordinary individual.

(2) The FDA CRMCS No. is used in cosmetic raw material trade literature, catalogue citations, and correspondence if the disclaimer specified in subparagraph (1) of this paragraph is made on the same page that the FDA CRMCS No. appears.

Effective date. Part 170 shall become effective 30 days after notice that FD Form 2511 is available on a date to be announced during April 1972 and that FD Forms 2512, 2513, and 2514 will be available on a date to be announced in May 1972. In the meantime, those desiring any of these forms may submit requests to the Food and Drug Administration as set forth in §§ 170.4 and 172.14 (21 CFR 170.4 and 172.4).

(Secs. 601, 602, 701(a), 704, 52 Stat. 1054 as amended, 1055, 1057 as amended; 21 U.S.C. 361, 362, 371(a), 374)

Dated: March 31, 1972.

By Mr. STEVENSON:

S. 3528. A bill to amend title 18 United States Code, to protect the people of the United States against the lawless and irresponsible use of handguns, and to assist in the prevention and solution of crime by establishing a national registration of handguns and minimum licensing standards for the possession of handguns, and for other purposes. Referred to the Committte on the Judiciary.

FEDERAL HANDGUN REGISTRATION AND LICENSING ACT OF 1972

Mr. STEVENSON. Mr. President, I am today introducing a bill designed to reduce handgun violence in the United States, the Federal Handgun Licensing and Registration Act of 1972.

In 1968, 81 percent of Americans expressed their belief, according to the Harris Poll, that "law and order have broken down." This concern of Americans was not and is not false or illusory. Crime, which constitutes a threat to the rule of law as well as to individual citizens, is a real and growing affliction of America. And with the increasing mobility and anonymity of our society, it is increasingly a national problem.

Last September then Attorney General Mitchell, before a national conference of law-enforcement officials claimed credit for the administration in the war on crime. With the accession of his party to the White House, he said, "a nation suddenly found that it had leadership in the war on crime." The result, in his words, is that "fear is being swept from the streets of some—though not all—American cities."

And in his state of the Union address, the President began to stake out his position in this election year, by saying that:

> The Nation has made significant progress in these first years of the seventies. . . . The rate of increase in crime has been slowed.

Now to be sure there is some disagreement about the reliability of crime statistics, but certainly by any measure those statistics each year become more, not less, disquieting. They are more disquieting this year despite the unprecedented efforts of the Justice Department and even the President to varnish the statistics of the FBI with self-congratulatory rhetoric.

The facts are these:

In 1969, total crime went up by 12 percent; violent crimes—murder, rape, robbery, and assault—were up 11 percent.

In 1970, total crimes rose 11.3 percent; violent crimes rose 12 percent.

In 1969, 1970, and 1971, almost 5 million more crimes were committed than in 1966, 1967, and 1968.

Figures for 1971 show "serious" crime up 6 percent over 1970. Violent crimes continued an even more inexorable statistical climb—they were up by 9 percent in 1971 over 1970.

Acting Attorney General Kleindienst said in a press release on March 30, 1972, that the number of crimes in 1971 had decreased in 53 of the 156 major cities with populations of over 100,000. For the same period in 1970, said Mr. Kleindienst, 22 cities recorded a reduction in serious offenses. What Mr. Kleindienst failed to mention is that the 1971 statistics show that crime increased in 103 of 156 major cities, and that figures also show an 11 percent increase in crime in 1971 in suburban areas, and a 10 percent increase in rural areas.

Upon what slender thread, then, can the former Attorney General, the Acting Attorney General, and the President boast success in the war on crime?

The slender thread, it seems, is that the national rate of increase in crime has slowed. Thus, crime increased in 1970 by 11.3 percent—less than the 12 percent increase in 1969 and the rates of the previous 3 years. And the figure in 1971 is only 6 percent as compared to the 11.3 percent rise for the previous year. The comparable figures for violent crime are a 9 percent rise in 1971 and a 12 percent rise in 1970.

Less partisan observers than the former Attorney General, the Acting Attorney General, and the President will find these facts cold comfort.

The fact is that the number of crimes is increasing—under the present administration as under the past ones.

It is not my intention to join in this partisan numbers game. I seek only to point out that for Presidents and Attorneys General to deplore crime is not to deter it. That takes action, not White House rhetoric and juggled FBI statistics. Crime is still largely a matter for ac-

tion by local law enforcement agencies aided by national resources diverted selectively to the most pressing needs, and to areas of high crime rates, namely, our cities. But support for local law enforcement agencies is still sadly neglected in our national priorities.

Crime, especially violent crime, though it may be of national concern and receive national attention, is essentially a local problem.

And yet there are ways in which a President can exert his leadership and certain ways in which the Federal Government can act. The President, for example, can bring to bear the moral power of his high office and his example to create a "reverence for the law"—a phrase which I borrow from Abraham Lincoln.

And there is an elementary, easy step toward reducing crime and violence which Congress and the President can take, and which the United States alone of all the advanced nations on earth has not taken. We have not controlled the possession of handguns.

The fear of crime in America is first and foremost a fear of violence. And violence in America is, first and foremost, violence by gun; violence against citizens and violence against policemen in the performance of their duty.

It is time to stem that violence.

The dimensions of the problem are well known and staggering:

Total casualties from civilian gunfire in our century exceed our military casualties in all our wars, from the Revolution through Vietnam.

Each year more than 20,000 citizens are killed and 200,000 are maimed or injured by guns.

The Nation has become an arsenal—from private ownership of guns estimated from 50 to 200 million.

Between 1964 and 1970 armed robberies increased 198 percent, and in 1971 armed robbery increased another 16 percent over 1970. Sixty-three percent of the armed robberies were committed with guns, 65 percent of all murders were committed with guns.

And the villain in this grisly pagent of crime and death is the handgun: the pistol—too easily obtained, too easily concealed, too easily used to coerce, maim, and kill.

Nationally, the crime gun is the handgun. Though only 27 percent of the Nation's firearms are handguns, they account for most firearm assaults. In 1970, for example, 80 percent of homicides involving firearms were committed with handguns.

In the words of the Eisenhower Violence Commission staff:

> The handgun is the dominant firearm used in homicide. When firearms are involved in an assault and robbery . . . the handgun is almost invariably the weapon.

Police and law enforcement officials are rightly alarmed about the spread of handgun violence. The policeman in the line of duty is a prime target for the pistol-wielding offender.

In the decade 1961 through 1970, 633 policemen were murdered in the Nation—most of them with handguns. Last year 125 policemen were murdered, 96 percent of them with firearms and an incredible 74 percent of them with handguns. And in the first 3 months of this year, 27 more law officers have been slain. The median age of the murdered officers is 30 years. They are struck down in the prime of life.

Once again, the response of the national administration to this violence is more rhetoric than action.

In the face of growing violence against policemen, this administration has proposed not to get at the root of the problem by saving the policemen, but to pay their widows. The administration has proposed, not to act against the plague of handguns, but to provide $50,000 to the families of slain policemen. I proposed that in my 1970 campaign—but it is not enough to pay the widows. The administration still has given us no proposal to reduce the traffic in handguns; to stem the bloodshed from handgun violence; to save the lives of law enforcement officers. And all the indications are that it will not.

It is time for Congress to act.

I am, therefore, introducing in the Senate a bill to control the continuing spread of handgun violence.

The provisions of the bill are clear and simple:

The bill applies to handguns only—the chief instrument of violence and crime in America.

The bill requires every handgun to be registered and every person owning a handgun to obtain a Federal license. The bill would in no way interfere with State law and regulations concerning gun licensing and ownership. It applies to working pistols only—not antiques or replicas.

The program would be administered by the Secretary of the Treasury. Those who have a collection of handguns would pay only one registration fee, and registration and license fees would be minimal. And, though the bill requires that sportsmen and target shooters obtain a license, it does not threaten their ownership of pistols.

The bill requires that a handgun owner be at least 18 years of age; that he be free of alcoholism, drug addiction, or mental disease.

It requires that a licensee be free of any criminal conviction carrying more than 1 year's imprisonment; that he not be a fugitive from justice, that he be of good moral character, and that he be qualified to own a gun under all applicable Federal, State, and local laws.

To apply for a license, the individual would fill out a simple application form, sign a statement to the effect that he may lawfully posses handguns and handgun ammunition under the laws of the United States and of the State and political subdivision of his residence, and submit a set of his fingerprints and a photograph.

There is no provision in the bill to ban or confiscate handguns, although there is provided a means whereby anyone lawfully in possession of a handgun who voluntarily relinquishes that handgun may be compensated to the extent of its fair market value.

The Secretary of the Treasury would prescribe reasonable regulations as to the safety and suitability of handguns which may be registered. By such provisions all "junk" guns or "Saturday night specials" would be banned.

The bill sets up penalties for violators: imprisonment not to exceed 5 years; a fine of $5,000; or both.

This bill is a workable and practical answer to the plague of handgun violence. It recognizes the legitimate uses for handguns, but it also recognizes that you do not shoot ducks with a snub-nosed .38.

To those who believe the slogan that criminals—not handguns—commit crimes, this can be said. Criminals cause crimes—and handguns are the principal instruments of the death and injury they cause. Other instruments of possible injury which have legitimate uses—cars, even dogs—are licensed. There is no instrument more sinister than the lethal, concealable pistol. If a gun is not used in a crime, the chance of death is five times less. Any policeman knows that a suspect who must rely upon a knife, a bottle, or his fists is not so bold and so dangerous as one armed with a gun.

There are those who point out that gun control laws in the past have been less than effective. They are right. Our present gun laws are a patchwork of 20,000 laws—some ancient, some unenforced or unenforceable, all too narrow and too inconsistent to be nationally effective. But this is an argument for, not against, effective national laws.

The evidence is strong that in cities—such as Boston and New York—where gun control is strict, the use of guns in homicides is less:

More than 40 percent less than the national average in New York.

Thirty percent less in Boston.

And the evidence is clear that in regions where guns are most numerous—the South and the West—violent crimes involving guns are at their worst.

As it stands now, no State or locality can effectively control the ownership of handguns. Chicago, for example, has a strict ordinance providing for the registration of handguns. But all an individual prohibited from ownership need do to obtain a handgun is step beyond the city's jurisdiction. This bill would require a Federal license before the individual could acquire a handgun anywhere in the Nation—and that license would not be issued if the individual was not entitled to own a handgun under the laws of his State and locality. It is remarkable that local controls have been effective at all, considering the ease with which they are evaded. This bill, if enacted, would for the first time make it possible for State and local authorities to control effectively the ownership of handguns. And the Federal Government would itself be acting to keep handguns out of the hands of those most likely to misuse them.

I ask unanimous consent that at the conclusion of my remarks and following the text of the bill, an article in The Nation by Mr. Frank Zimring be placed in the RECORD. Mr. Zimring was director of research for the Eisenhower National Report on Firearms and Violence in American Life. The article takes a critical look at the gamut of approaches to

gun control legislation. Neither he nor I believe that any approach chosen will be a panacea for crime and violence. But Mr. Zimring does recognize the need for national legislation when he writes:

We do not know how effective any law can be with so many guns in circulation and so much pressure to keep them there, but if gun control will be an experiment in the 1970's, the blood that flows from the mounting toll of homicide suggests that it will be a necessary experiment for a civilized nation.

Law-abiding gun owners, like myself, ought to accept gladly the minor inconveniences of handgun licensing and registration—in order to control the spread of criminal violence in America.

This bill is a compromise between the extremes of those who propose to outlaw all handguns and those on the other hand who resist any effort to control the possession and ownership of any guns. It will be said, as it always is, that only the law abiding will register their guns. But that is the point of the bill. Those unable or unwilling to register will be subject to prosecution. They can be disarmed. My bill will please neither extreme. By the same token it ought to offer some common point, a compromise if you will, to all who want to do something to stem the rising tide of violence. As it is now, we face a standoff. The alternative to this bill may be nothing—and more senseless. needless bloodshed.

The bill recognizes that many crimes are committed in moments of passion, and that violence is made possible by the easy accessibility of handguns. It offers law enforcement authorities a chance to trace handguns used in the commission of crimes to the offenders. It offers a means of cutting back on the accidental injuries, as well as crime, caused by the easy accessbility to handguns, especially unsafe and unsuitable handguns. State and localities would be able for the first time to adopt effective handgun controls.

The public dialog is divided between the extremes: Between charges of permissiveness on the one hand and of repression on the other; between rhetoric which breeds fear and rhetoric which breeds passivity; between those who believe we are a soft society and those who believe we are a sick society.

None of them, it seems to me, is right. I am not ready to admit that we are, and must be, in urban America, a gun-toting society—some vestige of an imaginary wild west past glorified in the movies and on television screens.

I am not ready to admit either that we are a sick society which nurtures violence; that we are more violent or bloodthirsty than other men in other lands. The evidence does not prove that we are innately violent; but it is clear that we have failed to keep guns away from violent men.

It is time to find some common ground.

It is time now to correct the ancient failure.

It is time to stop the bloodshed that handguns bring.

It is time to erase, as far as we are able, the fear that handguns spread.

It is time to protect the lives—of citizens, of policemen—that handguns endanger.

In doing so, we will not damage any liberty which free and lawful men enjoy.

We will, instead, honor the intention of those whose purpose when they founded our Nation, was "to form a more perfect union; to establish justice; to ensure domestic tranquility."

Mr. President. I ask unanimous consent that the text of this bill be printed in the RECORD at this point, to be followed by the article by Mr. Zimring which I mentioned earlier.

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

S. 3528

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Handgun Registration and Licensing Act of 1972".

TITLE I—FINDINGS AND DECLARATIONS

SEC. 101. The Congress hereby finds and declares—

(a) That handguns are the principle instruments of violent crime in the United States and are concealable weapons designed for the primary purpose of killing and maiming human beings; and

(b) That such legitimate purposes for handgun ownership as exist will not be impeded by a national system of handgun registration and handgun owner licensing; and

(c) That the crimes of violence and the accidental injury caused by handguns threaten the peace and domestic tranquility of the citizens of the United States and the security and general welfare of this Nation and its people.

TITLE II—REGISTRATION

SEC. 201. Title 18, United States Code, is amended by inserting after Chapter 44 the following new chapter:

CHAPTER 44A

SEC. 931. Definitions.

As used in this Chapter and in Sec. 923 A of Chapter 44—

(1) The term "handgun" means any weapon designed, redesigned, made, or remade to be fired while held in one hand; having a barrel less than 10 inches in length; and designed, redesigned, made, or remade to use the energy of an explosive to expel a projectile or projectiles through a smooth or rifled bore.

(2) The term "Secretary" means the Secretary of the Treasury.

(3) The terms "licensed dealer", "licensed importer", and "licensed manufacturer" mean any such dealer, importer, or manufacturer licensed under the provisions of Chapter 44, Title 18, United States Code.

(4) The term "transfer" includes all sales, gifts, bequests, loans, and other acts which are intended to shift the possession of a handgun from the transferor to another person.

(5) The term "person" encompasses all individuals, corporations, companies, associations, firms, partnerships, clubs, societies, joint stock companies, and estates.

SEC. 932. Registration.

(a) It is unlawful for a person knowingly to possess a handgun not registered in accordance with the provisions of this section. This subsection shall not apply with respect to—

(1) a handgun held by a licensed dealer for purposes of sale;

(2) a handgun possessed by a person on the effective date of this Act and continuously by such person thereafter for a period not to exceed 60 days.

(b) No person shall transfer a handgun to another person unless the transferee displays a license issued pursuant to Title III of this Act and temporary evidence of registration of the handgun to be transferred, as provided in subparagraph (d) of this Section.

(c) Registration of a handgun shall be in the form prescribed by the Secretary, and the form shall include at least the following:

(1) the name, address, and social security or taxpayer identification number of the applicant;

(2) the number of the license issued to the applicant pursuant to Title III of this Act;

(3) the name of the manufacturer, the caliber or gauge, the model and the type, and the serial number of the handgun; and

(4) the date, the place, and the name and address of the person from whom the handgun was obtained, the number of such person's Certificate of Registration of such handgun if any, and, if such person is a licensed dealer, his license number.

(d) The original handgun registration form shall be filed with the Secretary in such place as the Secretary by regulation may provide. A duplicate copy shall be retained by the registrant as temporary evidence of registration. The Secretary after receipt of a duly filed completed registration form shall send to the registrant a numbered registration certificate identifying such person as the registered owner of such handgun.

(e) A handgun registration form shall be accompanied by payment of a $5 registration fee for the first handgun to be registered by each registrant and a $1 registration fee for every additional handgun to be registered by the same registrant, except that a registrant having a collection of handguns, as the Secretary by regulation may provide, need pay only one registration fee for the entire collection. The payment of the accompanying registration fee or fees does not apply to handguns possessed and to be registered by (A) the United States or any department or agency thereof, or (B) any State, political subdivision, or law enforcement agency thereof.

(f) Every registered owner shall notify the Secretary of any change in his or her name or address within 30 days of the date upon which such a change occurs, and shall state in such notification 1) the number of the registration certificate(s) issued pursuant to Subsection 932(d) of this Section, and 2) the number of the license issued to the registered owner pursuant to Title III of this Act. Every registered owner shall exhibit his registration certificate upon demand of a law enforcement officer.

SEC. 933. SALES OF HANDGUNS AND AMMUNITION

(a) A registrant transferring a handgun shall, within 5 days of the transfer, return to the Secretary his registration certificate, noting on it the name and residence address of the transferee, and the date of transfer.

(b) Any person acquiring a handgun required to be registered by this chapter shall require the transferor to display a registration certificate and shall note the number of the certificate on his application for registration.

(c) A licensed dealer shall not take or receive a handgun by way of pledge or pawn without also taking and retaining during the term of such pledge or pawn the registration certificate. If such pledge or pawn is not redeemed, the dealer shall return the registration certificate to the Secretary and register the handgun in his own name.

(d) The executor or administrator of an estate containing a registered handgun shall promptly notify the Secretary of the death of the registered owner, shall return the certificate of registration of the deceased registered owner to the Secretary, and shall register the handgun in the name of the estate. The executor or administrator of an estate

containing an unregistered handgun shall promptly surrender such handgun to the Secretary or his designee without compensation and without penalty for any prior failure to record.

(e) Any person possessing a handgun shall within 10 days notify the Secretary in a manner to be prescribed by the Secretary of the loss, theft, or destruction of the handgun, and of any recovery occurring subsequent to the date of notification.

(f) No person shall sell ammunition of a caliber other than .22 rimfire to a person for use in a handgun required to be registered without requiring the purchaser to exhibit a license meeting the requirements of title III of this Act and a certificate of registration or temporary evidence of registration of a handgun which uses such ammunition.

Sec. 934. Penalties.

(a) Whoever violates a provision of section 932 or section 933 shall be punished by imprisonment not to exceed 5 years, or by a fine not to exceed $5,000, or both.

(b) Whoever knowingly falsifies any information required to be filed with the Secretary pursuant to this chapter, or forges or alters any certificate of registration or temporary evidence of registration, shall be punished by imprisonment not to exceed 5 years or a fine not to exceed $10,000, or both.

Sec. 935. Exceptions.

(a) Any person who is under the age of eighteen, who because of alcoholism, drug addiction, or a mental disease or defect cannot be relied upon to possess or use handguns safely or responsibly, who has been convicted in any court of a crime punishable by imprisonment for a term exceeding 1 year, who is a fugitive from justice, who is not of good moral character, or who is not qualified under all applicable Federal, State, and local laws, shall be ineligible to register a handgun pursuant to this chapter. Any purported registration by any of the above-described persons shall be null and void.

(b) The provisions of this chapter shall not apply with respect to the importation, manufacture, sale, purchase, transfer, receipt, transportation, or possession of a handgun which the Secretary determines is unserviceable, not restorable to firing condition, and intended for use as a curio, museum piece, or collector's item.

Sec. 936. Surrender of Handguns to Government Officials.

(a) Any person lawfully in possession of a handgun under the provisions of this Act who voluntarily relinquishes such handgun to the Secretary or to any State or municipal official designated by the Secretary, may receive as compensation the fair market value of the relinquished handgun as determined by the Secretary. The Secretary shall enter into agreements to make payments to State and local governments and agencies whose officials make payments to persons relinquishing handguns pursuant to this section.

(b) There is authorized to be appropriated such sums as may be necessary for the purpose of carrying out the provisions of this section.

Sec. 937. Rules and Regulations; Periods of Amnesty.

(a) The Secretary shall not register any handguns which he determines to be unsafe or unsuitable, and shall adopt rules and regulations banning the use and possession of such unsafe or unsuitable handguns.

(b) The Secretary may prescribe such other rules and regulations as he deems reasonably necessary to carry out the provisions of this chapter, including reasonable requirements for the marketing of handguns that do not have serial numbers, and may declare periods of amnesty for the registration and surrender of handguns.

Sec. 102. Section 922 of title 18, United States Code, is amended by adding at the end thereof the following subsection:

(n) It shall be unlawful for any person to import, manufacture, sell, buy, transfer, receive, possess, or transport any handgun which is determined unsafe or unsuitable pursuant to the standards for handguns to be established by the Secretary pursuant to section 937(a) of chapter 44A, United States Code.

TITLE III—LICENSING

Sec. 301. Section 921 of chapter 44, United States Code, is amended by adding at the end thereof the following subsection:

"(c) The definitions of subsection (a) of this section shall not apply to section 923A of this chapter except as provided in section 931 of chapter 44A, title 18, United States Code."

Sec. 302. Chapter 44 of title 18, United States Code, is amended by inserting after section 923 the following new section:

Sec. 923A. Federal Handgun License—

(a) It shall be unlawful for any person to transfer any handgun or ammunition of a caliber other than .22 rimfire for use in any handgun to any person except a licensed importer, licensed manufacturer, or licensed dealer unless the transferee exhibits a valid Federal handgun license issued in accordance with subsections (b) and (c) of this section.

(b) The Secretary or his designee shall issue a Federal handgun license to a person upon presentation of:

(1) a completed handgun license application, such application to be in a form to be prescribed by the Secretary and including the applicant's name, current address, date and place of birth, and signature;

(2) a statement signed by the applicant in a form to be prescribed by the Secretary, that he may lawfully possess handguns and ammunition under the laws of the United States and of the State and political subdivision of his residence;

(3) a complete set of such person's fingerprints, and a photograph reasonably identifying the person.

(c) Federal handgun licenses shall be issued in such form as the Secretary may prescribe, and shall be valid for a period not to exceed three years. A Federal handgun license may be renewed upon the expiration of the initial license period, and periodically thereafter, for periods to be prescribed by the Secretary but not to exceed three years. The Sercetary shall prescribe the application requirements and form of such Federal handgun license renewals.

(d) The Secretary shall receive from each applicant a fee of $5 upon an original Federal handgun license application and a fee of $5 upon a Federal handgun license renewal application.

(e) Unless otherwise prohibited by this chapter or by the laws of any State, possession, or political subdivision thereof, a licensed dealer may ship a handgun or handgun ammunition of a caliber other than .22 rimfire to a person only if the dealer confirms that the purchaser has been issued a valid federal handgun license or a federal dealer's license, and notes the number of such handgun or dealer's license in the records required to be kept by Section 923(g) of Chapter 44, Title 18, United States Code.

(f) It shall be unlawful for any person to possess a handgun or handgun ammunition of a caliber other than .22 rimfire unless he holds a valid federal handgun license.

(g) No license shall be issued to any person who has not reached the age of eighteen; who because of alcoholism, drug addiction, or a mental disease or defect cannot be relied upon to possess or use handguns safely and responsibly; who has been convicted in any court of a crime punishable by imprisonment for a term exceeding 1 year; who is a fugitive from justice; who is not of good moral character; or who is not qualified under all applicable federal, state, and local laws.

(h) Denials by the Secretary of Federal handgun licenses or Federal handgun license renewals shall not be subject to the provisions of Chapter 5, Title 5, United States Code, but actions of the Secretary shall be reviewable de novo pursuant to Chapter 5, Title 7, United States Code, in an action instituted by any person, State, or political subdivision adversely affected.

TITLE IV—GENERAL PROVISIONS

Sec. 401. Disclosure of Information.

Information contained on any individual handgun registration form, certificate of handgun registration, federal handgun license application, federal handgun license, federal handgun license renewal application, or federal handgun license renewal form shall not be disclosed except to the National Crime Information Center established by the Federal Bureau of Investigation, and to law enforcement officers requiring such information in pursuant of their official duties.

Sec. 402. Assistance to the Secretary.

When requested by the Secretary, Federal departments and agencies shall assist the Secretary in the administration of this Act.

Sec. 403. Separability.

If the provisions of any part of this Act or any amendments made thereby or the application thereof to any person or circumstances be held invalid, the provisions of the other parts and their application to other persons or circumstances shall not be affected thereby.

Sec. 404. Effect on State Law.

No provision of this Act shall be construed as indicating an intent on the part of the Congress to occupy the field in which such provisions operate to the exclusion of the law of a State possession or political subdivision thereof, on the same subject matter, or to relieve any person of any obligation imposed by any law of any State, possession, or political subdivision thereof.

Sec. 405. Effective Date.

The provisions of this Act shall become effective 90 days after the date of its enactment.

[From the Nation, Apr. 10, 1972]

GETTING SERIOUS ABOUT GUNS

(By Franklin E. Zimring)

Gun control is a subject considerably more complex than dinner party conversations or speeches at police chiefs' conventions might indicate. And two aspects of the usual gun control argument cast doubt on the quality of data and the depth of insight on both sides of this loudly polar conflict. First, despite the diversity of gun control strategies, people are either firmly "for" or determinedly "against" gun laws in general, but are largely uninterested in the specifics of any particular law. Second, on both sides of the debate the hypothesis of conspiracy is advanced to explain why the position supported has not achieved national dominance. Advocates of gun laws talk of the highly organized National Rifle Association (NRA) and its palatial eight-story headquarters in Washington, D.C., as if this one corporate shell were thwarting gun laws with vast popular support. By contrast, NRA members complain, perhaps a bit defensively, of an "anti-gun faction" or "anti-gun cabal," in cahoots with the Americans for Democratic Action and financed by federal money during the later years of the Johnson administration.

In this embittered atmosphere the arguments have changed little over the years, and the debate has proceeded in almost a factual vacuum. Proponents of laws that would register guns point out that last year there were only three gun murders in Tokyo, which im-

plies, presumbaly that registration would produce similar benefits in Detroit. NRA people vacillate between arguing that guns have little to do with the problem of violence in the United States and warning that the problem is so serious that no control could possibly have any effect.

There is, in fact, an important relationship between guns, particularly handguns, and violence in the United States. At the same time, it is far from easy to pass and administer laws that promise to have a salutary effect on gun violence. To defend this conclusion, no doubt unsatisfying to gun "lovers" and gun "banners" alike, I propose to discuss the relationship between guns and violence, the purpose and limits of different types of control laws, and a few of the things that must be learned before we can find sensible solutions to our gun problems.

What exactly is the "gun problem"? Advocates of control start by pointing out that more than one-third of all robberies, one-quarter of all serious assaults, and 65 per cent of all homicides are committed with firearms. Their opponents reply that the vast majority of the country's 100 million guns are not involved in violence, that what we really have is a crime problem, not a gun problem. (Guns don't kill people, people kill people.) In a trite sense this reply is to the point: firearms would not contribute to the seriousness of our crime problem if we had no crime. But guns are not just another weapon used in crime. Serious assault with a gun is five times as likely to cause death as a similar attack with a knife, the next most dangerous weapon. And gun robberies are four times as likely to result in the death of a victim as are other kinds of robbery.

It is difficult to understand this lethal relationship without referring to the motivational background of the typical homicide. Obviously, if most of the 16,000 killings in this country last year were the result of single-minded attempts to kill at any cost, the presence or absence of a gun would make little difference, because a number of other potentially lethal weapons are available, and attackers would merely shift to these. But most killings are the result of disputes between people acquainted with each other, where spontaneous violence is generated and the weapon is used to win a fight or wreak vengeance or injury, whether or not this means that death will result. About two-thirds of all gunshot killings in Chicago involve only one wound, and there is a great deal of similarity between attacks that kill and serious assaults that do not: fatal attacks involve the same kinds of people in the same kinds of situations, and take place during the same days and hours. Our violence problem might be thought of as a national lottery involving 250,000 victims a year, of which 16,000 are selected by chance to die. There are exceptions to this pattern—cold-blooded assassinations that are beyond any weapons control—but the great majority of homicides and the bulk of the recent increase in homicide, are precisely the kind of killings that can be substantially reduced by getting guns out of the hands of potential attackers.

So far I have been discussing guns as a general category, making no distinctions among handguns, rifles and shotguns. In a sense that is appropriate, because a rifle or a shotgun, if used in an attack, is at least as dangerous as a handgun; but even a cursory study of statistics on firearms and violence suggests that the handgun is a special problem that merits a special set of solutions. The handgun—small, easy to conceal, unimportant in hunting—accounts for about one-quarter of the privately owned firearms in the country, but is involved in three-fourths of all gun killings. In the big cities, handguns account for more than 80 per cent of gun killings and virtually all gun robberies.

If crime statistics suggest that the handgun is a special kind of weapon in this country, statistics on gun ownership confirm this impression. Eight years ago a national sample of people with some shooting experience was asked what were good reasons for owning long guns and handguns. Ninety-five per cent mentioned hunting as a good reason for owning a long gun; only 16 per cent mentioned hunting with a handgun. But 71 per cent of the shooters mentioned self-defense as a good reason for owning a handgun. This figure strikes close to the central irony of the handgun problem in the cities. As fear of crime and racial violence increases, handgun sales triple; as the number of loaded guns increases, the use of firearms in crime increases; as gun use increases, the death rate from violent crime increases; when this happens, citizen fear of crime increases still more.

The self-defense aspect of this "vicious circle" deserves further attention. Even though the great majority of handguns are kept for household self-defense, it is absolutely clear that the handgun in your house is more likely to kill you or a member of your family than to save your life. In Detroit more people died in one year from handgun accidents alone than were killed by home-invading robbers or burglars in four and a half years. And it is rare indeed that a household handgun actually stops the burglar who tries to elude you or the robber who counts on surprise and a weapon of his own. So the gun that will not save your life, more than ninety-nine times out of a hundred, will not save your color television either. The discovery that self-defense handguns are a poor investment, dismal though the news may be to the fearful urban dweller, does yield one promising conclusion: giving up your gun makes sense, even if nobody else gives up his gun. But if unilateral disarmament is rational, why don't people just give up their guns voluntarily? And why do handguns continue to proliferate in the cities?

To some extent, the vicious circle of urban guns is the result of misinformation about the risk of accidental death and the usefulness of guns in defense of the home. But it is foolish to think that millions of American families keep handguns merely because they have not read the statistics, or to suppose that shipping them the latest gun control article will change their minds. The risk of accidental or homicidal death from a gun in your home—though far greater than the chance that the gun will save life—is nevertheless small. In the great majority of gun-owning homes, the only real use of the gun is to make its owner feel less uneasy about the possibility that a hostile stranger will invade his home. This feeling of well-being is a statistical illusion, but an emotional reality. People will fight the statistics that show otherwise because, if their guns do not give them any real measure of protection, they have no other way to deal with their fears. In addition, everything that makes the handgun a special problem in America also makes it hard to understand that the handgun is not effective against the home-invading criminal. How can something so deadly be so ineffective? Trying to persuade someone that the gun in his house is not really protecting him is like trying to persuade a nervous friend that flying in a jet plane—7 miles above ground and going 600 miles an hour—is really safer than driving the family car to Florida.

There is one other point about the gun use in this country that must be understood before it is possible to discuss sensibly the effects that various gun laws might have. There seems to be a strong relationship between the general level of handgun ownership for self-defense and the extent to which guns are used in offensive violence. That is what makes the vicious circle vicious. Evidence on this point comes from two sources. First, those parts of the country with the highest levels of gun ownership also have the highest percentage of offensive violence with guns. Second, as self-defense ownership increased in the 1960s, so did the extent to which guns were employed in robberies and other criminal attacks. The most striking data on this trend come from Detroit, where racial disorders in 1966 and 1967 set off a wave of gun purchases. Accidental gun deaths tripled from 1966 to 1967, criminal gun attacks increased twice as fast as did all other types of attack, and criminal gun killings increased ten times as fast as killings by all other means in the four-year period from 1965 to 1968.

But just because the problems are real does not mean that solutions will come easily. Indeed, the extent of the gun problem in this country should be a warning that to reduce gun violence will be a difficult and expensive task. We already have thousands of gun laws in this country to match the thousands of gun killings, and why should gun laws decrease the rate of criminal killings when criminals, by definition, do not obey laws? These sober reminders from the local rifle association should be a guide in reviewing a number of different types of gun control strategies that have been discussed in recent years. How are these various laws supposed to work? What evidence do we have that they will? How much will they cost?

Stiffer penalties for gun violence. It is not true that the National Rifle Association opposes all laws intended to reduce gun violence. In fact, the members of that organization have been the most vocal supporters of laws that would increase and make mandatory prison sentences for committing crimes with guns. Such laws do not make it harder for potential criminals, or anybody else, to obtain guns. But the law is supposed to reduce gun crime by making it so much more costly than crime without a gun that potential criminals will either commit the crime without a gun or not commit the crime.

In order to reduce the number of gun crimes, such laws would have to deter persons who would not be deterred by the already stiff penalties for gun crimes. Can the threat of extra punishment work? There is very little hard evidence on this question, but there is also no reason to believe, out of hand, that such marginal deterrence is impossible. Perhaps the robber could be deterred from using a gun if the punishment for gun robbery were three times as great as for nongun robbery. But there are problems.

First, do we want to make the punishment for gun robbery so high that the extra punishment risked if the robber kills his victim seems relatively small? Second, it may be that the only way to make the distinction important is to reduce the punishment for nongun robbery. Third, punishment for robbery is already quite severe, at least on the books. How much more potential deterrence do we have left in the system?

The issue of extra deterrence is more complicated when the crime of gun assault, that is, an actual shooting, is discussed, because he who attacks with a gun is already risking the maximum punishment of the law if his victim dies. How much extra deterrence can come from making lesser penalties for nonfatal attack mandatory? Proponents of this approach suggest that while the penalties for crime look severe at present, in reality light punishments are often given. Granting the truth of this observation leads, however, to the further question of whether the same pressures might not eat away at mandatory penalties for gun crime. One is left feeling that there may indeed be some hope of reducing gun crime, particularly gun robbery, by increasing the gap between the

penalty for that crime and other crimes. At the same time, it is difficult to believe that such a program will have a major effect on the rate of gun killings.

Prohibiting high-risk groups from owning guns. Another approach endorsed by the NRA is to forbid certain high-risk groups from owning guns. The groups usually covered include those with serious criminal records, the very young, alcoholics and drug addicts. Forty-six states and the federal government have some type of high-risk ownership prohibition on their books. Many of these laws do not go so far as to make a person *prove* his eligibility to own a gun; the ownership ban is supposed to be effective because the ineligible person will be subject to criminal penalties if he is caught possessing a gun. That is some improvement over just passing stiffer penalties for gun crime, because the law attempts to separate the potential criminal from his gun before he commits a crime with it. And if such laws could reduce the number of guns owned by people subject to the prohibition, they would indeed reduce gun violence. But trying to separate out a small group of "bad guys" (who can't have guns) from a large group of "good guys" (who will continue to own millions of them) is neither an easy nor a very effective project. It is not easy, since if the purchaser doesn't have to prove he is not in the prohibited class, the law is still trying to use the threat of future punishment as a substitute for a system whereby it is physically more difficult for high-risk groups to obtain guns. It is not effective, since most homicides are committed by "good guys," that is, persons who would qualify for ownership under any prohibition that operated on only a small part of the population.

Permissive licensing. About half the jurisdictions that forbid ownership of guns by high-risk groups try to enforce this ban by requiring that people must have licenses to buy guns. That is thought to be an advantage over a simple ban on ownership because a person must prove that he is eligible to own a gun before he can get a license. Such a system no longer depends solely on the prudence of the people barred from ownership precisely because we do not think they are good risks. But such a system is also precisely where gun enthusiasts draw the line and start opposing controls because licensing imposes costs on all gun owners. Would licensing work, assuming that the opponents could be outvoted? Like ownership prohibitions, it would not prevent the majority of gun killings, which are committed by persons who qualify for ownership. But would it at least keep guns from high-risk groups? The problem with permissive licensing is that it leaves some 30 million handguns in circulation. Half of all the handguns in the country are acquired secondhand, and more than half of these are purchased from private parties, who may not ask to see licenses. Then there is the fact that there are 30 million handguns available to steal. It is, in short, extraordinarily difficult to let the good guys have all the guns they want and at the same time keep the bad guys unarmed. And it does not appear that states with permissive licensing systems made much of a dent in gun violence during all the years when the federal government failed to control interstate traffic in most firearms. With stronger federal aid, we know that the potential of such law is still limited, but we do not know how limited.

Registration. This procedure records that a particular gun is the property of a particular licensed owner. Gun registration thus requires that the owner provide information about the guns he owns in addition to the information about himself that is required to obtain a license. For reasons that I find obscure, registration is one of the most feared of all types of gun control proposals, and the one that gun owners find hardest to understand. In part, the fear is based on anxiety about "Big Brother" keeping information about details of personal life, and in part on the belief that registration is some kind of subversive plot to lower the country's ability to resist invasion by a foreign power. But the center of the debate is about the purpose of registration: if criminals, who, it is to be remembered, don't obey the law, do not register their guns, how can registration possibly reduce gun crime? The answer is that registration is designed only as a support to any system that seeks to allow some people to own guns but not others. If such a system is to prove workable, then some method must be found to keep guns where they are permitted by making each legitimate gun owner responsible for each gun he owns. After all, some of the "good guys" would otherwise pass on guns through the secondhand market to "bad guys" and thus frustrate permissive licensing systems. If registration helped to keep the good guys good, it could help prevent gun violence, even if not a single criminal were polite enough to register his gun.

There is also a theory that gun registration will deter the qualified owner from misusing his gun, since it can be traced to him, but nobody is quite sure how much prevention this technique will achieve. All in all, it is difficult to estimate how much extra prevention a licensing system will obtain by requiring registration, but it seems perverse not to require registration of some kind in any system that seeks to prevent gun violence by barring certain groups from gun ownership.

Cutting down on the handgun. The most extreme solution that has been proposed in the gun control debate is the substantial reduction of the number of handguns owned by civilians. This proposal reacts to the frustrations of distinguishing the good guys from the bad guys by suggesting that nobody should be permitted to own a handgun unless he has a special need for it. Since the only people who can show that a handgun is less likely to kill them than save their lives are small shopkeepers, security guards and police, this approach would make nine out of ten handguns illegal. An interesting variation of this theme is Rep. Abner Mikva's plan to ban the manufacture and transfer of all handguns and wait patiently for the civilian supply to dry up. Another variation is the proposed ban on producing cheap .22 caliber handguns, "Saturday night specials." Gun owners, who have always feared that gun control groups were secretly planning to confiscate weapons, felt vindicated when this proposal emerged in the late 1960's. They doubt that such a plan will work because, first, "when guns are criminal, only criminals will have guns," and, second, if handguns are illegal, criminals will switch to other kinds of guns, which will not reduce gun crime but will result in moves toward confiscating all kinds of civilian firearms.

Both of these arguments have some appeal, but both ignore important facts about the relationship between guns and violence in the United States. It is, after all, the case that the use of guns in crime tends to rise and fall with the general level of gun ownership. Thus, substantially reducing the number of handguns will substantially reduce the amount of handgun violence, even though some criminals will undoubtedly continue to use handguns. Second, it is harder than one might suspect for the handgun robber or attacker to switch to the long gun. For that reason the average handgun is nine times as likely to kill as the average long gun, and states which try to restrict handguns find that their major problem then becomes not the long gun but the illegal handgun.

The real problem with the case for restricting the handgun is the question of whether any law can reduce the number of such guns in circulation enough to make a dent in gun violence, and, if so, how long it will take and at what cost. We could, by law, stop the manufacture of handguns next year, but studies show that some of the guns we made last year would still be killing people in the 21st century. Under the best of conditions, collecting the vast arsenal of civilian handguns would be neither an easy nor swift task. And gun control is necessary right now precisely because we do not live under the best of conditions—the very crime rate that makes gun control most necessary also makes gun control extremely difficult to achieve. How many citizens will turn in their guns when the clock strikes twelve? How long will it take to get the guns off the streets, where they do the most harm? Do we really want to leave urban households fearfully defenseless? Is it desirable to add yet another victimless and unenforceable crime (possession of a handgun) to the depressingly large list of such crimes that we have already accumulated?

I have belabored the various gun control options in the hope that such a discussion can help to inform some basic questions. How far do we want to go in controlling guns? Should controls be federal, state or local? These will be the pressing questions of the 1970s, and the time is ripe for setting out at least some tentative answers. The reader may have noticed that the more a particular gun control strategy hurts, the more likely it is to achieve substantial reduction in gun violence. Stiffer penalties for gun violence hurt only gun criminals and don't achieve much. Permissive licensing and registration are more inconvenient for gun owners, but not all that much more. The problem is that they may not be a sufficient curb on the handgun epidemic in the cities. Laws that attempt to cut down on the number of handguns would cut down on gun violence if they really made a dent in our handgun population, but they would also leave millions of American homes with no defense against crime stronger than fingernail biting. Of course, abolition of the handgun is rational, in the sense that it would make life safer in the homes that give up their guns; but I have yet to convince my next-door neighbor that my definition of safety, as distinct from a sense of security, should necessarily be his. And even if those of us in the cities must impose gun control on ourselves, should we demand this as a nationwide solution to the problem?

Perhaps the stickiest problem in the gun control debate is what role the federal government should play. The four-member violence commission minority suggested that "each state should be permitted to determine for itself . . . the system which best meets its needs," a deferential bow to the federal system that seems attractive. The only problem is that such a system might not work. Before the federal government passed a ban on interstate shipment of weapons, states like New York and Massachusetts, which tried to reduce their handgun populations, found that the great majority of the guns used in crime came from out of state. Even with the new federal controls, New York City is living through a handgun epidemic of considerable proportions.

It may be that states and cities will not be free to decide their own gun control policies until the federal government establishes at least a system of permissive licensing and registration to cut down on the interstate "leakage" of guns. It also may be that even that system would not be enough—that a national handgun policy is necessary if any of our states is to make any real progress in the gun problem. We do not know the answer to this question. We do not even know where those New York handguns are coming from. The sad fact is that it is not just the NRA that is holding up progress in gun control. Some of our finest, most liberal big-city legislators passed a law in 1968 and have not bothered to find out how it is working or

why it is not. They just call for more laws. It's almost enough to make a man join the NRA.

Almost, but not quite. Any gun control policy, even attempts to cut down drastically on the number of handguns on a nationwide basis, will be something of an experiment in the coming years. We do not know how effective any law can be with so many guns in circulation and so much pressure to keep them there, but if gun control will be an experiment in the 1970s, the blood that flows from the mounting toll of homicide suggests that it will be a necessary experiment for a civilized nation.

By Mr. BEALL:

S. 3530. A bill to provide for the conveyance of certain real property in the District of Columbia to the National Firefighting Museum and Center for Fire Prevention, Incorporated. Referred to the Committee on the District of Columbia.

Mr. BEALL. Mr. President, the threat of fire looms over our Nation today, laying waste to thousands of lives and billions of dollars in property each year. In the next 12 hours, this menace will damage or destroy over 1,000 homes, 100 factories, 100 stores, 12 hospitals, 10 schools, and nine churches. I believe it is time for us to intensify this war against death and destruction.

Clearly, the best way to fight a fire is to prevent it in the first place. Two hundred and thirty-seven years ago, Benjamin Franklin, in an article on fire prevention, coined the phrase:

An ounce of prevention is worth a pound of cure.

That saying is still true today. But in spite of the active efforts of insurance companies, civic associations, and fire departments to educate the public to the dangers of fire and the commonsense methods of prevention, the complacent citizen largely ignores the warnings—until it is too late.

Mr. President, I propose today that we establish a National Museum of Firefighting and Center for Fire Prevention in the Nation's Capital. It would be designed to portray, in enjoyable and memorable fashion, the steps every family can take to thwart fire. A variety of programs could be offered, aimed particularly at children. Elementary school visits would be encouraged, as well as post-visit curricular activity, to maximize the impact of the Center upon impressionable young minds. Children and adults both would learn that the fireman is a valuable friend, not a target for abuse. Special emphasis could be given to projects to teach children about the dangers of playing with matches.

Then perhaps we would not see an average of 10 children a month burn to death.

The legislation I introduced today provides that a venerated District building, now decaying in disuse, would become the home of this combination historic shrine and modern educational facility. The structure named in the bill, at 3210 M Street NW., was originally erected in 1796 as the Bank of Columbia, with George Washington as a director. In 1807, the Bureau of Indian Trade occupied the premises, where it remained until the city of Georgetown bought the property in 1845 for use as the City Hall.

In 1871, the building came under the control of the District of Columbia government when Georgetown was absorbed by the District. In 1883, the location was remodeled into a firehouse, where it remained until 1940. Since then, the property has been used—or misused—for various storage purposes, the last being a garage for garbage trucks. Now it lies vacant, a refuge for trash, alcoholics, and wayward pigeons.

Thus, the establishment of such a museum would have a dual purpose. It would restore one of the District's last 18th century buildings to a condition befitting a historic landmark, while at the same time providing a modern facility to remind us, young and old, resident and visitor, of the magnificent history of firefighting and the ways all Americans can prevent the disaster of fire. Costs for restoration and maintenance of the Center are currently estimated at $562,100, of which all are expected to be met by contributions. Compared with the expected $5.25 billion in fire losses during the same period, the National Museum of Firefighting and Center for Fire Prevention is indeed a necessary and worthwhile investment.

By Mr. ALLOTT (for himself and Mr. DOMINICK):

S. 3531. A bill to authorize the Secretary of the Interior to participate in the planning, design, and construction of outdoor recreational facilities in connection with the 1976 winter Olympic games. Referred to the Committee on Interior and Insular Affairs.

Mr. ALLOTT. Mr. President, on behalf of the junior Senator from Colorado (Mr. DOMINICK) and myself, I am introducing a bill to authorize Federal participation in the construction of outdoor sport facilities to be used in conjunction with the 1976 winter Olympics. Since the mid-1960's when the Interior Committee created the land and water conservation fund, strides have been made toward providing greater outdoor recreation facilities for our citizens. We need to create still a greater awareness of outdoor recreational activities—of the benefits which accrue from competitive sports—and the Olympic games can contribute to that awareness.

Denver has been designated as the host city for the 1976 winter Olympic games. The Colorado State government and the city of Denver are devoting substantial resources to the staging of the Olympic games and are seeking equitable Federal participation in this effort. Thus, the entire Colorado congressional delegation is today introducing legislation which will authorize that Federal participation in this outdoor recreational event.

I note, and wish to call attention to the fact that the authorization amount in this bill is blank. This somewhat unusual form is utilized purposely for two reasons: First, there are many contingencies that, at the moment, exist and which if they materialize could substantially lessen the amount of Federal participation needed and second, to preclude any prejudgment of need and to highlight our wish that after full hearings on this subject the respective Interior Committees of the House and Senate will insert an amount which is to represent proper Federal participation.

Mr. DOMINICK. Mr. President, Senator ALLOTT and I are well aware that the bill which we are introducing at this time is in a most unusual form, in that no dollar amounts are stipulated. It is however, a most important bill, dealing as it does with the winter Olympics of 1976, the 200th year of this country's independence and the 100th year of our State's admission to the Union. The winter Olympics have been awarded to Denver, Colo., by the International Olympic Site Selection Committee and will be the focus of sports activities for all Americans during that period.

The bill is being introduced in this form to avoid any prejudgment as to the proper Federal share and in order to afford the committee, after full hearings, a maximum opportunity to evaluate the financial needs to support this most important international event.

By Mr. GAMBRELL:

S. 3533. A bill to impose a moratorium on involuntary student transportation until a uniform plan of racial desegregation shall have been implemented throughout the country. Referred to the Committee on the Judiciary.

Mr. GAMBRELL. Mr. President, I am introducing a bill today which is identical to S. 3435, except that references to the Secretary of Health, Education, and Welfare have been changed to refer instead to the Attorney General of the United States.

I hope that this bill will serve as a substitute for the busing moratorium which President Nixon proposed last month. I described this bill in testimony before the Education Subcommittee of the Committee on Labor and Public Welfare on March 29, and on that same day, the statement which I presented to the Education Subcommittee was reprinted in the RECORD on pages 10960–10963.

This bill follows substantially the same plan as an amendment I offered during the busing debate on the higher education bill. It prohibits the use of forced school busing in some parts of the country when no steps toward desegregation have been taken in most of the country's school systems. A description of the amendment which I offered to the higher education bill can be found on pages 6002 to 6005 in the RECORD of February 29.

Mr. President, I ask unanimous consent that the bill I am introducing today 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. 3533

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 "Uniform Desegregation and Student Transportation Moratorium Act of 1972".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that:

(1) The provision of equal educational opportunity to all students of a local educational agency requires racial desegregation.

(2) School desegregation should be required equally and uniformly in every section of the United States.

(3) For the purpose of desegregation, many local educational agencies have been required to reorganize their school systems, to reassign students, and to engage in the extensive transportation of students.

(4) In many cases these reorganizations, with attendant increases in student transportation, have caused substantial hardship to the children thereby affected, have impinged on the educational process in which they are involved, and have required increases in student transportation often in excess of that necessary to accomplish desegregation.

(5) At the same time that extensive transportation of school children and other extreme and disruptive remedies are being required in some local educational agencies for the purpose of desegregation, many local educational agencies throughout the country have not undertaken any effective efforts to desegregate.

(6) This inequity in the application and enforcement of desegregation remedies obstructs the nationally accepted goal of equal educational opportunities without regard to race, color, or national origin.

(7) The Congress is presently considering legislation to achieve the goal of equal educational opportunity for all citizens.

(8) A moratorium on the involuntary transportation of school children will permit an orderly legislative settlement of the question of providing equal educational opportunity on a uniform basis throughout the country.

(b) It is, therefore, the purpose of this Act to impose a moratorium on the effectiveness of Federal court orders that require local educational agencies to transport students, and on the involuntary implementation of certain desegregation plans under title VI of the Civil Rights Act of 1964 until racial desegregation is uniformly applied and enforced or until such earlier date as there shall be adopted a uniform plan to provide equal educational opportunities throughout the country.

SEC. 3. (a) Notwithstanding any other law or provision of law, the effectiveness of any order of a court of the United States and the implementation of any desegregation plan submitted by a local educational agency to a department or agency of the United States pursuant to title VI of the Civil Rights Act of 1964, to the extent such order or such plan requires for any period subsequent to December 31, 1970, directly or indirectly, a local educational agency to transport students in order to overcome racial imbalance or to carry out a plan of racial desegregation, shall be postponed until plans providing for the racial desegregation of schools as providing for the racial desegregation of schools as provided in subsection (b) of this section, or reports of the absence of racial discrimination as described in subsection (b) of this section, shall have been adopted uniformly throughout the United States by the appropriate local educational agencies thereof.

(b) Plans providing for the racial desegregation of schools shall provide for the elimination of—

(1) any deliberate segregation by an educational agency of students on the basis of race, color, or national origin among or within schools;

(2) the assignment by an educational agency of a student to a school, other than the one closest to his place of residence within the school district in which he resides, if the assignment results in a greater degree of segregation of students on the basis of race, color, or national origin among the schools of such agency than would result if such student were assigned to the school closest to his place of residence within the school district of such agency providing the appropriate grade level and type of education for such student;

(3) discrimination by an educational agency on the basis of race, color, or national origin in the employment, employment conditions, or assignment to schools of its faculty, or staff;

(4) the transfer by an educational agency, whether voluntary or otherwise, of a student from one school to another if the purpose and effect of such transfer is to increase segregation of students on the basis of race, color, or national origin among the schools of such agency;

(5) language barriers that impede equal participation by the students of a local educational agency in its instructional programs;

(6) the provision of inferior schools among communities in accordance with racial predominance;

(7) any unequal allocation of school facilities and resources among communities within a local educational agency in accordance with racial predominance, except for the purpose of equalizing educational facilities; and

(8) prohibitions against volitional student transfers from schools in which a majority of the students are of their race, color, or national origin to schools in which a minority of the students are of their race, color, or national origin.

(c) (1) A plan or report shall not be deemed to have been adopted for the purpose of subsection (a) of this section until such plan or report, approved by the appropriate local educational agency after public hearing, has been submitted by an appropriate official of such agency to the Attorney General of the United States, and the Attorney General has not interposed an objection within sixty days after such submission. The Attorney General shall interpose an objection to any report which he finds to be inaccurate in any substantial respect and shall object to any plan which he finds to be substantially deficient in the elimination of racial discrimination as described in subsection (b) of this section: *Provided,* That any such plan or report, whether or not submitted to the Attorney General, shall be deemed to have been adopted for the purpose of this section if the Federal district court having jurisdiction of such agency shall have approved the substance of such plan or the truth of such report, and has found such plan or report to be in accordance with the Constitution of the United States.

(2) Plans shall not be deemed to have been uniformly adopted throughout the United States for the purpose of subsection (a) of this section until—

(A) such plans have been adopted in school systems containing not less than 75 per centum of the school population in public school systems which have total minority student population greater than 10 per centum, or

(B) such plans are in effect in not less than seventy-five of the one hundred most populous school systems in the United States (1) which have total minority student population greater than 10 per centum or (2) which had a greater percentage of minority students in 1971 attending schools in which minority students were in the majority than in 1968, and such plans are in effect in 75 per centum of the States of the United States having a minority public school student population greater than 10 per centum.

(d) Nothing in this Act shall prohibit an educational agency from proposing, adopting, requiring, or implementing any desegregation plan, otherwise lawful, that exceeds the limitations specified in subsection (a) of this section, nor shall any court of the United States or department or agency of the Federal Government be prohibited from approving implementation of a plan that exceeds the limitations specified in subsection (a) of this section if the plan is voluntarily proposed by the appropriate educational agency.

(e) A local educational agency shall be deemed to transport a student if it pays any part of the cost of such student's transportation, or otherwise provides such transportation.

By Mr. GRIFFIN:

S. 3534. A bill to facilitate the adoption by U.S. citizens of Vietnamese children who have been orphaned or abandoned as a result of the war in Southeast Asia. Referred to the Committee on Foreign Relations.

VIETNAMESE ORPHAN ACT

Mr. GRIFFIN. Mr. President, I send to the desk a bill entitled the Vietnamese Orphan Act to facilitate the adoption by U.S. citizens of Vietnamese children who have been orphaned or abandoned as a result of the war in Southeast Asia.

About 12,000 children are in South Vietnamese orphanages. But the AID agency estimates that as many as 700,000 children are abandoned or orphaned in South Vietnam. One of the great tragedies of the war in Southeast Asia is that these innocent children have inherited such a legacy of misery.

The South Vietnamese Government is trying to do what it can for these children. But the task is awesome, and the South Vietnamese simply do not have the resources to do the job alone.

Various private organizations in the United States and South Vietnam are struggling to help in the effort to care for these vulnerable children. But such organizations find that they cannot adequately cope with the problem in the absence of outside help.

Here in this country there is deep concern about the plight of these young victims of war. Many American families stand ready to adopt one or more Vietnamese war orphans.

Unfortunately, in most cases the costs of arranging such an adoption are prohibitive. In addition, there are discouraging bureaucratic obstacles which complicate the process of uniting children and foster parents.

It is unthinkable that we should allow financial impediments and bureaucratic tangles to stand between helpless children and those generous Americans who are willing and anxious to provide shelter and love.

The bill I am introducing is intended to clear away such obstacles.

It would authorize the President of the United States to provide financial help to those public or private nonprofit international welfare organizations and institutions which assist in furnishing legal and technical services to prospective foster parents.

It would provide health care for orphaned or abandoned children during the period prior to their adoption and transportation to the United States.

It would authorize the President to provide space-available transportation on military aircraft, or aircraft chartered by the military, to transport adopted children to the United States.

In addition, it would authorize the

President, acting with the South Vietnamese Government, to assist in meeting other health, housing, and educational needs of Vietnamese orphans.

It has been said that a nation can be judged by how it cares for the weakest and most vulnerable of its own citizens. I would add that a nation should also be judged by its concern for all people, regardless of nationality.

Time and again during the past 200 years, Americans have demonstrated a commitment to help those less fortunate. It is an American tradition.

This Vietnamese Orphan Act which I introduce today is in keeping with that American tradition. I urge the Senate to give this legislation prompt and favorable consideration.

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

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

S. 3534.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be known as the "Vietnamese Orphan Act."

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. (a) Congress finds that—

(1) the tragedy of countless Vietnamese children, orphaned or abandoned as a result of the war in Southeast Asia, will remain even after a cessation of hostilities; and

(2) there are many couples in the United States eager to adopt such orphaned or abandoned children and provide them with homes.

(b) It is therefore the purpose of this Act to facilitate the adoption of orphaned or abandoned Vietnamese children by United States citizens.

INTERNATIONAL ASSISTANCE PROGRAM

SEC. 3. The President or his designee shall be authorized to provide to public or private nonprofit international welfare agencies, organizations, and institutions (existing on the date of enactment of this Act), grants to assist such agencies, organizations, and institutions in furnishing (1) legal and technical services relating to the adoption of orphaned or abandoned Vietnamese children by United States citizens, and (2) health care for such orphaned or abandoned children during a period prior to the adoption of such children and their arrival in the United States.

SOUTH VIETNAMESE PASSPORT RESTRICTIONS

SEC. 4. The President or his designee shall enter into negotiations with the Government of the Republic of South Vietnam for the purpose of eliminating Vietnamese passport restrictions for children adopted by United States citizens.

ASSISTANCE FOR CARE OF VIETNAMESE ORPHANS

SEC. 5. (a) The President or his designee, with the consent of the Government of the Republic of South Vietnam, shall be authorized to provide grants to any public or private non-profit agency, organization, or institution within the Republic of South Vietnam (existing on the date of enactment of this Act), to assist such agency, organization, or institution in meeting the expenses of providing housing, health care, and educational services directly to orphaned or abandoned Vietnamese children.

(b) The amount of grants made under subsection (a) shall not exceed the costs to such agency, organization, or institution which are attributable to the care of such orphaned or abandoned children.

TRANSPORTATION

SEC. 6. Notwithstanding any other provision of law, the President or his designee shall be authorized to provide transportation on military aircraft or chartered aircraft used by the military on a space-available basis, to transport Vietnamese children who have been adopted by United States citizens from South Vietnam to the United States.

TERMS AND CONDITIONS

SEC. 7. The President shall establish such terms and conditions as he deems necessary in making grants under this Act.

COMPLIANCE WITH STATE LAW

SEC. 8. Any United States citizen and spouse adopting an orphaned or abandoned Vietnamese child shall comply with section 101 (b) (1) (F) of the Immigration and Nationality Act relating to the preadoption requirements of the child's proposed State of residence and of all State laws applicable.

AUTHORIZATION OF APPROPRIATIONS

SEC. 9. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 950

At the request of Mr. DOMINICK, the Senator from New York (Mr. BUCKLEY) was added as a cosponsor of S. 950, a bill to amend the Gun Control Act of 1968 relating to the importation into the United States of sporting rifles and sporting shotguns.

S. 2983

At the request of Mr. BEALL, the Senator from Maryland (Mr. MATHIAS) was added as a cosponsor of S. 2983, a bill for the establishment of a national cemetery in the State of Maryland.

S. 3141

At the request of Mr. METCALF (for Mr. MUSKIE) the Senator from Illinois (Mr. PERCY) was added as a cosponsor of S. 3141, the Intergovernmental Personnel Act Amendments of 1972.

S. 3181

At the request of Mr. CHURCH, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 3181, a bill to provide for the establishment of an Office for the Aging in the Executive Office of the President, for the fulfillment of the purposes of the Older Americans Act, for enlarging the scope of that act, and for other purposes.

S. 3329

Mr. BEALL. Mr. President, I ask unanimous consent that at the next printing of the bill S. 3329, which would establish a National Institute of Health Care Delivery, that the following Senators be added as additional cosponsors: DOMINICK, HOLLINGS, PASTORE, and STEVENS.

In addition, Mr. President, I am particularly pleased with the reception that this proposal is receiving. Only recently the American Association of Universities and Colleges indicated their support for this measure.

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

S. 3383

At the request of Mr. THURMOND, the Senator from Utah (Mr. BENNETT), the Senator from Arizona (Mr. FANNIN), the Senator from Wyoming (Mr. HANSEN), the Senator from New York (Mr. JAVITS), the Senator from Utah (Mr. Moss), the Senator from Rhode Island (Mr. PASTORE), and the Senator from Texas (Mr. TOWER) were added as cosponsors of S. 3383, a bill to encourage the use of recycled oil.

S. 3416

At the request of Mr. THURMOND, the Senator from Wyoming (Mr. HANSEN), the Senator from North Dakota (Mr. YOUNG), the Senator from Utah (Mr. BENNETT), the Senator from Nebraska (Mr. CURTIS), the Senator from Kansas (Mr. DOLE), the Senator from Kentucky (Mr. COOPER), the Senator from Illinois (Mr. STEVENSON), the Senator from Arizona (Mr. GOLDWATER), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Oregon (Mr. PACKWOOD), the Senator from Tennessee (Mr. BROCK), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Nevada (Mr. CANNON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from California (Mr. CRANSTON) were added as cosponsors of S. 3416, a bill to amend titles 10 and 37, United States Code, to authorize members of the Armed Forces who are in a missing status to accumulate leave without limitation, and for other purposes.

S. 3514

At the request of Mr. PROXMIRE, the Senator from Illinois (Mr. PERCY), the Senator from Maine (Mr. MUSKIE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Minnesota (Mr. MONDALE), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Dakota (Mr. McGOVERN), and the Senator from Wyoming (Mr. McGEE) were added as cosponsors of S. 3514, the Menominee Restoration Act.

ADDITIONAL COSPONSOR OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 66

At the request of Mr. PEARSON, the Senator from Iowa (Mr. MILLER) was added as a cosponsor of Senate Concurrent Resolution 66, expressing the sense of Congress that the United States should negotiate for the use of foreign currencies to pay Peace Corps expenses to countries where these currencies are held.

SENATE RESOLUTION 296—SUBMISSION OF A RESOLUTION TO DESIGNATE THE OLD SENATE OFFICE BUILDING AS THE RICHARD BREVARD RUSSELL OFFICE BUILDING

Mr. ROBERT C. BYRD. Mr. President, I submit a resolution to designate the Old Senate Office Building as the Richard Brevard Russell Office Building and I ask unanimous consent that the resolution be referred to the Committee on Rules and Administration.

The PRESIDING OFFICER (Mr. SPONG). The resolution will be received and appropriately referred; and, without objection, the resolution will be referred

to the Committee on Rules and Administration.

The resolution reads as follows:

S. RES. 296

Resolved, That insofar as concerns the Senate, the Senate Office Building constructed under authority of the Act of April 28, 1904 (33 Stat. 452, 481), is hereby designated, and shall be known, as the "Richard Brevard Russell Office Building".

Sec. 2. Any rule, regulation, document, or record of the Senate, in which reference is made to the building referred to in the first section of this resolution, shall be held and considered to be a reference to such building by the name designated for such building by the first section of this resolution.

Sec. 3. The Committee on Rules and Administration is hereby authorized and directed to place an appropriate marker or inscription at a suitable location or locations within the old Senate Office Building to commemorate and designate such building as provided herein. Expenses incurred in connection therewith shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman of said Committee.

ADDITIONAL COSPONSOR OF A RESOLUTION, SENATE RESOLUTION 294

Mr. GOLDWATER. Mr. President, I ask unanimous consent that at its next printing the name of the Senator from Maryland (Mr. BEALL) be added as a cosponsor of Senate Resolution 294, to condemn the invasion of South Vietnam by North Vietnam and to support the Government of the United States in its effort to provide an honorable peace in South Vietnam.

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

Mr. GOLDWATER. Mr. President, when the resolution was initially introduced, the junior Senator from Maryland had asked to be among the first cosponsors, and I am sure his name appeared on the draft which I handed in at the desk. Inadvertently, it does not appear on the first print of the resolution. Therefore, I wish to make it known that the distinguished Senator from Maryland (Mr. BEALL) is rightly one of the original signers of this resolution.

Again, Mr. President, I wish to mention that any Senator who wants to come forward to condemn Hanoi has an opportunity to do so by sponsoring or supporting this resolution.

FEDERAL HIGHWAY ACT OF 1956—AMENDMENT

AMENDMENT NO. 1156

(Ordered to be printed and referred to the Committee on Public Works.)

Mr. CURTIS (for himself and Mr. HRUSKA) submitted an amendment intended to be proposed by them jointly to the bill (S. 3037) to amend the Federal Aid Highway Act of 1956, as amended.

FAIR CREDIT BILLING ACT—AMENDMENTS

AMENDMENT NO. 1155

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

Mr. METCALF submitted an amendment intended to be proposed by him to the bill (S. 652) to amend the Truth in Lending Act to protect consumers against careless and unfair billing practices, and for other purposes.

AMENDMENTS NOS. 1157, 1158, AND 1159

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

Mr. TUNNEY. Mr. President, I am today submitting three amendments to S. 652, the Fair Credit Billing Act, which I feel would strengthen the legislation.

Amendment No. 1158 would explicitly provide in the text of the bill that States would be allowed to have laws which afford greater protection to consumers than S. 652.

I strongly believe that we must make clear that the States can continue to play a major role in the area of consumer protection.

Page 17 of the committee report makes the following observation with regard to section 169 of S. 652:

> This section states that nothing in chapter 4 (credit billing) annuls, alters, affects, or exempts a creditor from complying with State law unless a State law is inconsistent with the Federal law, and then only to the extent of the inconsistency. A similar provision applies to the disclosure provisions of truth in lending and under existing interpretations, the Federal Reserve Board has held that a State law is not inconsistent with Federal law if it provides a greater degree of consumer protection.

The enactment of my amendment would make unequivocably clear and explicit what the committee report states is the intent of the Congress. The enactment of my amendment would provide for more expediency in the administration of this law and avoid the dangers of either future changes in interpretations by the Federal Reserve Board or extended or unnecessary litigation if perhaps a Federal or State court subverted congressional intent in this area. Alfred Song, chairman of the California State Senate Judiciary Committee and author of the State fair credit law has requested that this be explicitly nailed down in S. 652. I am certain that other State legislatures would also desire to see the Federal preemption provision clarified in the text of the bill.

Amendment No. 1157 prohibits retail merchants from billing customers for unmailed or unsent merchandise. I believe that it is only fair that the billing period begin either when the merchandise is sent or when it is mailed to the customer. In testimony before the Subcommittee on Financial Institutions, Betty Furness, chairman of the New York State Consumer Protection Board, summed up very succinctly the reasons why I feel that this amendment should be enacted by the Senate. She urged:

> Consumers not be billed for merchandise before it is received. This abuse applies particularly to transactions involving home furnishings. Furniture and carpeting is promised in 2 weeks or 6 weeks. It often tends to arrive in about that many months, but, with many stores, preceeded by bills and accumulated finance charges. By the time a family finds they have the wrong coffee table, or a bed in one size and a mattress in another, they long since have a past due bill which is growing like topsy and possibly even a dunning letter from our Mr. Abrams the computer. Surely a buyer should have merchandise in hand for inspection and approval before he is billed. The idea of paying before delivery is so impertinent it boggles the mind. But it is not only an idea, it is a practice, and one I think should be stopped.

Mr. President, to me this amendment seems imminently logical and equitable, and I hope that it is enacted by the Senate.

Amendment No. 1159 would prohibit a minimum credit charge. This charge subjects the poor to far higher percentage charges than the more affluent. Most minimum finance charges on small deferred balances result in finance charges which are much higher than legal interest rates. Since it is usually the poor who must defer payment on small balances, a minimum finance charge becomes a discriminatory burden on low-income customers. For example, a minimum finance charge of 50 cents on a $10 balance is equivalent to a charge of 5 percent a month or 60 percent a year.

William Willier of the National Consumer Law Center in Massachusetts made the following statement in the hearings on this legislation:

> The truth in lending law does not require disclosure of an annual percentage rate where the finance charge is within certain minimum limits.

However, he continued by stating that—

> Clearly there should be no finance charge, minimum or otherwise, where there is no use of credit or no outstanding balance.

Again, with regard to the amendment, I feel that it makes no sense to continue to allow what is in actual operation a discriminatory tax upon low-income customers.

I conclude by pointing out that the chairman of the Federal Trade Commission testified in favor of the enactment of amendments which I will offer with regard to the prohibition against minimum finance charges and against finance charges on undelivered merchandise. In connection with the question of Federal preemption, JOHN SPARKMAN, the committee chairman, has stated in the committee report that he—

> Would not want to see any legislation adopted which would take away from the consumers any of the protection given to them by State law.

I share his concern and I believe that my amendment would insure that this does not happen.

Mr. President, I ask unanimous consent that the three amendments I have submitted be printed at this point in my remarks.

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

AMENDMENTS No. 1157

On page 11, at the bottom of the page, add the following:

"170. Prohibition of billing for undelivered goods or services.

On page 19, line 7, strike out the quotation marks.

On page 19, between lines 7 and 8, insert the following:

"§ 170. Prohibition of billing for undelivered goods or services.

"No creditor who operates an open end consumer credit plan shall bill an obligor (1)

for any goods which have not been mailed or otherwise sent to the obligor, or (2) for any services which have not been provided to the obligor. Nothing in this section prohibits the billing for goods or services which are to be provided in more than one installment if the first installment was received by the obligor or has been mailed or otherwise sent to the obligor prior to the date on which the bill is mailed or otherwise sent."

AMENDMENT No. 1158

On page 19, line 7, immediately after the period, insert the following new sentence: "No such law is inconsistent with any provision of this chapter if (1) the protection afforded to consumers by such law is greater than that provided by this chapter, and (2) compliance with such law does not constitute a violation of any provision of this chapter.

Any credit card issuer may rely upon any rule or regulation of the Board determining such inconsistency."

AMENDMENTS No. 1159

On page 11, at the bottom of the page, add the following:

"170. Prohibition of minimum finance charge.

On page 19, line 7, strike out the quotation marks.

On page 19, between lines 7 and 8, insert the following:

"§ 170. Prohibition of minimum finance charge

"No creditor who operates an open end consumer credit plan may impose a minimum finance charge."

AMENDMENTS NOS. 1160 AND 1161

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

Mr. PROXMIRE. Mr. President, I submit two amendments to S. 652, the so-called Fair Credit Billing Act.

The first amendment would prohibit retroactive finance charges on revolving charge accounts where the consumer is charged interest on money he has already repaid. The most common method for assessing retroactive finance charges is the so-called previous balance billing system. Under this system, consumers are generally given 30 days to pay their outstanding balance before they are assessed a finance charge. However, if they make a partial payment, they are charged interest against the original or previous balance in their account rather than the remaining balance.

For example, if a consumer has a balance of $100 in his revolving charge account and makes a partial payment of $90, he is charged interest against the original balance of $100 rather than the remaining balance of $10. He thus pays 10 times the amount of interest he otherwise would have paid if the creditor charged against the closing balance.

Many creditors charge against the closing balance because they feel it is fairer to consumers. These include large retailers such as J. C. Penney, most oil companies, and many bank credit card plans. However, a substantial number of creditors still use the previous balance system.

The amendment would prohibit the previous balance system as well as other systems which impose retroactive finance charges. It would not prohibit the so-called average daily balance billing system where the consumer is charged for credit on a daily basis provided the creditor does not retroactively levy a finance charge prior to the time when payment is due to avoid a finance charge. Abolition of the previous balance is strongly supported by the FTC and consumer protection groups. In addition, the Chairman of the Federal Reserve Board, Arthur Burns, has written that the abolition of the previous balance system is "sound and reasonable."

The second amendment would restrict the so-called holder-in-due-course doctrine on credit card transactions. Under the holder-in-due-course doctrine, a consumer is required to pay a bank or other credit card issuer for shoddy merchandise purchased with a credit card even though the consumer may have a legitimate claim or defense against the merchant which honored the card. The amendment would permit the consumer to withhold payment for shoddy merchandise subject to the following conditions:

First, he made a good faith effort to recover from the merchant;

Second, the amount of the transaction exceeded $50;

Third, the transaction took place in the State in which the credit card issuer maintained a place of business;

Fourth, the amount of the claim or defense does not exceed the amount of credit originally extended if notification is made later than 3 months.

The amendment in no way permits a consumer to avoid payment for legitimate debts. If a consumer withholds payment from a bank for shoddy merchandise, the bank would still have the option of suing to compel payment. However, under the amendment, the consumer would be permitted to raise as a defense the fact that the merchandise was defective. The consumer could escape payment only if a court decided he had a legitimate defense.

The four conditions listed above are intended to overcome industry objections to an outright repeal of the holder-in-due-course doctrine on credit card transactions. These conditions insure that the development of bank credit card plans would not be impeded.

Banks and other credit card issuers should not be insulated from legitimate consumer defenses and claims which the antiquated holder-in-due-course doctrine makes possible. Merchants who honor credit cards must be admitted into the credit card plans by the card-issuing bank. In so doing, the bank confers an implied stamp of legitimacy on the merchant which consumers rely upon when they use their card. Moreover, banks already have the legal power to charge a disputed item back to a merchant. Therefore, any losses would be transferred from the consumer to the merchant who sold the shoddy merchandise.

At the present time, 32 States have restricted the holder-in-due-course doctrine on installment sales transactions. But unlike installment sales transactions, which are confined to a specific location, bank credit card plans are essentially national in scope. Two bank credit card plans account for over 95 percent of the bank credit card business and the cards issued under these plans are accepted in all 50 States. Thus Federal legislation is required to protect consumers.

A modified repeal of the holder-in-due-course doctrine on credit card transactions is strongly supported by the Federal Trade Commission and by consumer groups. Many leading bank attorneys also acknowledge the need for a modified restriction on the holder-in-due-course doctrine along the lines of my amendment.

SUPPLEMENTAL APPROPRIATIONS, 1972—AMENDMENT—NOTICE OF MOTION TO SUSPEND THE RULE

AMENDMENT NO. 1162

Mr. STEVENS submitted the following notice in writing:

In accordance with rule XL, of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 14582) making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes, the following amendment, namely:

Page 7, line 21, before the period insert a colon and the following:

Provided, That there shall be advanced to each regional association the sum of $1,000,000 in fiscal year 1972 which shall be used solely for organization of the regional corporations and village corporations within each region and to identify land for such corporations pursuant to the Act of December 18, 1971; that such advance shall be credited against the first moneys due to such corporations under this Act and shall first be used to repay any loans advanced to such corporations by any financial organization after December 14, 1971; and that no funds may be advanced by any regional association to any village corporation unless the village for which such corporation was organized is determined by the Bureau of the Census to have had 25 or more Native residents living within such village according to the 1970 census.

Mr. STEVENS submitted the amendment (No. 1162) intended to be proposed by him to the bill (H.R. 14582) making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes, which was ordered to be printed and to lie on the table.

CAREER PROGRAM FOR AIR TRAFFIC CONTROLLERS—AMENDMENT

AMENDMENT NO. 1163

(Ordered to be printed and referred to the Committee on Post Office and Civil Service.)

Mr. ALLEN submitted an amendment intended to be proposed by him to the bill (H.R. 8083) to amend title 5, United States Code, to provide a career program for, and greater flexibility in management of, air traffic controllers, and for other purposes.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 364

Mr. ROBERT C. BYRD. Mr. President, on behalf of the distinguished senior Senator from Washington (Mr. MAGNU-

SON), I ask unanimous consent that the Senator from South Carolina (Mr. HOLLINGS) be added as a cosponsor of amendment No. 364, intended to be proposed to S. 1634, a bill to assure protection of environmental values while facilitating construction of needed electric power supply facilities, and for other purposes.

Amendment No. 364 is a proposal to establish a Federal power research and development program and for other purposes.

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

AMENDMENTS NOS. 800 AND 801

At the request of Mr. EAGLETON, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of amendments Nos. 800 and 801, intended to be proposed to H.R. 1, the Social Security Amendments of 1972.

AMENDMENT NO. 838

At the request of Mr. PERCY, the Senator from Tennessee (Mr. BAKER) and the Senator from Oregon (Mr. HATFIELD) were added as consponsors of amendment No. 838, intended to be proposed to H.R. 1, a bill to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, to replace the existing Federal-State public assistance programs with a Federal program of adult assistance and a Federal program of benefits to low-income families with children with incentives and requirements for employment and training to improve the capacity for employment of members of such families, and for other purposes.

AMENDMENT NO. 895

Mr. PEARSON. Mr. President, I ask unanimous consent that the Senator from Nevada (Mr. CANNON) be added as a cosponsor of amendment No. 895, intended to be proposed to H.R. 1, the Social Security Amendments of 1972.

Amendment No. 895 would provide persons 65 or older a phased annual tax credit of up to $300 for property taxes or rent paid on their residence.

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

AMENDMENT NO. 998

At the request of Mr. CHURCH, the Senator from Massachusetts (Mr. BROOKE) was added as a cosponsor of amendment No. 998, intended to be proposed to the bill (H.R. 1), to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, to replace the existing Federal-State public assistance programs with a Federal program of adult assistance and a Federal program of benefits to low-income families with children with incentives and requirements for employment and training to improve the capacity for employment of members of such families, and for other purposes.

AMENDMENT NO. 999

At the request of Mr. CHURCH, the Senator from Massachusetts (Mr. BROOKE), the Senator from New Jersey (Mr. CASE), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Wisconsin (Mr. NELSON) were added as cosponsors of amendment No. 999, intended to be proposed to the bill (H.R. 1) to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, to replace the existing Federal-State public assistance programs with a Federal program of adult assistance and a Federal program of benefits to low-income families with children with incentives and requirements for employment and training to improve the capacity for employment of members of such families, and for other purposes.

AMENDMENTS NOS. 1122 AND 1123

At the request of Mr. TUNNEY, the Senator from South Dakota (Mr. MCGOVERN) was added as a cosponsor of amendment No. 1122, intended to be proposed to Senate Concurrent Resolution 33, and of amendment No. 1123, intended to be proposed to House Concurrent Resolution 471.

AMENDMENTS NOS. 1030 THROUGH 1040

At the request of Mr. TUNNEY, the Senator from Alaska (Mr. GRAVEL) was added as a cosponsor of amendments Nos. 1030 through 1040, intended to be proposed to the bill (H.R. 1) to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, to replace the existing Federal-State public assistance programs with a Federal program of adult assistance and a Federal program of benefits to low-income families with children with incentives and requirements for employment and training to improve the capacity for employment of members of such families, and for other purposes.

NOTICES OF HEARINGS BY SUBCOMMITTEE ON PARKS AND RECREATION

Mr. MOSS. Mr. President, on behalf of the distinguished senior Senator from Nevada (Mr. BIBLE), I ask unanimous consent that two statements prepared by him in connection with the scheduling of hearings be printed at this point in the RECORD.

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

STATEMENTS BY SENATOR BIBLE

I wish to announce for the information of the Senate and the public that open hearings have been scheduled by the Subcommittee on Parks and Recreation at 10:00 A.M. on May 9, in room 3110, New Senate Office Building, on the following bills:

S. 2441, to authorize the Secretary of the Interior to conduct a study to determine the best and most feasible means of protecting and preserving the Great Dismal Swamp and the Dismal Swamp Canal, in North Carolina and Virginia.

S. 2806, to authorize appropriations for additional costs of land acquisitions for the National Park System.

I wish to announce for the information of the Senate and the public that open hearings have been scheduled by the Subcommittee on Parks and Recreation at 10:00 A.M. on May 11, in room 3110, New Senate Office Building, on the following bill:

S. 2411, to establish the Cumberland Island National Seashore in the State of Georgia, and for other purposes.

ANNOUNCEMENT OF HEARING BY SUBCOMMITTEE ON PUBLIC LANDS

Mr. MOSS. Mr. President, I ask unanimous consent that a statement prepared by the distinguished Senator from Washington (Mr. JACKSON) in connection with measures to designate certain lands as wilderness be printed at this point in the RECORD.

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

STATEMENT BY SENATOR JACKSON

I would like to announce that the Public Lands Subcommittee of the Senate Interior and Insular Affairs Committee has scheduled an open hearing for May 5, Friday, on S. 2453 and other measures to designate certain lands as wilderness.

S. 2453 would designate 14 additional areas to the Wilderness Preservation System. The areas involved are located on national wildlife refuges, national parks and national forests. The areas to be designated are: (1) Farallon National Wildlife Refuge, California; (2) Chamisso National Wildlife Refuge, Alaska; (3) National Key Deer Refuge, (4) Great White Heron National Wildlife Refuge and (5) Key West National Wildlife Refuge, Florida; (6) Simeonof National Wildlife Refuge, Alaska; (7) Izembek National Wildlife Refuge and (8) Aleutian Islands National Wildlife Refuge, Alaska; (9) Breton National Wildlife Refuge, Louisiana; (10) Isle Royale National Park, Michigan; (11) Sequoia and (12) Kings Canyon National Parks, California; (13) North Cascades National Park, Washington; and (14) Shenandoah National Park, Virginia.

Other measures to be considered are: S. 1198, Indian Peaks Wilderness, Colorado; S. 1441, Flat Tops Wilderness, Colorado; S. 3119 and H.R. 736 (House passed bill), the Cedar Keys National Wildlife Refuge, Florida. S. 3120, the National Key Deer Refuge, Great White Heron National Wildlife Refuge, and the Key West National Wildlife Refuge, Florida: S. 2539, Isle Royale National Park, Michigan; and S. 2158, the Shenandoah National Park, Virginia.

These areas are comprised of a total of 1,869,725 acres of land.

The hearing will begin at 10 a.m. in Room 3110 of the New Senate Office Building.

Persons desiring to testify or to submit written statements for the record should notify the Committee staff as soon as possible.

ANNOUNCEMENT OF HEARINGS BY THE SUBCOMMITTEE ON INDIAN AFFAIRS

Mr. MOSS. Mr. President, on behalf of the distinguished Senator from Washington (Mr. JACKSON), I ask unanimous consent that a statement prepared by him relating to certain Indian bills be printed at this point in the RECORD.

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

STATEMENT BY SENATOR JACKSON

I wish to announce to the members of the Senate and the public that the Subcommittee on Indian Affairs has scheduled an open hearing for May 24 on the following bills:

S. 2422, providing for the acquisition of a village site for the Payson Community of Yavapai Apache Indians on certain lands which are to be eliminated for such purpose from the Tonto National Forest;

S. 2478, providing for the disposition of funds to pay a judgment in favor of the Shoshone-Baunock Tribes of Indians of the Fort Hall Reservation, Idaho, as representatives of the Lemhi Tribe, in Indian Claims Commission docket No. 326–I.

The Subcommittee will also receive additional testimony on S. 2284, a bill providing for the disposition of funds appropriated to pay a judgment in favor of the Yavapai Apache Tribe in Indian Claim Commission dockets Nos. 22–E and 22–F, from the tribal group. A previous hearing was held by the Subcommittee on this bill on March 29, 1972.

The hearings will begin at 10:00 a.m. in Room 3110 New Senate Office Building.

ANNOUNCEMENT OF CHANGE IN SCHEDULE OF HEARINGS ON S. 448, TO PROVIDE THAT APPROPRIATION REQUESTS OF CERTAIN REGULATORY AGENCIES BE TRANSMITTED DIRECTLY TO CONGRESS

Mr. METCALF. Mr. President, the chairman of the Senate Subcommittee on Intergovernmental Relations, the Senator from Maine (Mr. MUSKIE), has asked me to announce that hearings on S. 448 have been rescheduled for May 16 and 17. Those scheduled for April 18 and 19 were cancelled.

Hearings on May 16 and 17 will be held in room 3302 of the New Senate Office Building, beginning at 10 a.m. Any Member of Congress or other person wishing to testify should notify Mrs. Lucinda Dennis, chief clerk of the subcommittee. She can be reached at 225–4718.

NOTICE OF HEARINGS ON FEDERAL FORM POLLUTION

Mr. McINTYRE. Mr. President, in a floor statement last September, I expressed concern for the plight of the small businessmen of this country, burdened as they are with the paperwork imposed upon them by the Federal Government.

Today, I am pleased to announce that the Subcommittee on Government Regulations, which I have the privilege of chairing, will be holding hearings on the challenge of reducing Federal "form pollution."

Initially, this Subcommittee of the Select Small Business Committee will focus on the tax forms required of small business by the Internal Revenue Service.

During the hearings, we hope to determine: whether the forms are too complex; whether reporting frequency places an undue burden on the small businessman; and whether Federal, State, and local tax forms can be made more comparable.

Hearings will be held in Chicago on May 2, in Boston May 4, and in Concord, N.H., on May 5. Subsequent hearings will be held in Washington, D.C., in June.

Anyone interested in testifying, or in providing or suggesting witnesses may notify the Subcommittee on Government Regulations in room 424, telephone 225–5175.

ANNOUNCEMENT OF HEARINGS BY DISTRICT COMMITTEE ON NOMINATIONS TO DISTRICT OF COLUMBIA SUPERIOR COURT

Mr. EAGLETON. Mr. President, I wish to announce that a public hearing will be held on Friday morning, May 19, at 9:30 a.m., in room 6226, New Senate Office Building, on the nominations of the following persons to be associate judges of the Superior Court of the District of Columbia: Luke C. Moore, Donald S. Smith, Joseph M. Hannon, Robert H. Campbell, John R. Hess, Samuel B. Block, and Margaret A. Haywood. Persons wishing to present testimony before the committee should contact Mr. Robert Harris, staff director, District of Columbia Committee, room 6222, New Senate Office Building.

ADDITIONAL STATEMENTS

HOW DO CANDIDATES STAND ON TREASON?

Mr. GOLDWATER. Mr. President, as we meet here today, the invasion of South Vietnam continues unabated and liberal criticism of America's great Republican President continues unchecked.

At a time, Mr. President, when the Democrats in this Chamber refuse us permission to vote on a resolution which would condemn the enemy and support the United States, the Nation is being treated to the most selfish brand of politics I have ever seen indulged in, in this country.

Mr. President, we actually have a situation here where some Senators regard aggression and war being conducted by the enemy as something to be ignored while a response by America and her allies becomes something to denounce and deplore.

Mr. President, I believe it is time for us in the Senate of the United States to acknowledge that the one man who has done more than any person in the world to end the war in Vietnam is President Richard M. Nixon. And I believe it is time, Mr. President, to acknowledge that never has an American President had so little help in his attempt to bring about peace from the opposition party as President Nixon is today receiving from the Democrats.

There is nothing new about the technique being used today. In Hitler's time it was called the big lie. The procedure was to repeat a falsehood so often and so loud that the truth became obscured and the majority of the people accepted the falsehood as fact. Thus, today, we find a whole covey of doves, most of them Democrats and many of them candidates for their party's nomination for President, seeking to convince the American people that President Nixon is engaged in escalating the war and attempting to widen its consequences. Nothing is said about his determined action in withdrawing over a half million troops; in reducing American casualties almost to the vanishing point; in developing a program of Vietnamization which is succeeding far better than the President's critics would have you think; in presenting the most reasonable, far-reaching peace proposals ever advanced at the Paris peace talks by any President, Democrat or Republican.

For all this, Mr. President, Richard Nixon has received nothing but condemnation from Democrats who hope to succeed him, even though only a few short years ago they were busy supporting the war and approving its escalation under Lyndon Johnson.

But today, these so-called concerned lawmakers remain mute when the North Vietnamese Communists push the most massive invasion ever seen in Southeast Asia. When the Soviet-equipped Hanoi divisions violated the demilitarized zone and tore up the Geneva Accords and the 1968 understanding, the McGoverns, the Fulbrights, the Kennedys, the Muskies, and the Humphreys had nothing to say. It was not until American planes responded by bombing the north in an effort to prevent the over-running of South Vietnam and a Dunkirk-type forced evacuation of all the American troops left in Vietnam did they raise their voices.

Senator MCGOVERN was quoted as saying:

I felt a sense of horror upon hearing of the resumption of our bombing of the North Vietnamese.

But I do not remember the Senator from South Dakota expressing any horror or even annoyance with the North Vietnamese when they went all-out for escalation of the war with 12 fully-equipped and fully-trained Communist divisions.

Mr. President, I sometimes believe that the President's critics are so desperately committed to the prediction that Vietnamization will fail and that the Communists will be victorious that they actually hope this will be the case.

In this connection, one of the most disgraceful scenes ever to occur in the Nation's Capital took place at 11:40 a.m. on April 19, when 20 American radicals appeared at the Soviet Embassy and made a formal request that the Russian Government increase its military aid to North Vietnam. A statement issued by the group, which called itself the People's Committee for an NFL victory said:

We encourage you—the Soviets—to continue and increase your aid.

Members of the committee carried signs saying.:

Avenge Hanoi and Haiphong and Send More Missiles to Shoot Down More U.S. Planes.

Mr. President, I should like to hear from the Democrats who refuse to permit the Senate to vote on a resolution supporting the United States, an opinion on this open attempt to increase support

for the forces which are shooting American men and slaughtering our allies in Vietnam. I wonder, for example, if Senator McGOVERN feels "a sense of horror" when he reads about Americans agitating in the streets for more equipment to kill American fighting men. I say that this is something that a man who aspires to be Commander in Chief of the U.S. Armed Forces can definitely be horrified over. I do not know what others might think, Mr. President, but I believe the people who went to the Soviet Embassy and urged them to send missiles to shoot down U.S. planes are openly guilty of treason. I certainly hope the Justice Department will look into the activities of this radical group, which included at least one Washington attorney.

Mr. President, I actually begin to question whether the President's loud and unfair critics actually want this long and frustrating war to come to an end; or whether some of them would like to see it drag on through November so that President Nixon might be forced to pay at the polls for his determined and courageous efforts to correct the mistakes of his Democrat predecessors.

I realize this is a drastic thing to suggest, but I submit, Mr. President, it is no more reprehensible than to blame a President who has withdrawn a half million troops from a war started by other people with attempts at escalation. Anyone who seriously believes President Nixon is trying to enlarge and prolong the war in Vietnam has got to believe further that Mr. Nixon is the world's worst politician. I certainly assure you that the latter is not the case. President Nixon responded to the Communist invasion of Southeast Vietnam in the only way he could and in the only way that will ever bring about an end to this war and the release of American prisoners in that war.

Mr. President, once again, I want to say that I find it very strange indeed that we cannot get out of the Democrats, permission to vote on a simple resolution condemning aggression and supporting the Government which we all serve.

In fact, if we do not take some action of this kind very soon, the Senate of the United States will look for all the world as though it were taking orders directly from Mrs. Nguyen Thi Binh, chief Vietcong delegate to the Paris peace talks. I know that Mrs. Binh's letter to Members of Congress, urging us to repudiate President Nixon looks ridiculous and arrogant from our standpoint, but I also know that it received worldwide publicity. I say her letter should be rebuffed formally by the adoption of my resolution.

MATCHING REQUIREMENT FOR LEAA PROGRAMS

Mr. SPONG. Mr. President, nationwide support for legislation to delay for 1 year the so-called hard match requirement, under which States must put up a certain amount of cash in order to fully participate in LEAA programs, continues to grow. Many cities are coming to recognize that they will suffer as a result of their States failing or being unable to come up with sufficient money to take full advantage of available Federal grants.

They are the innocent pawns in this problem between the States and the Federal Government. Even if cities wish to make up the shortages in their States' contribution, they are not permitted to do so under present law.

Mr. President, as an indication of the support for relaxation of the new hard-match requirement, I ask unanimous consent that a section from the legislative program adopted by the National League of Cities at its recent meeting in Hawaii be printed in the RECORD at the conclusion of my remarks. This section, which deals with the Safe Streets Act, specifically endorses congressional action to remove the requirement for a cash match before it takes effect in July 1972.

In addition, I ask unanimous consent that there be printed in the RECORD a letter from Dean Warren E. Weaver, of the Medical College of Virginia, Virginia Commonwealth University, also endorsing this legislation.

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

7.006 THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACTS OF 1968 AND 1970

A. The Law Enforcement Assistance Administration (LEAA) of the U.S. Department of Justice, should set minimum levels of planning funds to be distributed to local governments with greatest need.

B. A major purpose of the Amendments of 1970 to the "Safe Streets Act" was to insure real and meaningful participation by local governments in state-wide planning. In many states, this has not happened. The federal government and LEAA should take steps to remedy this situation by creating appropriate guidelines for states and local governments, by refusing to accept plans from states using only "paper participation," and by refusing to grant state block funds for planning or action in all cases where states have not met their obligations in this area.

C. LEAA, most states and most local governments agree that the discretionary part of the "Safe Streets Act" has not been successful. In its place, the federal government should institute a program of direct block grants to cities. At least fifty percent of the appropriated funds under the Act should be directed for this program.

D. The experience of the "Safe Streets Act" thus far has been one of many layers of bureaucracy duplicating each other's tasks. As many as twelve reviews of each proposal have been common. To alleviate this situation, LEAA should encourage states to make block grants to those cities which operate large numbers of projects under this Act.

E. The Metropolitan Criminal Justice Centers (MCJC) project currently being considered by LEAA is, in its general outlines, consistent with the needs for direct block grants from LEAA to cities. However, if this program is to be successful, local staff capacities provided to MCJCs should take their direction from general local government, and the city selection criteria should be such that LEAA is willing to fund cities of great need, even where the city and its county have difficult relationships.

F. The "Safe Streets Act" is a particularly complicated piece of legislation, and it has a complicated legislative history and intergovernmental structure through which funds and information should flow. For a variety of reasons, both funds and information actually reaching local government have been grimly inadequate in far too many cases. Guidelines, policy regulations and all other pertinent information on all parts of the Act must be issued on time and directly to cities with greatest need. To participate successfully in this important Act, cities must understand the guidelines under which their states operate.

G. Since its inception, LEAA has been enshrouded by a cloud of secrecy and suspicion which has prevented essential information from reaching local governments, despite the fact that seventy-five percent of the action funds can only be granted to local governments. Whatever organizational structure it chooses to operate under, LEAA must establish direct lines of communication to cities with greatest need.

H. The current budgetary crisis in the Nation's cities and states requires that the Congress remove the requirement for cash match from the legislation before it takes effect, that the Congress reduce the overall matching requirement for both cities and states to below ten percent and that under the state "buy-in" provision, if a state declines to buy into the LEAA program for its local governments, the block allocation for that state shall become available to that state's local governments in the form of local block grants.

I. LEAA has a surplus of unfunded proposals, while it has never sought its full appropriation. At the local level there has been a severe shortage of cash under the Act, caused by the procedures of many levels of bureaucracy. To combat all of these facts, LEAA should seek its full appropriation in Congress.

J. Many cities and counties continue to face major problems in working through largely rural multi-county regions in their states. That being the case, cities and counties should not be arbitrarily placed in multi-county regions by their states, without their express written permission. States should, when requested, deal directly with such cities and counties.

K. The Congress should amend the Safe Streets Act to remove the "variable pass through" provision (Section 303, paragraph 2) and continue the 75% pass through to local general government, recognizing that local governments have already over-burdened tax resources.

L. LEAA should refrain from making the block grant program a categorical grant program, and should, through guidelines and review of state plans, similarly discourage states from moving in this direction.

VIRGINIA COMMONWEALTH UNIVERSITY, MEDICAL COLLEGE OF VIRGINIA,

April 18, 1972.

HON. WILLIAM B. SPONG, Jr.,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR SPONG: I read with interest your remarks published in the March 28 Congressional Record in regard to the matching requirement on the LEAA grants. Your action in this regard is very much appreciated and we wish you every success in your efforts. When I first heard of this requirement in regard to the methadone grant for which our school sought funds, it seems difficult to comprehend, especially in light of the stated national effort in this area.

I am also taking the liberty of sending you a brochure "Pharmacy Education Responds to Changing Health Care Needs". From time to time I have written your office giving you information about our program. Our school is referred to in this brochure in the sections on institutional practice, drug information, drug abuse programs, and community practice. A great part, if not all, of our efforts in this direction have been supported by federal funds received under the Health Manpower Education Legislation. We thank you for your past expressions of interest and trust you will feel free to call on us if you

should have any questions in regard to pharmacy education or our school.

With kindest greetings, I am,

Sincerely yours,

WARREN E. WEAVER,
Dean.

PENSIONS: A CRUEL MIRAGE FOR MANY

Mr. PERCY. Mr. President, a growing number of my constituents are expressing their concern over serious shortcomings in our private pension plan system. Major complaints center around the lack of vesting rights and portability in pension plans.

Mr. President, I feel strongly that industry has an obligation to make private pensions far more secure and more portable than they are at the present time. Stories abound telling of individuals who worked for a company for many years, only to find out upon retirement that pension benefits upon which they had counted—and upon which they must rely for a decent retirement income—are unavailable.

On April 2, the Chicago Tribune published an excellent article by Fred J. Cook on the subject of pensions. Mr. President, 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:

PENSIONS: A CRUEL MIRAGE FOR MANY

(By Fred J. Cook)

Joseph Origlio, short, stocky, his English larded with a heavy accent, spent more than 40 years pursuing the American dream, and the failure of that dream has now driven him to seek refuge across the ocean in his native Italy.

His story symbolizes the fate that has overtaken countless American workers who have faced old age and retirement confident that they would be well protected by pension plans in which they had participated most of their working lives—only to find that their promised pensions were a mirage.

More than 30 million working men and women, about half the American labor force, now belong to private pension plans that have accumulated an enormous $135 billion in assets, roughly twice the amount of mutual-fund holdings and one of the largest reservoirs of unregulated wealth in the American economy.

Probably in no other phase of American life has fine print resulted in such widespread tragedy, and it is hardly any exaggeration to say, in paraphrase of Winston Churchill, that never has so much done so little for so few.

SUBCOMMITTEE STUDIES PLANS

A subcommittee of the Senate's Labor and Public Welfare Committee, under the chairmanship of Sen. Harrison A. Williams Jr. [D., N.J.], has been engaged for nearly two years in an intensive study of American pension plans, preliminary to the introduction of remedial legislation.

Studies made by the committee's staff show the dimensions of the problem. One analysis of 51 pension plans covering 6.9 million workers found that since 1850, only 4 per cent received "any kind of normal, early, or deferred" benefits. Another study of 36 better-structured plans covering 2.9 million workers concluded only 8 per cent received normal, anticipated benefits.

Such figures indicate that 92 to 96 per cent of those 34 million "covered" American workers are not getting their retirement benefits [tho it must be added that of those who forfeited their benefits, 85 per cent in one study and 80 per cent in the other had five years service or less].

It has become common in negotiating labor contracts to accept a lower hourly wage increase in return for better fringe benefits, especially pension protection. But the files of Williams' subcommittee and the public testimony it has taken are filled with pathetic stories of workers who had relied on the pension promise as a bedrock guarantee, then found that it was as evanescent as the proverbial pot of gold at the end of the rainbow.

Individual stories illuminate the virtually infinite ways a pension can be lost and the many booby traps that exist in pension-plan fine print. This is the way it happened to Joseph Origlio.

Origlio was born in Messina, Sicily, in 1904. His wife comes from Palermo. In 1929 they emigrated to the United States, seeking the better life. Origlio was a skilled craftsman, a maker of fine shoes, and he worked steadily for shoe factories in New York City. He was a charter member and one of the founders of the United Shoe Workers of America. For 23 years he piled up pension credits, and he and his wife, who worked part of this time in dress factories in Brooklyn, began to make plans for their retirement.

PURCHASED ACRE OF LAND

They purchased an acre of land on the outskirts of Lakewood, N.J., had a cellar dug and a foundation put in and roofed over. Then, on weekends, they worked to finish a basement apartment in which they could live. They expected to raise their retirement home above these basement quarters, finishing off the interior themselves.

But automation hit the shoe industry in 1959 and changed the life of Joseph Origlio. Along with many others, he was thrown out of work, and he was then 55, an age that made it almost impossible for him to catch on with a new employer in a labor-glutted market. For three years and 10 months—those 10 months were vital, as it turned out—Origlio was unemployed. Then the business agent of Local 60 of the United Shoe Workers found a job for him with the Evans Shoe Company in New York. During the jobless years, Origlio had found it impossible to keep up his union dues. Once he was working again, he offered to pay the back dues, but he was told that all he need pay was a $15 reinstatement fee. Reassured, he worked from 1963 to 1970 and continued making retirement plans.

A one-and-a-half story house was framed in above the basement apartment in Lakewood, and Origlio, his wife and friends finished off the interior. New furniture was purchased, and by 1970 the Origlios were ready for retirement. They knew they could not live on their monthly Social Security payment of around $300; Origlio had a heart ailment, and medication was expensive. But, they thought, they did not have to worry. With the pension and Social Security, they would be all right.

Then the pension vanished. The fine print in the union-administered pension plan called for 25 years of continuous service. Origlio had had only 23 when automation did him in. The pension plan, it was true, permitted a break if the worker was unemployed—but only for three years, and Origlio had been out of work those extra 10 months. As a result, he forfeited everything.

An investigator for Williams' committee went to Lakewood to interview Origlio and his wife.

THEY WERE DEVOTED

"They were a devoted couple; he wouldn't even think of leaving her for one day to come to Washington to testify. Besides, they had worked out a plan. Living costs are much lower in Italy. If they went there, they would still have their Social Security payments, they would rent their retirement home for a good price and the combined incomes would let them live comfortably. They had their passage to Italy already booked—and they sailed," the investigator reported.

Joseph Origlio and his wife are still in Italy, and it seems unlikely they will ever return to America, the land of their youthful dreams.

Such individual tragedies happen—thousands of American workers are in situations far worse than Joseph Origlio's—because there is no regulator legislation worthy of the name and because the chaotic pension-plan system, as it now exists, puts a premium on sharp practice.

The only legislation was passed by Congress in 1959 in the Welfare and Pension Fund Disclosure Act. This act required merely that pension plans be registered with the Department of Labor, as 34,000 now are; but it established no rules and no checks on the operations of such plans, no provisions for the insurance and safety of the funds, no guarantee for the protection of workers.

The result has been wide-spread chicanery. Williams' committee has carefully refrained from hurling sensational accusations, taking the attitude that it is merely hunting for the facts. But some of the facts it has uncovered are devastating.

In a report issued in November, committee investigators cited typical examples:

A joint union-employer pension plan in the transportation industry "has some $800,000 in loans outstanding for which there is no collateral;" a large data-processing manufacturing company has invested pension funds "in unsecured loans to the extent of $41,171,580."

A major mining company since 1952 has been operating a pension plan that has $33.3 million in assets, but $107 million in pension liabilities; a major Southern utility company, after 26 years of pension-plan operation, has accumulated $66 million in fund assets, but is liable for $135.5 million in benefits.

A couple of transit companies have hit upon a scheme under which each has used $2 million in pension-fund moneys to underwrite its own mortgages or real-estate investments.

A Midwest cable corporation has in the last five years charged off to "administrative costs" more than 33 per cent of the amount it has paid out in benefits. A Midwest utility company has reduced its pension-plan contributions by $20,000 annually since 1962 as the result of "actuarial gains" made because workers who left the company and the plan retained no "invested interest" in their pension contributions.

CRUX OF FINAGLING

This last angle is the crux of much pension-plan finagling. As many plans are operated—and it doesn't make much difference whether they are run by management or a union or by a joint union-management board—the self-serving interpretation of fine-print regulations can cost workers the protection they believed they had earned during years of service.

The more pensions sacrificed in this fashion, the more money is left for fund managements to play with and the less the employer has to contribute to keep the fund solvent.

The technical terms are important. One is "vesting," the other "portability." Vesting means that a worker who has labored for a single company for years, participating in its pension plan, is guaranteed the benefits he has accumulated and the right to begin drawing them when he reaches retirement age.

Many plans have no provisions for vesting. If one company is merged into another, if there is an economy cutback and a worker loses his job, he has to move for health or family reasons, he loses all. Even plans that

have so-called vesting privileges often hedge them with so many restrictions that they become worthless.

A plan may provide, for instance, that a worker has a vested right to a pension when he has worked 15 years and is 55 years old; if he has worked 20 years but is only 45 when his job is terminated, he gets nothing.

"Portability" assumes great importance in an increasingly mobile industrial society. It is highly unusual in today's economy for a person to work all his life for one company. In such fields as aerospace and electronics, mergers take place, contracts fluctuate, work opportunities change, and workers have to go where the jobs are.

Portability, then, is the means by which the pension rights a worker has accumulated can be credited to him when he changes jobs; as it is now, he generally loses everything.

CHAOS REIGNS TODAY

The result of the chaos that reigns today is that the pension the American worker has been taught to consider a hard-and-fast guarantee all too often becomes a phantom. The guarantee is hedged with a forest of "ifs" that were described to the House subcommittee on labor by Thomas R. Donahue, assistant secretary of labor.

"In all too many cases the pension promise shrinks to this," Donahue said. "If you remain in good health and stay with the same company until you are 65 years old, and if the company is still in business, and if your department has not been abolished, and if you haven't been laid off for too long a period, and if there is enough money in the fund, and if that money has been prudently managed, you will get a pension."

When the Studebaker Corporation closed its automobile plant in South Bend, Ind., in 1963, thousands of workers were jobless. Studebaker's pension plan had been in operation only since 1950, and it had not begun to accumulate sufficient assets to cover all the rosy promises written into union contracts.

Repercussions from this disaster have been largely responsible for stimulating congressional interest in pension-plan reform.

Lester Fox, a former vice president of Studebaker Local No. 5, United Automobile Workers, and a member of the union's bargaining committee, described what happened when Studebaker closed down in December, 1963.

The pension fund amounted to $24-million, and $21-million was required to purchase annuities for workers who had retired or who qualified for a pension, men 60 years old with 10 years' service. This left more than 4,000 workers to divide up the remaining $2.3-million.

Fox himself had 20 years' service with Studebaker and had just turned 40. If he had been younger, he would have received nothing; as it was, he got a lump-sum settlement of $350. Such payments, he testified, ranged from a low of $197 to a high of $1,757, paltry sums for older workers who found the job market virtually closed to them.

Tho the Studebaker case represents an extreme, the anguish and misery it demonstrated in such final form is common among workers who find themselves suddenly cut adrift. Much of this distress is caused by the lack of vesting and portability rights.

SOME SENSITIVE CORPORATIONS

Not all great corporations have been insensitive to the problems of long-time employes. The Senate subcommittee was especially impressed by the Bank of America's broad system of interlocking plans designed to protect its workers.

In addition to a medical-dental health plan, a liberal sickness-benefit plan, and a disability plan, Bank of America has a two-part program to protect its workers in those "golden years" of retirement.

First is a family-estate plan, established by the bank thru a profit-sharing program. Employes become eligible to participate after three years of service and begin to acquire vested rights after they have been in the program for two years. They obtain a 100 per cent vested right after 15 years of profit-sharing.

In addition, Bank of America has a regular retirement plan, which provides for full normal retirement benefits at age 65 if the worker has been in the plan for 10 years. The plan also contains a vesting provision, hedged with an age limitation, but a low one.

Bank of America gives a worker a full vested right to his pension after he has been in the plan for 15 years and has reached the age of 40.

There are, of course, some classes of workers who have no trouble collecting promised pensions. Members of the armed services, policemen, and firemen are assured of pensions, usually after 20 years of service, because they are protected by governmental guarantees.

Similarly secure are the inhabitants of the executive suites of big business. Special provisions are made for them.

Summing up his committee's findings, Williams said: "It is inevitable that there will be critics who will characterize these hearings and the unfortunate witnesses as 'horror stories' or 'sympathy cases.' These are critics who find no fault with our private pensions and who continue to assure us that time will cure the defects. If what comes from the personal accounts and misfortunes of these witnesses is sorrow, then let us not only be compensate, but also resolve to find the ways to better the life of those who have yet to retire."

Williams and his aides feel that there is no justification for failures to produce on apparent promises, and no reason to couch pension-plan provisions in intricate and legalistic language.

SYSTEM CELEBRATES ANNIVERSARY

After all, the private pension system in America will celebrate its 100th anniversary in 1975. True, its major growth began during World War II, when wages were frozen and labor contracts were sweetened by provisions for pension systems.

Pension-plan experience thus extends over several decades, even if one takes World War II as a starting point, and the labor subcommittee thinks the kind of injustices it has uncovered should no longer exist.

In July, subcommittee aides sat down with the secretary of labor, James Hodgson, and detailed for him the mass confusion, lack of understanding, and personal tragedy and disillusionment they had found. Perhaps as a result, Hodgson issued a directive calling for revisions in pension-plan contracts.

The secretary demanded that contracts spell out in clear and simple English the rights and obligations of workers—just what they can expect to receive and exactly how they can lose out. It was an important first step.

In a recent speech before the American Bankers Association in New York, Williams said, "The problems have been identified, and the need for reform—real reform—is urgent. American workers from all occupations and places in our country demand reform . . . The challenge of reform today must become the accomplished reform of tomorrow."

AFTER 30 YEARS, ALL MRS. KWEK GOT WAS SYMPATHY

Typical of what happens to many workers who lose their pensions is the case of Mrs. Iris Kwek, who went to work for the Anaconda American Brass Company in Detroit when she was 18 and stayed for 30 years.

An intelligent, attractive woman, Mrs. Kwek had attended college at night and in 1970 received a bachelor's degree in home economics from Wayne State University. She could probably have obtained a position that would pay more than she was earning at Anaconda, but she felt secure in her job—and there was that promised pension.

If she continued to work for the company until she was 65, she could count on a pension of $100 a week, and she calculated that, with her husband's smaller pension from the city of Detroit and their Social Security payments they could live well.

There was reason for her attitude. Anaconda, she testified, at Senate hearings, had billed its pension program as "our second pay check." Anaconda's pension brochure, exhibited at the hearings, shows a young-looking retired couple smiling happily as they examine a travel folder with the words "Italy" and "France" emblazoned on the cover.

Iris Kwek will never sample such joys on Anaconda's retirement plan. In 1971 some half-billion dollars worth of Anaconda properties were expropriated by Chile; company earnings were affected, and a sweeping economy program was instituted.

One of the savings devised to help succor mighty Anaconda was the elimination of Iris Kwek. She was informed that she was being discharged at the end of August. Since she was not protected by any vesting provisions, she was to lose 30 years of accumulated pension rights.

Mrs. Kwek explained that Anaconda had given hourly employes vested rights; its Canadian employees had vested rights. But salaried workers like herself did not.

After Mrs. Kwek learned of her fate, she wrote Sen. Williams, and committee investigators began looking into the case, both with her and with Anaconda. This led to what Sen. Jacob Javits [R., N.Y.] called "a little comic opera bit." Mrs. Kwek explained:

"For two months they literally ignored me, altho I continued to go to work every day and do my work. Many of the employes who were being severed were taking tremendous time off. But one afternoon they called me into the office, and the plant manager said, 'Mrs. Kwek, something has come up.' I said, 'Oh, would you like me to price or do something for you?' He said, 'No. We found a job, and we shall be able to retain you.' I was amazed—after two months of literally ignoring me—he said, 'Yes. Would you consider taking a job?' I said, 'Certainly.' "

The manager explained it might not be quite as good a job; Mrs. Kwek didn't care, she wanted it. This conversation took place on a Friday—just one hour after a subcommittee staff member had questioned Anaconda officials in New York.

In Detroit, Mrs. Kwek was told to come back the following week to learn the details. She went home relieved, and, she testified "The whole weekend I was thinking that things were going to work out fine. I had a good night's sleep for the first time in a month, really."

She also came to a quick decision. She had been scheduled to testify in the pension inquiry; but now, with Anaconda treating her so well, she felt she could not. "How could you testify against the company you were working for?" she asked.

She went back to work Monday, but her boss was tied up in a meeting. On Tuesday she saw him, and this is the way she described what happened:

". . . I went up to his office. And he looked up at me as if to say, what did I want? I asked him if he had come to any conclusions on this job, what it would entail. He said, 'Oh, the whole thing has fallen thru.' He made me feel as if the whole thing had just been some sort of a hoax."

In subsequent testimony, Anaconda officials confirmed Iris Kwek's story. Unfortunately, they said, the company had had to economize; there were no provisions in the pension plan to justify giving Mrs. Kwek any

vested rights for her 30 years of service. They were really sorry, they told the senators, but there had been just nothing they could do for her.

ADDRESS BY SENATOR GRIFFIN BEFORE AMERICAN-ISRAEL PUBLIC AFFAIRS COMMITTEE

Mr. BOGGS. Mr. President, it was my great privilege recently to hear the remarks on the subject of Israel by the distinguished Senator from Michigan (Mr. GRIFFIN).

Senator GRIFFIN spoke before the American-Israel Public Affairs Committee last Wednesday. His remarks were so appropriate and so thoughtful that I believe Senators might wish to read them.

I ask unanimous consent that excerpts from Senator GRIFFIN's address be printed in the RECORD.

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

EXCERPTS FROM REMARKS BY SENATOR ROBERT P. GRIFFIN BEFORE THE AMERICAN-ISRAEL PUBLIC AFFAIRS COMMITTEE, APRIL 19, 1972, WASHINGTON, D.C.

Thank you, Mr. Kane, Ambassador Rabin, Cy Kenen, my colleagues in the Congress, ladies and gentlemen:

It is a high personal privilege to be with you as your organization observes the 24th birthday of the State of Israel; and as you honor one of the great Ambassadors in the diplomatic corps of the world.

Within the month, Israel will be 24 years old. As we look back over that quarter-century, we see a *world* racked by wars and conflicts, interspersed with brief periods of calm and peace.

Here in America we talk about prospects for a generation of peace.

But Israel's only memory is a generation of *war*. And, even when there is an absence of open warfare in the Middle East, there have been constant threats and incidents of violence.

As Patrick Henry expressed it in 1775: "The gentlemen may cry: 'peace, peace,' but there is no peace."

Yet, I believe there is reason today to view the outlook for peace with some guarded hopefulness. There *is some* good news amid all the bad news which seems to be flooding the papers.

It is bad news, of course, that there still is no treaty of peace in the Mid-East nor even direct negotiations required to produce such a treaty. These continues to be strict restrictions placed on Jews in some countries who want to emigrate to Israel.

But there are also some reasons for hope and optimism.

There has been some loosening—some slight relaxations of those restrictions—as a result of world public opinion pressure.

The cease-fire in the Middle East which this Administration helped to initiate, does continue in effect. Notwithstanding the occasional skirmishes and the bombastic oratory that surfaces from time to time, there seems to be an awareness throughout the world that a major new war in the Middle East could be disastrous for the world.

The prospects for peace are enhanced. I suspect that the word of the U.S. is credible—that we have a President who says what he means—and who means what he says. That is important to the prospects for peace—not only in Indo-China but in the Middle East as well.

Near the end of his State of the Union message three months ago, President Nixon said: "In the final analysis, America is great *not* because it is strong, *not* because it is rich, but because it is good.

There *was* a time when a statement *like that* would have been regarded as obvious. It's the kind of remark you expect to hear at Fourth of July ceremonies.

Today, unfortunately the climate in our country seems to be different. Today, such a modest remark could even be regarded under the heading of hot controversy. Today we live in an era when it is almost more common to hear those who denounce our country, its history, its traditions, its principles, its achievements, its dreams and its people.

I suggest Israel is *also great*—not because it is strong (which it is), not because it has taken a barren wasteland and turned it into unparalleled prosperity (which it has), but because it is good.

The Words of Emma Lazurus at the base of the Statue of Liberty, in New York, could as well be displayed at the Lod Airport in Tel Aviv:

Give me your tired, your poor,
Your huddled masses yearning to breathe free,
The wretched refuse of your teeming shore.
Send these, the homeless, tempest-tossed to me.
I lift my lamp beside the golden door!

Today the world has another and relatively young land of hope for millions of the world's immigrants—and that new land, of course, is Israel.

In the face of many obstacles and discouragements, increasing numbers of Jews are applying to leave Russia—and reluctantly the Soviet Government has been granting more and more visas.

Indeed, 13,000 were granted in 1971—that was a record year.

Earlier this year, President Nixon urged freedom of emigration for Soviet Jews. This is precisely what is provided for by Article 13 of the United Nations Declaration of Human Rights.

The President will have many things to discuss on his forthcoming trip to the Soviet Union—and one that he should include is the matter of the oppression of Soviet Jews.

This is and must be an issue of bona fide concern to the American people—not only because of our close ties to Israel—the many family ties with Jews in Russia—but also because of the strong traditions—the strong interest of this country in freedom including freedom to emigrate.

Accordingly, I will recommend strongly that President Nixon take up this matter during his talks at the highest level with the Soviet Government in the near future.

But the burden of America's aid for the Jews of Eastern Europe and the Soviet Union is not the President's alone.

There are other things that we in Congress can do. For example, we can pass the $85 million State Department bill to help Soviet Jews.

I believe the fight to preserve the voice of Radio Free Europe and of Radio Liberty is another example. Some cities say these broadcasts are relics of the Cold War. Opponents say the usefulness of these radio stations has passed.

In my view, their function is not a question of war—cold or hot. It is a question of *freedom*.

The Soviets have *not* been able to suppress the circulation of typewritten newspapers that circulate now. And the Soviets cannot effectively prevent the people behind the Iron Curtain from learning the truth by listening to radio broadcasts that reach across national borders.

In the face of the facts as they are, there should be no doubt about the need for radio stations that carry the truth behind the Iron Curtain.

Israel has demonstrated to the world its ability to stand on its own feet, muster its own defense, and progress by its own genius. In a sense, it stands as a prime example of the application of the Nixon doctrine—under which the United States does not seek to fight the wars of others, but does extend the hand of aid and friendship to those who are prepared to fight for their own freedom.

The United States can be proud that we have played a major role in stabilizing the situation in the Middle East in many ways. Since 1969, there has been an impressive flow of American economic and military assistance to Israel.

Indeed, during the period since 1969, we will have provided Israel with more economic and military aid than in the entire period between 1948 and 1969. So President Nixon has kept his word; he has *kept* all commitments he made in 1968.

And President Nixon has been working in diplomatic channels to encourage negotiations that would bring the peace and security that is needed.

Beyond extending military aid and friendship in the interest of peace, as we continue to do, there are other things that the United States *can* do to promote acceptance of the reality of Israel.

Among these, my good friend, Gerry Ford, who is here today, has proposed that we move the American Embassy from Tel Aviv to Jerusalem since Jerusalem *is* designated by Israel as the actual capital of the nation.

At the present time, some of the smaller nations have their embassies in Jerusalem, while others are represented in Tel Aviv.

Such a move would have a dramatic impact on the community of nations which share our concern for Israel and the Middle East.

THE INVASION OF SOUTH VIETNAM BY NORTH VIETNAM

Mr. ALLEN. Mr. President, from time to time I make radio reports to the people of Alabama on issues confronting Congress and the Nation. Since I feel that the remarks I made in my radio report of April 24, 1972, have a bearing on the issue of the Vietnam war, I ask unanimous consent that the text of such remarks be printed in the RECORD.

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

PRESENT U.S. BOMBING COULD SPEED COMPLETE WITHDRAWAL OF OUR TROOPS

Following the President's go-ahead on bombing North Vietnam, the U.S. Senate last week devoted more than five hours of heated and sometimes bitter partisan debate over his decision.

My purpose in taking part in this important debate was to give an element of bipartisan support of the President's policies in directing our air force and navy to support the South Vietnamese in resisting the Communist invaders.

Instead of acrimonious debate which divides the Nation and undermines the President's leadership, I feel that the Senate and the country as a whole should close ranks behind the President and support him.

It seems strange to me that some Americans could be so critical of the United States giving help to the victim while those same critics blind themselves to the blatant aggression of the North Vietnamese invaders.

In complete defiance of an agreement made in 1968 which led to the end of our bombing North Vietnam, Hanoi decided to attempt by means of a brutal, all-out military effort what had been denied them for the past 10 years, and that is the communization of South Vietnam.

But where is the condemnation of this aggression? Where are the voices to condemn

Hanoi for sending 12 of its 13 first line combat divisions—equipped with Russian supplied tanks and heavy artillery—against South Vietnam? Where is the sympathy for the 150,000 new civilian war refugees who fled from the attacking North Vietnamese? And I think it's highly significant that these 150,000 refugees fled southward rather than northward, and that is a definite commentary on who the people are for in South Vietnam. Where are the denunciations of Hanoi and the Vietcong for the random rocketing of civilian populated areas?

Those who attack the President's decision to use air and sea power to dull the Communist drive and who accuse him of being a war-monger, conveniently ignore the fact that American ground forces in South Vietnam have been reduced from more than half a million men just three years ago to some 70,000 men today. And too little attention has been paid to the safety of these 70,000 men who would be seriously threatened if the Communist advance is not stopped. None of the critics have suggested just how the President could withdraw our forces in an emergency evacuation without it becoming another Dunkirk. For my part, as long as a single American soldier is endangered, the President must give him protection.

Those who condemn the United States for limited bombing of selected military targets need to be reminded that North Vietnam would not be bombed if it had not first attacked South Vietnam.

There is a simple way for Hanoi to get the United States to stop striking the supply areas in retaliation for the Northern attacks on South Vietnam, and that is to abandon its dream of taking over the South by force.

On January 25 of this year President Nixon made public secret negotiations in which he proposed that the question of who would rule South Vietnam be decided by a free election in which the National Liberation Front could participate not only in the election itself, but also in a special commission which would establish the ground rules for the election. But Hanoi, knowing better than most how little support the NLF actually has in South Vietnam, refused to negotiate. Instead the North concentrated its efforts on preparing and launching its massive invasion of the South.

Under the circumstances, I am convinced that our efforts to help South Vietnam at the present time are justified. As our bombing helps slow down and stop the communist drive it also offers a golden opportunity not only to continue the orderly withdrawal of American troops from South Vietnam but also to speed up their withdrawal. Once all our troops and the prisoners of war and the missing in action are out of Southeast Asia or properly accounted for, we can mark an end to this tragic involvement and devote our energies to a solution of the many problems that confront us here on the home front. No one will be happier than I when that day arrives.

NEED FOR REDEDICATION TO U.S. ACCOMPLISHMENTS IN SPACE

Mr. GOLDWATER. Mr. President, last week man stepped once again on the moon, thanks to the brilliance, the dedicated work, and the courage of the men of NASA, but how many millions of Americans said, "Ho hum, we have done it again." Some time this week these men will splash down in the Pacific again, thanks to courage, dedication, and brilliance; but again millions of Americans will say, "Ho hum, we did it again."

We hear too much of this talk in Congress at a time when we should be rededicating our abilities and our energies to seeing to it that the United States remains preeminent in space as well as in all technologies. Because of the attitude of many Members of Congress, we have now been slipping in some areas of technology. I hope we will not repeat that foolishness in the area of space.

Mr. Edwin McDowell, of the Wall Street Journal, has put all of the argument for space in understandable language, and it should be read by Members of Congress and, beyond that, by all Americans. It would be difficult to imagine where this world would be today had the great predecessors of the spaceman been denied activity; let us not start that denial.

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:

CAN MAN TURN HIS BACK ON SPACE?

(By Edwin McDowell)

In Caruaru, Brazil, a father withdrew his eight-year-old son from school because the teacher insisted that man had landed on the moon.

Closer to home, shortly after the first moon walk, and against a backdrop of unprecedented TV coverage and millions of printed words, many Americans continued to express skepticism. Some thought it was a gigantic hoax, others were sure the lunar surface was really the Arizona desert, still others were certain it had all been an elaborate science fiction odyssey.

In short, not everyone believes that America's space accomplishments are real. What is more unsettling, even as Apollo 16 attempts to unravel the mystery of the moon's violent birth some four billion years ago, is that among Americans who believe that man has walked on the moon, there is widespread disagreement as to the value of space exploration.

On the day of liftoff for Apollo 16, Vice President Agnew assured the launch crew that Americans aren't bored with the space program, and he added that "you probably find more people enthusiastic about the space program than you've ever seen before."

But samplings and surveys have made it clear that a great many people are simply not enthusiastic about the space program. In fact, they have serious reservations about rushing to conquer the moon when Planet Earth is still so far from conquering discrimination, pollution, hunger and poverty.

This lack of enthusiasm is reflected in the sharply diminished space budget, in the cancelation of two Apollo moon landings, and in the fact that Apollo 16 is the penultimate moon flight scheduled for this entire decade.

THE CRITIC'S CASE

The critics are many and their arguments are impressive. British historian Arnold Toynbee, for example, compared our first moon landing to the building of the pyramids or Louis XIV's palace at Versailles. "Sizing up man's achievements," he commented, "one would say, how amazing, how strange, that this creature is so marvelous in his technology, but in morals and social behavior he has stayed practically stationary."

Philosopher Lewis Mumford complained: "It is not the outermost reaches of space, but the innermost recesses of the human soul that now demand our most intense exploration and cultivation."

And not long before his death, Bertrand Russell, although applauding the skill and courage of the moon flights, expressed grave reservations about their wisdom. According to him, the bustle and locomotion of space travel would probably do little to promote wisdom, thought or enlightenment. He felt that "men who take to a life of conquest tend to be men who are indifferent to the higher values of civilization."

"I should wish to see a little more wisdom in the conduct of affairs on earth," Lord Russell said, "before we extend our strident and deadly disputes to other parts. . . . It is for us to grow to the stature of the cosmos, not to degrade the cosmos to the level of our futile squabbles."

Each of these arguments has merit. So, too, perhaps, have the arguments that the American space program should place greater reliance on moon rovers, or that space exploration should become more of an international venture than the exclusively American and Russian domain that it has been so far.

Indeed, probably the only argument against space exploration that is patently absurd is the contention that the space program is the special province of the Silent Majority, and therefore is unrelated to the world of the intellectuals and the poor.

In a foreword to an important recent book ("Nine Lies About America," by Arnold Beichman), Tom Wolfe writes of "the phenomenon of the intellectuals' amazing hostility to NASA's success in reaching and exploring the moon."

Social critic Wolfe is particularly interested in Norman Mailer's criticisms of the space program as "tasteless" and of the NASA facilities in Houston as "odorless." "This seems like a piece of pointless crankiness," writes Mr. Wolfe, "until one realizes that 'odorless' is a code word for 'sterile.' In fact, his long and involved book on the first moon flight, 'Of a Fire on the Moon,' was nothing more than an announcement that the whole enterprise was sterile." What Mailer and other critics, home and abroad, were really saying, according to Mr. Wolfe, is that these nonintellectual Americans may have accomplished a feat—but the feat was worthless.

But if the arguments against space exploration are impressive, the arguments in favor appear to be even more so. For our periodic thrusts aimed at solving the age-old mysteries of the cosmos are not just an expensive plaything of the Silent Majority, but a quest whose revelations probably will benefit all mankind.

The economic arguments themselves are impressive, although they can easily be overstated. (Remember the promises about how our tax dollars spent on foreign aid were going to repay us all ten-fold?) Nevertheless, the technological spin-offs from space exploration, some of them already apparent in communications, medicine and food, raise the definite prospect of directly improving mankind's material life on earth.

Furthermore, there is no assurance that the money spent on space exploration, if we were to cut or eliminate our space program, would automatically be diverted to education, housing or other social needs—at least not if the Silent Majority has the political clout and the grudging hostility to broadened social measures that we are repeatedly assured it does have.

Nevertheless, the economic arguments are distinctly secondary considerations, and not only because such promises frequently turn out to be as chimerical as the chain-letter system of piling up a fortune.

Arthur Schlesinger, Jr. put it very well when, addressing himself to criticism that space exploration is wasteful, he said he could imagine similar criticism in Spain in the 1490s: "Why in hell are Ferdinand and Isabella giving all that money to that madman Columbus when they could build a good nunnery or a hostel or something?"

But even that analogy is imperfect. For Columbus discovered America by accident,

whereas we know that the moon and Mars and Venus are out there in space waiting to be explored.

A more precise analogy would be if Britain or Portugal, during their glory days of exploration, knew there was a new world beyond the seas but decided it should remain undiscovered and unexplored until they solved their domestic problems. Fortunately for both countries, Elizabeth I and Prince Henry the Navigator had other ideas.

SCIENTIFIC REWARDS

This is not to suggest that the U.S. should ignore the costs of space exploration, and race frantically from one planet to another while America's own cities fester and die. Perhaps the temporary moratorium the administration has placed on space flights is advisable, even though each new moon mission is far more productive and scientifically rewarding than each of its preedcessors. But abandonment of America's space venture, which some critics have been urging, would be disastrous.

Historian and philosopher Salvador de Madariaga has properly noted, "It is from men who act on nature, and do not merely suffer to be acted upon by her, that history flows." And Arthur Clarke, the noted space writer, observed: "A nation which concentrates on the present will have no future; in statesmanship, as in everyday life, wisdom lies in the right division of resources between today's demands and tomorrow's needs."

Moon exploration is only the beginning or the long stride across the ages of man. It is only one more waystation along man's eternal journey toward the new and unknown. It is a transcendent event, one that imperfect modern man should no more turn his back on than men of antiquity should have turned their backs on other villages or other lands.

It is an awesome, Promethean challenge, one that only a frightened, confused nation—a nation of people who have lost their way—would reject as an unworthy goal.

TRANSPORTATION LABOR DISPUTES

Mr. PACKWOOD. Mr. President, for several months the Committee on Labor and Public Welfare has been holding hearings on emergency labor disputes in the transportation industry. Hearings have now been completed and I am hopeful that we can get a bill to the floor in the next several weeks.

As we progress here in the Senate, however, a number of interested parties have been concerned that no action will be taken in the House. Although the House Interstate and Foreign Commerce Committee held extensive hearings on similar legislation, a recent decision in the Transportation and Aeronautics Subcommittee, tabling strike legislation for this session of Congress, would seem to indicate that no further steps will be taken in that body to approve vitally needed new measures to protect the public from the effects of crippling transportation labor disputes.

The distinguished Senator from Arizona (Mr. GOLDWATER) has focused on this decision in the House Commerce Subcommittee in a recent column written for the Los Angeles Times. It is relevant to a matter we will soon be considering here in the Senate. I ask unanimous consent that it be printed in the RECORD, along with an article from the March 27 issue of the Washington Daily News on the same subject.

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

ARTICLE BY SENATOR BARRY GOLDWATER

Very few people read or even saw the story this column is being written about. And of those who did I would venture to say the irony and importance was lost on almost all of them.

The story appeared on page A–3 of the March 2nd, 1972 edition of *The Washington Post* under a modest headline which said: "House Unit Kills Antistrike Bill." The story was a dispatch from the United Press International and said that a House Commerce subcommittee had on March 1st, killed for this session of Congress legislation aimed at preventing railroad and airline strikes.

The vote in the subcommittee was close with six Democrats overriding the efforts of four Republicans on a bill designed to ease the impact of transportation strikes on the national economy and to impose mandatory settlements if necessary.

What makes this story important is that it is representative of a relationship which exists today and has existed for many years past between important union objectives and Democrat congressmen. After the vote, Republican Congressman James Harvey of Michigan, who sponsored the bill said it was intended to reconcile President Nixon's proposal for permanent strike settlings legislation with organized labors opposition to compulsory arbitration. It would, Harvey explained, have allowed selective strikes in the railroad industry but provided that parties in a major dispute would be required to submit proposed contract settlements. After that, one of the proposals would be selected by an arbitrator and opposed unchanged.

Harvey described the committee's actions this way: "This was a very political vote in a political year."

Compared with the sensational charges being made about Republican officials and the ITT the Antistrike story was next to nothing. But when the story is combined with the official reports of campaign contributions for the members of that House Subcommittee a different light is shed. It seems that the six subcommittee members who voted to kill the legislation needed so importantly by the nation have received campaign contributions from the United Transportation Union (UTU) within the past few weeks. For example, campaign committees for Congressman Brock Adams received $1,000 on January 12th and $1,000 on January 17th. Records show that four others, Congressman Dingell, Democrat, Michigan; Podell, Democrat, New York; Helstoski, Democrat, New Jersey; and Metcalf, Democrat, Illinois, received campaign contributions of $500 each while Congressman Murphy, Democrat of New York received $1,000. All these contributions were made on the same day, January 31, 1972. They bring the 1971–1972 UTU campaign contribution to Congressman Podell to $2,000; to Congressman Metcalf $1,000; and to Congressman Murphy $1,500.

During the 1970 campaign UTU's political education league spent $328,850. There is every indication that it will surpass the total this year. Among contributions already made in the last two months are $3,000 to the Democratic Congressional Dinner Committee, $1,000 to the Yarborough for Senate Committee in Texas, and $1,000 to Senator Mondale's campaign in Minnesota. The UTU also gave a $1,000 to the Mondale campaign committee last year. And it just so happens that Senator Mondale serves on the powerful Senate Labor and Public Works Committee which is also discussing permanent strike legislations for the transportation industry.

It seems that the labor unions through the simple method of setting up politcal education leagues can contribute funds to their hearts content to candidates for Congress. Corporations are denied this privilege as they should be under the Federal Corrupt Practices Act.

PRO-LABOR REPS VOTED THAT WAY

Six Democratic House members received campaign contributions from the United Transportation Union's political education fund shortly before they voted to kill administration-backed legislation aimed at preventing railroad and airline strikes.

The six congressmen are members of a House Commerce subcommittee which voted down the bill 6 to 5 on March 2. The measure, sponsored by Rep. James Harvey, R-Mich., would have eased the impact of transportation strikes and imposed eventual mandatory settlements if necessary.

The funds, channeled through the UTU's Transportation Political Education Fund, went to Reps. Brock Adams, Wash.; John Dingell, Mich.; Bertram Podell, N.Y.; Henry Helstoski, N.J.; Ralph Metcalfe, Ill.; and John Murphy, N.Y.

Records of the House clerk, where political donations must be filed, showed that Rep. Adams received two $1,000 contributions from the union political fund, one on Jan. 12 and one Jan. 17.

Reps. Podell, Helstoski, Metcalfe, and Dingell received $500 contributions from the political fund and Rep. Murphy received $1,000 on Jan. 31, records show.

Rep. Podell received $1,500 from the UTU political fund, Rep. Murphy was given $1,000 and Rep. Metcalfe, $500 last year, the records reveal.

POLITICAL VOTE

At the time of the vote on his legislation Rep. Harvey charged that "this was a very political vote in a very political year."

And Commerce Committee Chairman Harley Staggers, D-W. Va., said that for all practical purposes the vote had killed any chances for permanent strike legislation in his committee this year.

Rep. Harvey's measure was intended to reconcile President Nixon's proposal for permanent strike settling legislation with organized labor's opposition to compulsory arbitration.

The UTU's Political Education Fund contributed some $69,000 to state and congressional candidates during 1971, apparently as advance money for their 1972 campaigns, the House records reveal.

Among those who received donations was Sen. Walter Mondale, D-Minn., a member of the Labor and Public Welfare Committee, which oversees anti-strike legislation. Sen. Mondale got $1,000.

Sen. Vance Hartke, D-Ind., chairman of the Senate Commerce Committee's Surface Transportation subcommittee, also received $1,000 in 1971, apparently to help him pay off a campaign debt left over from the 1970 elections.

NAVY'S REPLY TO GENERAL ACCOUNTING OFFICE REPORT ON NUCLEAR CARRIERS

Mr. THURMOND. Mr. President, a recent study by the General Accounting Office on the cost of the Navy's nuclear aircraft carriers has resulted in some misleading interpretations by the press and some Members of Congress.

When learning of alleged cost growths, I am as anxious as anyone to determine if the Congress has been misled. For that very reason I requested that the Navy answer some of the charges being leveled reference the cost problems of the new nuclear carriers.

It was reassuring to me when the Navy Department advised yesterday that the

GAO report did not identify any costs which had not been forecast, identified and justified to Congress in the appropriate budget categories.

Mr. President, I ask unanimous consent that the Navy's reply to these charges be printed in the RECORD.

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

COMMENT

The Government Accounting Office (GAO) report is similar to one of February 1970. Both discuss the cost of major spare reactor components and Navy and Atomic Energy Commission (AEC) development and other costs of the Nimitz reactor propulsion plant as well as ship construction cost. No costs appear that have not been planned for, identified and justified to Congress in the appropriate budget categories.

The fact is that most of the $833.3 million referred to in the press release as an "increase," does not represent an "overrun," has not "occurred during the past year alone," and was not "uncovered" by the GAO. Nor does the GAO report identify these funds in that manner. The $833.3 million referred to was identified to the GAO by the Navy and can be broken down as follows:

1. $108 million for spare nuclear propulsion plant components for all Nimitz Class carriers authorized and appropriated by Congress as a separate line item in the Shipbuilding and Conversion, Navy (SCN) account in Fiscal Years 1969, 1970, and 1971.

2. $80 million of Navy Research and Development funds appropriated by Congress in the Fiscal Years 1965 through 1971 as the Navy's share of the development effort during that period on the propulsion plant for the Nimitz Class carriers.

3. $275.6 million Atomic Energy Commission funds appropriated in the Fiscal Years 1965 through 1971 for development of the Nimitz Class carrier nuclear propulsion plant.

4. $116.7 million increased estimate of the cost of the Nimitz which was reported to Congress by the Navy 5 years ago prior to award of the ship construction contract.

5. $101.8 million increased estimate of ship-builder escalation (due to inflationary forces) for both ships expected to accrue over the 8 year period of the shipbuilding contract reported to Congress by the Navy in January 1971.

6. $68.7 million increased cost estimated for both ships due to changes in ship design and expected cost growth in government furnished material and shipbuilder costs identified to Congress by the Navy in January 1971.

7. $82.5 million of estimated cost growth for government furnished material and increased shipbuilder costs identified to Congress by the Navy in the June 30, 1971, Selected Acquisition Report.

As shown by the tabulation above, these costs have been identified to the Congress by the Navy over the last eight years. Of the total, $253 million represents growth in the estimated cost to build the Nimitz and Dwight D. Eisenhower subsequent to the estimate of $1,063 million made five years ago when the initial ship construction contract was placed. Most of this increase is attributable to the general inflation of the economy. This $253 million estimated cost growth averages about 3 percent per year over the eight year span of the shipbuilding contract and results in the current estimate for ship construction cost of $1,316 million.

In accordance with the standard budget categories approved by Congress, development and other costs specifically attributable to the Nimitz Class carrier nuclear propulsion plant tabulated above are separate from procurement costs and are not included in ship construction cost estimates or budgets. However, they have been planned for, identified and justified to Congress in the appropriate budget categories.

Since 1967 there have been a number of iterations of the estimated cost of a third follow ship as well as the required long lead time funding based on a variety of premises. In general, the differences in the estimated costs are due to different escalation factors arising from different production periods involved, the market conditions, provisions for technological change and updating, and experience gained on the CVAN-68/69 construction.

Today, the buildup of the detailed cost estimates for a third Nimitz class ship delivering in September 1980 total $951.0 million—about $600.0 million for the ship construction contract and about $351.0 million for the Government Furnished Material. Of the total, $299.0 million is needed in Fiscal Year 1973 for procurement of long lead time material to permit an orderly construction of the ship leading to delivery in September 1980 at the least cost alternative now available.

This estimated end cost of $951.0 million for the 3rd Nimitz class carrier delivering in 1980 compares to an estimated end cost of $665.0 million for the CVAN-69 which will deliver over 5 years earlier in June 1975. Broadly speaking, the cost difference of $286.0 million is mainly due to escalation—$206.0 million (about 5% per year for 5 years). Market conditions mainly reflecting the disruption of ship construction sequencing and the vendor production lines as well as state of the art changes account for about $70.0 million. The $10.0 million balance represents the reservation to cover military characteristics changes necessary to respond to new threats.

This $951.0 million figure represents our best projection of acquisition costs expected through delivery of CVN-70 in September 1980.

The total end costs for CVAN-68, 69, and CVN-70 are $627.7 million, $664.5 million and $951 million respectively.

The nuclear-powered carrier is not merely a landing field at sea but a total weapons system. The Nimitz Class carriers are the strongest and least vulnerable naval surface warships that can be constructed. They are designed to carry out their mission in the face of intense enemy opposition. The fact that carriers may be damaged by enemy attacks does not reduce the need for air power at sea. Without it we cannot conduct overseas military operations or in time of conflict even continue world trade for which this nation so depends.

The F-14 is intended for use on all of our modern carriers, not just these two.

The Soviet Union has no attack carriers for very good reasons.

When, after World War II, the Soviet Union began to develop and to construct a modern Navy, it was a strong continental power making first attempts to spread its military strength into the surrounding seas. The Soviet Navy was ineffective and virtually non-existent in terms of capable high-seas fighting units, and it had no recent experience nor tradition of operations in distant waters.

The Soviets, the predominant land power, have recognized the maritime position of the United States and our dependence upon free use of the seas to maintain economic and military contacts with friends and allies around the world. As the new Soviet Navy began to appear, its first units were those best suited for interdiction of the sea lanes.

Recent new classes of ships indicate that the Soviets are now thinking beyond this basic interdiction mission. For the first time in their history they are supporting an overseas foreign policy with deployed naval forces. They are maintaining naval forces for extended periods in Cuban waters, off the west coast of Africa, in the Indian Ocean, and they maintain a large naval force in the Mediterranean.

By the early 1950s, when they began to build their modern Navy, the Soviets were far behind the United States in carrier technology as well as in industrial capability. Recently, they built two medium sized modern helicopter carriers. As they gain experience with these, and as they continue expanding their naval power, they may well build aircraft carriers to extend the areas in which they can project their national power.

Until then any fighters the Soviets may have cannot be taken to sea. In time of war, the Soviet surface navy will be compelled to operate only where their land-based fighters can provide them some protection from our carrier airpower.

The Navy considers the President's request for advance procurement funds for the CVN-70 in the Fiscal Year 1973 budget to be the highest priority item in the Navy's general purpose budget.

EQUAL EDUCATIONAL OPPORTUNITIES ACT OF 1972

Mr. DOMINICK. Mr. President, in order to keep Senators who are not members of the Education Subcommittee objectively advised of both the merits of President Nixon's Equal Educational Opportunities Act of 1972 and the maneuvering generated by such legislation, I wish to bring to their attention a letter I received from the Secretary of Health, Education, and Welfare Elliott Richardson. In his letter, Secretary Richardson effectively pierces generalizations implicit in alternative legislation, Senate Joint Resolution 220, introduced in the form of a $2.5 billion supplemental appropriation for the Office of Education for fiscal year 1972.

Secretary Richardson's letter summarizes his testimony of March 24 when he explained to the Education Subcommittee why a simple increase in ESEA, title I, part C funds failed to address itself to problems which President Nixon's bill would remedy. The letter points out how the age-old American remedy of simply more money is once again insensitive to the real problem presented.

Mr. President, I urge Senators to read and consider Secretary Richardson's most concise presentation of the issue. I ask unanimous consent that his letter to me of April 13, 1972, be printed in the RECORD.

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

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., April 13, 1972.

Hon. PETER H. DOMINICK,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DOMINICK: In response to your inquiry, I would like to outline my reasons for opposing the resolution introduced March 28, 1972, in the Senate to provide additional funds for Title I of the ESEA in fiscal 1972.

Senator Pell contends that his bill authorizing supplementary funding of Title I would more effectively provide equal educational opportunity for the Nation's children than the President's proposal. In designing the EEO program, a careful study of the applicability determined that this legislation is not suitable for the purposes of the Equal Educational Opportunity Act of 1972.

Title I does not specifically encourage the President's stated goal of desegregation, nor

does it give priority in the allocation of funds to districts implementing court-ordered or voluntary desegregation plans. Because of this limitation, the incentive-to-desegregate features incorporated in the EEOA would not be possible under Title I. One of the principal advantages of our proposal is that it would provide a single, integrated program through which school districts could address both their desegregation and their compensatory education problems at one time and in a mutually supporting fashion.

Another factor is that Title I is a formula grant program which does not require that any additional available funds be concentrated on the schools with the greatest relative need. This focus can best be assured, we believe, by using the project grant approach. Project grant review within the Office of Education of the compensatory education proposals is important since our data indicates the critical need for careful project design and management if the chances of successful compensatory education are to be maximized.

As you know, the Congress enacted in 1970 a new Part C of Title I, ESEA which is designed to target additional money in those school districts which have the highest concentrations of children from low-income families. However, Part C is designed so that funds to carry it out cannot exceed 15% of the excess Title I appropriation over $1,396,000,000 in any given year. Thus we could not reach $900 million in new concentrated compensatory education money under Part C alone unless the total Title I appropriation exceeded $7 billion.

A further restriction is that a district may not receive Part C funds unless at least 20% of the students in the local education agency are eligible, or if there are 5000 such students, at least 5% are eligible. Under the Equal Educational Opportunities Act, districts with individual schools enrolling at least 30% of their students from poor families would be eligible for assistance even if the total enrollment in the district was less than 20% from poor families. It should also be noted that under Part C the total amount an LEA can receive for concentrations of low-income students cannot exceed 40% of the basic Title I grant.

It is my hope that the Congress will approve the Equal Educational Opportunities Act of 1972 (S. 3395, H.R. 13915) as the best possible way to provide a better education for our children.

Sincerely,

ELLIOT RICHARDSON,
Secretary.

STUDENTS AND AGING

Mr. CHURCH. Mr. President, it is always enlightening to trade ideas with the young people of the United States. They provide a fresh viewpoint and sometimes force their elders to question their own ideas on vital issues of the day.

A week or so ago, I visited Kansas State University to talk to youth about old age. My major point, in addressing a convocation of students, was that many people in our society tend to shut out all thoughts of growing old until they find that old age is upon them. Simon de Beauvoir—as I said in the speech—feels so strongly about this tendency that she calls old age a "forbidden subject." As she wrote in a recent magazine article:

Until the moment it is upon us, old age is something that affects only other people. So it is understandable that society should manage to prevent us from seeing our own kind, our fellow men, when we look at the old.

Certainly, much evidence supports Ms. de Beauvoir's opinion. Older people in many nations, not only the United States, are expected to live on cruelly inadequate income; many live in lonely isolation; many feel that the world has no place for them.

At Kansas State University, however, I was pleased to find a lively student interest in issues related to aging. I have had similar experiences elsewhere, I believe that this is a healthy sign of changing attitudes toward aging.

Later in the day, at a meeting of the Kansas State Citizens Council on Aging, I described some of the day-to-day realities confronted by the Congress in efforts to make the most of the momentum generated by the White House Conference on Aging late last year.

Undoubtedly, there is a long way to go. But, with the active interest of younger Americans as well as older Americans, we can hope to make the 1970's a productive and memorable decade for today's elderly and for all those yet to come.

I ask unanimous consent that both speeches be printed in the RECORD.

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

MORE TALK ON A FORBIDDEN SUBJECT

You may wonder—at least that was the intention—what my "forbidden" subject is today.

I won't hold you in suspense very long.

It is *not* the revelation of a secret State Department plot to abduct Henry Kissinger.

It is not even the latest secret memorandum from I.T. & T.

Instead, I have cribbed from Simone de Beauvoir.

An article she did for the *New York Times Sunday Magazine* a few weeks ago was called "Frank Talk on A Forbidden Subject".

Ms. de Beauvoir—who still has pertinent things to say about what has now become known as Women's Lib—was talking in that article about aging.

She herself is, as she describes it, "on the threshold of old age".

And she wishes to expose what she calls a "conspiracy of silence" which enables our society to treat the elderly as outcasts.

Her arguments are timely, and I think that they have direct meaning for all the people of this Nation, whether they are old, becoming old, or are still chronologically young.

Furthermore, the de Beauvoir article brings other issues to mind—issues which, I think, raise serious questions about the ways in which governments and people interract upon each other.

First, however, what leads Ms. de Beauvoir to believe that our society condemns the elderly to poverty and neglect?

Her major themes are expressed, I believe, in these excerpts:

". . . (our) society appears to think that they (the elderly) belong to an entirely different species, for if all that is needed to feel that one has done one's duty by them is to grant them a wretched pittance, then they have neither the same needs nor the same feelings as other men.

"Economists and legislators endorse this convenient fallacy when they deplore the burden that the 'non-active' lay upon the shoulders of the 'active' population, just as though the latter were not potential non-actives and as though they were not insuring their own future by seeing to it that the aged are taken care of."

The elderly, she goes on to point out in her article:

"are required to be a standing example of all the virtues. Above all, they are called upon to display serenity; the world asserts that they possess it, and this assertion allows the world to ignore their unhappiness.".

Later, as further evidence of our callousness, she quotes an anthropologist who said:

"In a changing world, where machines have a very short run of life, men must not be used too long. Everyone over 55 should be scrapped."

Simone de Beauvoir's outraged protest over dehumanized old age is similiar to the denunciations I have heard time and time again from witnesses who appear before the U.S. Senate Special Committee on Aging.

These witnesses see nothing less than a basic failure in our civilization when the last third of life becomes a wasted wretched time span between advanced middle-age and death.

And in striking that theme, we identify a failure of our civilization.

That failure is simply the blindness that varied segments of our population display toward other segments.

What we cannot see, we cannot understand.

What we cannot understand we either forget or denounce.

At the moment, most Americans who have not yet reached retirement age are willing to forget the elderly.

They have not yet begun to denounce them openly, except for a disturbing and perhaps growing tendency to complain about increases in Social Security taxes. As the de Beauvoir article put it, the actives are growing restive over the cost of carrying the non-actives.

I mentioned the Senate Committee on Aging.

Over the last 18 months or so, the Committee has attempted to pull together as many facts as possible about aging and aged Americans: their problems, their aspirations, their growing voice in the Nation, and their anger.

Our immediate goal was the White House Conference on Aging held late last year.

We wanted to summarize the many issues to which we had given a great deal of attention. We issued more than a dozen reports dealing with a variety of subjects, including shortcomings in public policy related to mental health and the elderly, alternatives to nursing home care, transportation deficiencies, and the lack of employment opportunities for older workers—to name a few.

Our reports, together with the White House Conference, have forced us to do more stock-taking than usual, and that is one reason why—I suppose—it is good to have White House Conferences.

What did we find? It's tempting to recite the brutal facts about poverty among our elders.

But let's begin with a few questions: why are people retired in the first place?

Is this decision guided by free choice?

Do workers feel a need for rest after decades on the job?

Or do they accept retirement only because it is forced upon them?

If judged solely in terms of economic consequences, retirement has to be regarded as a disaster.

Retirees, on the average, have less than half the income of those still in the labor force.

And, at the very time the money grows sparse, old age imposes new drains upon their incomes.

Approximately 30 percent of retirement income goes for shelter. There are even reports of older homeowners who pay almost 50 percent of their incomes for property taxes alone.

Medicare became law in 1965, and it was and is a blessing. The nightmare that frightened the vast majority of older Americans—a complete wipeout of all their savings and assets because of a catastrophic illness—has become part of the past. But Medicare fails to cover such costs as out-of-hospital prescription drugs, many kinds of therapy, and truly useful nursing home care.

In addition, the administrators of Medicare, attempting to cut costs, are also cutting the program in ways Congress never anticipated. For example, there is what is called retroactive denial. After weeks or months of treatment, a patient may be told that his claim will not be honored. The bill must be paid by the patient.

Furthermore, in terms of dollars actually paid out, older Americans now bear almost the same level of out-of-pocket expenditures for health care as they did before Medicare. We on the Committee on Aging were dismayed when we got word of this just a few days ago; we hope that the program can be broadened to provide better coverage rather than being constricted still more.

When we put it all together, we find that approximately 80 percent of a typical retiree's income is spent on housing, food, transportation and medical care. There's not much to begin with. There's not much left over when bare essentials are paid for. We are talking about 20 million older Americans who are age 65 and over. One out of every four subsist below the statistical poverty level.

For minority groups, it's one out of every two. And millions more live in near poverty, which means that their incomes are no more than 25 percent higher than the official poverty line. These are the facts of life that will not change until we raise retirement income to realistic levels.

For these reasons, I am opposed to the Administration's willingness to settle for a 5 percent increase in Social Security.

The cost of living has gone up by almost that amount since the last Social Security increase. What we should do is take the step that we know is possible and actuarily sound: We should raise benefits by at least 20 percent to boost the elderly ahead of the cost-of-living, and then adopt automatic adjustments to cope with inflation in the future.

In addition, we should help those whose incomes—even with a 20 percent increase—still fall below the poverty line. They should receive an income supplement to raise them out of poverty, and that supplement should be paid out of general revenues through the Social Security Administration, rather than through the State welfare agencies.

We are making a push in the Senate to take the two actions I have just mentioned. I now have 32 cosponsors on amendments which will soon reach the Senate Floor. I think we have a good chance for at least partial success. But even complete success would leave us a long way from resolving the retirement income crisis in this Nation. More than subsistence is needed. A livable income in retirement for every elderly citizen should be our national goal.

At the same time, we ought to realize that man does not live by income alone. He must have a sense of purpose—about which I will say more later. He also has a need for services, which is likely to change as he becomes older.

Perhaps many in this auditorium have grandparents who recently entered retirement.

Chances are that they are in robust health and that they have a wide range of interests for which, at last, there is now time to pursue. But they are now in their 60s. What will happen in their 70s, 80s, or 90s, and even beyond? There are now 7,000 centenarians in this Nation. The fact is that our elderly are getting older.

People in their 60s and early 70s are among the "young elderly." The "old elderly" are increasing by leaps and bounds.

Take New York City, for example. Just about 1 million people there are now 65 years old or older; and I might add that 50 per cent of this group—a predominately white group—is living in poverty.

Perhaps an even more startling statistic is that 35 percent are over 75 years old. As they become older, as spouses die, and as their resources and vigor dwindle, they may find that they need just a little help: perhaps an apartment which provides meal service in a common dining room; perhaps a home health aide to visit a few times a week for essential chores; perhaps a "mini-bus" with flexible routing patterns for visits to a physician or to the supermarket; perhaps a neighborhood center to meet other people, young and old.

These services are not merely amenities. They are becoming necessities. But the Committee on Aging is told, again and again, that not one city in the United States has a really good service network.

And, because we have failed to provide services that help people retain their independence—or to develop new patterns of self-direction—an appalling number of them are placed in institutions. And when they enter institutions, many expect never to leave. Too often, they feel that there is nothing waiting for them outside of the institution.

Too often, they are right.

Great as the need for services is now, think of what it will be as the number of our "old elderly" increases. By the turn of the century—that's only 28 years from now, when many in this room will not yet be 50 years of age—nearly two out of three older Americans, about 20 million in all, will be over the age of 75.

With community services, they can be independent or semi-independent. Without such services, many will live out their last years of life in institutions; many will live in cruel isolation; and many others will ask with increasing anger: what good is a few dollars more in retirement income if we lack help from those who will some day stand in need of such help themselves?

We've talked about income. We've talked about services. What about the sense of purpose to which I earlier referred?

Here, it seems to me, is perhaps the heart of the question. When people retire, they become—as economists say—"non-productive." Think about that for a moment.

A Nation cannot live without productivity, that is true. But it is also true that a Nation cannot flourish if those of its population who are old feel that they are superfluous or even expendable.

And a Nation cannot be healthy in spirit or in outlook if its young people—many of whom now question the roles they are called upon to assume during their productive years—see, further down the road, a bitter and empty finale.

We need not abide by present patterns that call for a third of life in preparation, a third of life at work, and a third of life in enforced idleness.

A career need not begin only after degrees have been accumulated.

A career, once started, should be interrupted, from time to time, by new learning or by sabbaticals for thinking things out. And neither should a lifetime be limited to only one career. A man or woman in the late 50s, 60s and beyond, should have the freedom to choose, let's say, to enter into service of others as a teacher, social worker, environmentalist, or whatever if that new role has meaning and challenge.

And these second careers should be obtainable on a reduced number of hours during the work week, when reduced hours make sense.

Offering work in new packages may help change the fundamental attitudes with which people regard old age today. Attitudes will change, too, as people come to realize that the so-called "forbidden subject" is not as fearful after examination as it is when we simply turn off our thinking.

Indeed, positive attitudes toward old age in the United States are not only possible but inevitable. Already, the elderly themselves are declaring their rights. Perhaps you've seen photographs of old men and women, wearing "Senior Power" buttons and carrying placards protesting rent increases or other heavy blows to their economic security.

Perhaps it appears that they are acting only as another special interest group, but something more is involved. They are preserving their self-respect. They do not accept the idea that they can be forgotten or dismissed just because they are old.

Increasingly in the future, the elderly will demand to be heard and understood.

Young people, too—it seems to me—will make similar demands *for the elderly* as part of their overall quest for a society which has meaning for all.

The study of nursing homes done by a Ralph Nader Task Force of college-age students is a recent manifestation of growing student interest in this subject.

As one who is associated with government, I am concerned about the unhealthy unwillingness, in Congress and elsewhere, to face up to the fact that the problems related to aging in this country will increase markedly within the very near future, unless major changes are made in retirement income policy and the development of service networks for elderly Americans.

I am disturbed, too, by the fact that many Americans regard old age as too depressing or too remote for thoughtful discussion and innovative action.

But, as I have tried to indicate today, the facts for the future are clear.

As our population of older Americans grows, as the percentage of those above 75 years of age continues to grow even more rapidly, we must make major adjustments if we are to head off a compounding of today's problems and—as is so often the case—today's despair.

Can government—and the people served by government—accomplish all this? Sometimes, when we read of corruption or empire-building in programs meant to serve the poor or afflicted, we have good reason to wonder.

Sometimes, when we see really worthwhile programs cut back or cut out entirely by budget-makers who don't even know what the programs are for, we have good reason to ask whether a predominantly middle-class, middle-aged bureaucracy will ever understand or care.

Sometimes, when we hear the idealogical debates between self-styled liberals and conservatives, we may come to feel that blindness to the need of others is contagious, and that rhetoric is the carrier.

I won't be glib with you today. There are no guarantees that we will become a compassionate society or even a just society.

But we must keep prodding ourselves along.

And we *are* questioning ourselves in the United States today, even when those questions hurt.

We are questioning a foolish, futile war; even though we have yet to extricate ourselves from its grizzly embrace.

We are questioning an inequitable tax system which exempts the wealthy and soaks the average working man.

We are asking questions about the very air we breathe, the water we use, and the products that once we accepted so uncritically.

Will we find the right answers to our questions?

As I said before, there are no guarantees.

But our treatment of the elderly will help to tell us whether we are sound or sick as a Nation. If we remain indifferent toward the

last years of life, we shall lack genuine respect for life itself.

Our failures of the past, however, need not be repeated in the future.

Perhaps, instead of being blind to injustice, we are merely wearing blinders.

And perhaps—just perhaps—we are even now commencing to take the blinders off.

MOMENTUM ON AGING?

Perhaps I should begin by saying that I have long wanted to meet the people of the K.C.C.A. on their own home grounds to thank them for putting such special emphasis upon consumer needs of older Americans.

You see, for the last few years I have served as Chairman of the Subcommittee on Consumer Interests of the Elderly for the Senate Committee on Aging. I've kept that position even though, for the last year, I have also served as Chairman of the full Committee.

And so for a long time I have admired the unique and effective working relations that the K.C.C.A. maintains with the Consumer United Program. And I was especially pleased to learn of the recognition given to your program at the White House Conference on Aging. To Dr. Morse and to those who work so well with him, my heartiest congratulations.

Having mentioned the Senate Committee on Aging, I should say a few words about its mission and activities. The Committee was established almost 11 years ago when it became very clear that jurisdiction over legislation affecting older Americans was spread out over too many Senate Committees. Something was needed to put the picture into perspective; something was needed to maintain a day-to-day concern about *all* issues of concern to the elderly.

And so the Committee was established, and its membership now stands at 20: nine Republicans and eleven Democrats. I might add, however, that a visitor to any one of our hearings would have difficulty in determining who is a Republican and who is a Democrat. When it comes to aging, partisanship is at a minimum in our deliberations.

You should know, too, that the Committee does not receive bills or report them to the Senate Floor. We are a fact-finding group; we issue reports; we make recommendations; and we try to follow-up on those recommendations.

In 1972, of course, the major follow-up need is to make certain that the best proposals made at the White House Conference are implemented. For we are faced with a challenge, and we should understand its full magnitude and meaning.

That challenge, very briefly stated, calls for the 1970's to become a period of triumph rather than one of despair for older Americans.

If Congress and the people of this Nation successfully translate the White House Conference recommendations into action, we will at last be on the road to triumph over chronic problems now afflicting the elderly of this Nation.

If, however, we fumble and fritter away our opportunity, then the elderly will continue to face disappointment and despair.

And who can deny that they already have suffered too much delay? Quite bluntly, older Americans of today have already waited too long for too little.

For these reasons, Senators of both parties have joined in a bipartisan push for early action on new and pending legislation.

We are not seeking billions and billions of dollars, reaching beyond the realm of the feasible.

For example, we could completely abolish poverty among the elderly in this country for what it costs us to run the war in Southeast Asia for just 3 months.

We could put out-of-hospital prescription drugs under Medicare for what we now spend for a single nuclear aircraft carrier.

We could establish a comprehensive manpower program for older workers for the cost of one Polaris submarine.

Elderly Americans are not blind to the present patterns in public spending or the distorted and dehumanized priorities they represent.

They see a Nation which boasts a gross national product of more than one trillion dollars, but the same Nation allows nearly 5 million older Americans to subsist below the poverty line.

That statistical measure of poverty, of course, is only a crude indicator of what is really happening. Many older people make up in pride what they lack in income and they simply do not feel poor. But I think it is inexcusable when the numbers of older persons living in statistical poverty increases by 200,000 in two years, as has occurred in this Nation.

The elderly see the poor among themselves.

They also see a Nation where the median family income is almost $10,000, but where nearly one-fourth of all aged couples have incomes below $3,000.

They see a Nation in which $70 million is requested for military aid for Spain, but in which only $30 million is appropriated to enable elderly Americans to live independently.

But, despite all the discouragements of the past, today's elderly can also see new hope on the horizon.

Through the voices raised at the White House Conference on Aging, all Americans have heard a stirring declaration for action.

The Conferees have called for actions that are already receiving attention in Congress. In fact, during the conference late last November, the Senate passed a national hot meals program for the elderly. And that bill has since been accepted by the House. In addition, the Congress acted immediately after the Conference to raise funding levels for the Older Americans Act from $45 million dollars to $100 million dollars.

The bipartisan spirit I mentioned before is very much in evidence; and this even-handed approach is, in my opinion, yielding important results.

Early in 1971, for example, the Administration was under fire for its policies on aging.

It proposed a reduction in the Older Americans Act budget at just the time when increases were badly needed.

It was willing to scuttle several promising nutrition programs for the elderly.

Its critics said that the White House Conference was being stacked politically to keep conferees from grappling with the real issues.

And, finally, the Administration had done precious little to seek Social Security increases. The 5 percent increase approved in the House was put in without any White House blessing or encouragement.

Members of Congress from both parties protested all of these shortcomings.

We won more funding for the Older Americans Act.

We not only continued the nutrition program; we have passed the bill I mentioned before—a bill to broaden the previous effort and to keep it going.

We kept up our pressure for an issues-oriented White House Conference, and we had a large degree of success there.

As for increased Social Security benefits and other Social Security reforms, some of us in Congress wonder why the Administration is now willing to settle only for a 5 percent increase. By the time 5 percent more is added to the monthly checks of Social Security recipients, it will have been wiped out by cost-of-living increases.

Personally, I favor a 20 percent increase, and I now have 32 cosponsors on my amendment for that purpose. I might add that this increase would not endanger the actuarial soundness of the Social Security Trust Fund, nor would it result in a major increase in Social Security payroll tax.

A more adequate retirement income is, of course, the number one need of older Americans.

But I have other goals, not only for Social Security, but in other key areas.

Here briefly, is my program for immediate and long-range action:

One: Social Security should be used to lift all of the elderly out of poverty. I have worked for some months to build support for a bill I have introduced to accomplish just that. It would provide a supplementary payment for those whose Social Security is below the statistical poverty level. That supplement would not be administered through the Welfare office; it would be mailed in the same envelope, along with the monthly Social Security check.

Two: Important as realistic income strategy is, we must not overlook the need for improvements in Medicare.

Earlier today I referred to new statistics indicating that older Americans are now spending almost as many dollars on health care as they were before Medicare began. Then, the per capita, out-of-pocket health expenditures for the elderly were $234. In 1971, those costs had again reached $225.

I think you realize that my purpose is not to attack Medicare. It was a blessing when it was first established. It still is a blessing for many millions who use it every year.

But we would be blind or uncaring if we refuse to face the fact that Medicare is riddled by weaknesses and threatened by an ominous rise in overall health costs. Over the past year, such costs have risen by an even five percent.

Another part of the problem lies in administrative decisions which raise the cost of Medicare to participants while reducing the number and quality of services. Another premium rise, for example, is due in July for Part B medical services. Length of coverage is also being reduced, and initial costs are going up.

Probably the worst cutback in services under Medicare has occurred in so-called extended care benefits. Cutbacks have been so severe that this benefit has become almost non-existent.

As everyone knows, one of the biggest deficiencies in Medicare is that it does not cover certain out-of-hospital prescription drugs. And I must add that I am disappointed by the Administration's failure to ask for such reform.

After all, the President's own study group recommended three years ago that this action be taken. Similar findings were announced by other study groups even before this Administration took office. But the President apparently thinks that still more study is needed. He had nothing at all to say in his recent Message on Aging.

More fundamentally, however, Medicare is in difficulty largely because of costly defects in the present health care delivery system. One of those defects is the failure of Medicare to provide genuine incentives for the development and growth of home health care. Here in Kansas, you are familiar with such difficulties. Your pioneer program provided many lessons that should have been heeded elsewhere. But instead, your excellent program was permitted to die. The same pattern exists elsewhere. Just yesterday, the Committee on Aging published a report which announced that the number of home care delivery programs in the United States has actually declined since Medicare began.

Until this and other shortcomings in our health industry are dealt with, I am afraid that any program calling for national compulsory health insurance will encounter difficulties similar to those that are hurting Medicare.

Three: Another area for early action during this session would be the establishment of a strong Federal agency for the elderly. The Older Americans Act of 1965 has never lived up to the hopes Congress had for it. We wanted a true focal point on aging in the Federal system. Instead, we were given an agency, the Administration on Aging, which deteriorated under one reorganization after another. It is now weak and submerged within the Department of Health, Education, and Welfare.

Recently, I introduced a bill which would carry out the recommendations of the Committee on Aging and the White House Conference for establishment of a new, strong, and coordinated apparatus to serve as a cornerstone for a coherent and comprehensive Federal approach on aging. My bill would set up an independent office on aging at the White House level. It would continue, but strengthen, the present Administration on Aging and give it more authority to deal with State agencies. And it would establish a new position: Assistant Secretary for Aging, within the Department of Health, Education, and Welfare.

Four: Congress should act promptly to enhance employment and service opportunities for aging Americans.

With unemployment at emergency levels, mature workers are finding out that they are among the first to be fired, but the last to be hired. Many are jobless because their skills have been outdistanced by technology. For these reasons I urge the Administration to reassess its opposition to a bill—supported by Committee on Aging members—to provide the training, counseling, and other supportive services that would enable them to move back onto the payrolls in more productive work.

Another area meriting early attention is the broadening of service opportunities for older persons. Several pilot programs have amply demonstrated that there are thousands of older Americans who are ready and able to serve in their communities. We need no more proof that these programs will work. What is needed now is a genuine national commitment to build upon the solid achievements of these projects. Here again, the Committee on Aging has a bill. Here again, we would welcome Administration support.

Five: The Committee on Aging has estimated that 6 million older Americans live in unsuitable housing. Think of that for a moment: nearly one in three persons of age 65 and over live in unsuitable quarters. Thus little real inroads in dealing with this problem. But a big push is in the making: our Subcommittee on Housing is preparing a comprehensive program and is looking into the impact of the property tax as well.

My own personal contribution to this effort is a bill which would make home repair services available for elderly homeowners who would otherwise have difficulty paying for even modest renovations. Skills of older persons would be utilized. The old idea of neighbors helping neighbors is a good one, and it should be encouraged.

Thus far, I have mentioned just a few areas in which immediate action should be taken. But the development and implementation of a national policy on aging would be incomplete without also establishing long-range goals and direction.

To me, one of the most important objectives is the development of service networks *for* the elderly and—as far as possible—*by* the elderly.

The Senate Committee on Aging will work with senior citizen organizations, educators, and others in the development of an effective system for the delivery of social and health services. The necessity for co-ordinating social and health services is now widely talked about, but it is still rarely practiced. But the much-sought goal—to assist aged persons to live independently, instead of being institutionalized—will not really be resolved until that principle is widely applied.

Another key concern is to find ways to involve the elderly more in programs meant to serve them. They must have a role, a voice, and an input in the decision making process. One possibility is that our national policy should encourage the development of what might be called "Community Councils of Older Americans".

Elderly council members could work with governmental and private agencies to make programs more responsive to the special needs of the elderly.

Eventually, as in the case of the council of elders in Boston, these units could incorporate and become contracting agents for such programs.

Establishment of these community councils can also enable the elderly, more and more, to manage the programs which are now meant to serve them. There are many experts and professionals in the field of aging. But there is really no expert like the elderly person who has lived and experienced the very problems we are attempting to resolve.

NEED FOR EARLY AND BIPARTISAN ACTION

Now 1972, it seems to me, can be a year in which we break away from false, fixed notions about aged and aging Americans. It can be a year in which we take advantage of the momentum of the White House Conference to make certain that its goals are implemented.

For this reason, I hope that the President will speak out again on aging. His recent Message, I am afraid, fell far short of the challenge provided by the White House Conference. It fell far short of several key bills being advanced in Congress by Democrats and Republicans. Mr. Nixon hinted in his message that he will probably have more to say about the needs of older Americans; it is essential that he does so, if we are to maintain the momentum that Dr. Flemming and others have done so much to develop.

Today there are more than 20 million Americans who are 65 or older, about one out of every 10 Americans. The elderly's combined numbers are nearly equivalent to the total population in 20 of our States.

Equally important, each year 1.4 million Americans have their 65th birthday. And by the year 2000, approximately 45 million citizens will have become members of this age group.

Today our Nation has a unique opportunity to make advancing age a time of fulfillment, instead of neglect. Perhaps even more significant, there is already broad agreement on the course of action our Nation should take now and in the future. In many respects, the report of the White House Conference is a ringing reaffirmation of recommendations advanced by the Committee on Aging and its advisory councils.

With this broad base for support, our Nation can begin to develop, for the first time in its history, a worthy, workable national policy for the elderly American.

UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970—OMISSION OF TECHNICAL AMENDMENT

Mr. BAKER. Mr. President, on April 12, 1972, the Senate passed S. 1819, a bill to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

The Senate, in its consideration of the bill, adopted a floor amendment that I had prepared and which was cosponsored by the Senator from Tennessee (Mr. BROCK), the manager of the bill, and the Senator from Maine (Mr. MUSKIE), chairman of the Subcommittee on Intergovernmental Relations, which had considered the bill and reported it favorably, with amendments.

One purpose of the floor amendment was to amend section 101(3) of the Uniform Act, which defines the term "State agency," to include within that definition "a State" acting as a State and not through one of its agencies.

Unfortunately, as the result of a technical drafting error, an extremely significant part of the current language of section 101(3), language in the statute as now written, was omitted. The matter can be simply resolved by the Committee on Public Works of the House, whose staff has been alerted to the technical error. But I do want to make this formal statement on the matter, lest there be any question in anyone's mind that the Senate intended to make this omission. It most emphatically did not.

As passed by the Senate on April 12, subsection (e)(1) of S. 1819 would amend section 101(3) of Public Law 91–646 to read as follows:

(3) The term "State agency" means the National Capital Housing Authority, the District of Columbia Redevelopment Land Agency, a State, and any department, agency, or instrumentality of two or more States or of two or more political subdivisions of a State or States.

Subsection (e)(1) of S. 1819 should have been written so as to amend section 101(3) of Public Law 91–646 to read as follows:

(3) The term "State agency" means the National Capital Housing Authority, the District of Columbia Redevelopment Land Agency, a State, and any department, agency, or instrumentality of a State or of a political subdivision of a State, or any department, agency, or instrumentality of two or more States or of two or more political subdivisions of a State or States.

The omission of the words "and any department, agency, or instrumentality of a State or of a political subdivision of a State" from the language of subsection (e)(1) of S. 1819 as passed was an unintended, technical error which will, I am sure, be corrected in the other body. If, for some unimaginable reason, the error were not corrected, I would adamantly oppose the enactment of the bill.

A BUDDING DEFENSE ANALYST LOOKS AT ULMS

Mr. PROXMIRE. Mr. President, one of the most important items in this year's defense budget is the Navy's request of $977 million for crash development of a new ULMS submarine system. On Monday, April 10, I placed in the RECORD a detailed report on ULMS, which I had prepared together with 11 other Senators and Congressmen. That report recommended approval of $330 million for development of a 4,500-mile ULMS–1 missile system, but urged that funding for a new submarine system be held to $50 million, pending better evidence as to the future course of Soviet submarine expansion.

One of the readers of that report was John Viola, a junior at W. T. Clarke High School, in Lynbrook, N.Y., who gave

me his reaction in a recent letter to my office. It is a remarkably thoughtful and perceptive letter which deserves scrutiny by a broad audience. Mr. President, I ask unanimous consent that Mr. Viola's letter, together with my response, be printed in the RECORD at this point.

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

LYNBROOK, N.Y.,
April 16, 1971.

Hon. WILLIAM PROXMIRE,
Senate Office Building,
Washington, D.C.

SIR: Please accept my congratulations on the fantastic report you presented in Congress on Monday, April 10. I heard of it in the New York Times and was able to locate it in the Congressional Record. The reason why I found your report on the ULMS so good was that I had been studying that problem previously because I have introduced a bill on that problem in the Model Congress, W. T. Clarke HS (I am a junior in high school). I was very pleased to see that many of your conclusions were similiar to some of my conclusions, before I read your report. I was especially impressed by the wealth of figures and (most important) cost estimates.

For my bill in the Model Congress, I will propose (it starts April 28) that the government authorize funds for the construction of five Fleet Ballistic Missile submarines of the Benjamin Franklin class (with any necessary improvements), and an option of five more according to the discretion of the President. They would be equipped with the C–4 (ULMS 1) missile system when and if it is ready, otherwise the C–3 Poseidon system would be used. It is also stated clearly in this bill that any SALT agreements would be binding on this program (they would be anyway, but this makes it "perfectly clear").

This, however, represents the third draft of my bill. At first I had decided on 30 new submarines with no new missile system. Then, after reading a relatively small article about your report in the Times, I changed that to 30 submarines and a new missile system. However, after reading your full length report I realized that the number of warheads that will be sea-based would be much more than I figured since I thought that MIRV had only three separate warheads, not 10. Also, I saw that I had underestimated the cost of operations and missiles—I had figured that the total cost would be about 175,000,000 dollars per ship including everything. Strangely, I thought of the ASW threat as being larger than you explained it. However that was due to the fact that I didn't know too much (nobody does, unfortunately) about the degree of development of Soviet ASW weapons—I mistakenly envisioned an infallible Sidewinder-type infrared underwater missile that could destroy any submarine in range.

Fortunately, your report dispelled that fear . . . for now. Thus, I realized that 30 submarines would be too expensive and that the submarines we have now could survive in sufficient quantity for a second-strike capability without having to increase their numbers up to 71. Thus, I decided on a different number of submarines—10, in such an arrangement as to respond to the Soviet threat as or if it expands. As I stated, five more submarines would be added to the fleet unless the Soviets agreed to a 42–41 USSR-US parity (incidently, that 42nd Yankee class submarine could possibly be only a replacement for one already built that is defective or had extensive fire damage, thus it is conceivable that the USSR would settle for exact parity, with only their H and G class submarines for any type of superiority). Should the Soviets decide to escalate their sea-based forces, then the President could instantly exercise his option for five more submarines.

Most important, however, is the fact that the Soviet Union would clearly see that if they wanted superiority, they would have to build an additional ten ships and thus unequivocally show the US that they definitely intend to try for superiority in sea-based forces or that they rely so heavily on sea-based forces that they will not place any restrictions on them until they have a substantial number of submarines. In any event, the dangerous uncertainty over what the enemy is up to should be eliminated by such a plan as I will propose. Actually, it is really several months or a year or two too early for such a plan to be really effective, but I am limited by the fact that the Model Congress only takes place on April 28, 29, 30 so I can not wait.

I do feel that you should look into such a plan since the cost of ULMS is prohibitive and this plan could possibly put an end to the Arms Race.

As you stated, three conditions work against achieving parity:

1. different historical starting points.
2. lack of knowledge of the other's intentions.
3. momentum of programs once begun.

However, such a plan as I stated could overcome all three. No. 1 could be overcome because of the rapidity of the Soviet submarine construction program. We are quickly approaching the point where the number of modern submarines will be approximately equal. The problem is number three, the momentum of the Soviet construction program. I feel that this can only be slowed down NOW. If we show the Soviets that we are ready and starting to build submarines again at the same time when they could achieve a parity with us they will realize that the whole arms race in the sea will depend solely on themselves. Unless they want clear superiority in numbers of sea-based missiles, they will realize that our flexible plan WILL match their every move. . . every expensive move . . . unless this arms race is ended. It is risky and expensive for the US, but isn't that what the arms race is? . . . risky and expensive. Thus, we will also find out No. 2—the intentions of the Soviets . . . whether they are willing to expand with the knowledge of the costs and threats involved.

Remember Mr. Proxmire, we are quickly approaching that unique time when the USSR, if consciously slowed down, could pull to a halt along side, equal to the U.S. We simply can not wait until 1976 or else we will have to race the Russians again. However, by publicly undergoing a very moderate arms expansion, that is publicly announced to be directly dependent upon the Soviet's actions, I feel that we will have the best possible chance of ending the arms race in sea-based nuclear forces. What do you think?

I am very interested and very concerned about the world arms race and military-political picture. However, I am severely limited because I can not find sufficient detailed information especially about prices and costs of all types of weapons. I do have *Janes Weapons Systems, All the World's Aircraft,* and *Fighting Ships* as well as several other books and I sometimes am able to read *Aviation Week and Space Technology.* However, it still is far from enough to decide and analyze the many problems that I see. Could you help me in this respect? Could you please tell me where I may obtain detailed (non-secret of course) information on American and foreign arms? I am sure that you often read detailed reports which then get thrown into the trash can. I would gladly reimburse you for the postage if you would send them to me. Any help would be appreciated by me.

Thank you very, very much. Keep up the good work.

Yours truly,

JOHN VIOLA.

CONGRESS OF THE UNITED STATES,
JOINT ECONOMIC COMMITTEE,
Washington, D.C., April 24, 1972.

JOHN VIOLA,
Lynbrook, N.Y.

DEAR JOHN: Thanks very much for your recent letter on ULMS. I am deeply impressed by your own detailed knowledge of this program. I find it quite remarkable that a young man who has not yet finished high school should be so well informed about what are really quite complex and highly technical issues.

I think you have come to grips well with the key point in the whole ULMS debate—the need for a United States position sufficiently strong to protect our national security, yet sufficiently restrained to avoid plunging the world into a new sea-based arms race. The answer, I agree, is not crash development of ULMS at this time, but a flexible program the implementation of which would hinge in large part on the future course of the Soviet submarine buildup. If that buildup continues beyond the 42 boats now deployed and under construction, United States construction of 5 to 10 upgraded Polaris class submarines might, as you suggest, be the best action we could take.

I share your concern about the dearth of in-depth public analyses of new weapon system programs. You already seem to have some of the best public sources available. You might look also at *The Military Balance* and *The Strategic Survey,* two volumes published annually by the Institute for Strategic Studies in London. In addition, I've sent under separate cover some hearings on the acquisition of weapon systems by the Joint Economic Committee in which you might be interested. The Armed Services and Appropriation Committees of the House and Senate might also be willing to send you copies of their own hearings if you requested them.

Best of luck with your bill next weekend. Incidentally, I've taken the liberty of putting a copy of your letter in the Congressional Record, so that others will be able to read it. I hope we in Congress can come to grips with the ULMS issue as well as you have in our own upcoming debates.

Sincerely,

WILLIAM PROXMIRE, *Chairman.*

ADDRESS BY MRS. HENRY STEWART JONES, CHAIRMAN OF THE DAR NATIONAL DEFENSE COMMITTEE

Mr. THURMOND. Mr. President, it was my privilege last week to attend a session of the Daughters of the American Revolution during their National Defense Night in Constitution Hall.

One of the highlights of this occasion was an address delivered by Mrs. Henry Stewart Jones, chairman of the society's national defense committee.

Mrs. Jones told the large audience that a major issue with the American people should be the strength of this Nation upon which our freedom depends.

She said:

The American tragedy, is that our defenses are scarcely being discussed. It is not fashionable today to admit we have enemies. Love and peace are the slogans we hear so much. But Communist Russia has never deviated from its announced goal of world domination. . . .

Mrs. Jones' remarks are so timely and so appropriate to the world climate today that I feel Senators would benefit from her speech. I therefore ask unanimous consent that the address be printed in the RECORD.

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

LAND THAT WE LOVE

(By Mrs. Henry Stewart Jones)

It is my privilege to bring greetings to you all on this occasion of our annual National Defense night. In particular, we wish to extend warmest greetings to those members of Congress who have honored us by their presence here tonight. Special greetings are also extended to our own members who are attending their first DAR Congress. No member can leave these halls without being proud that no DAR has ever conceded that patriotism is old-fashioned.

Our motto is "Home and Country." It has been said that next to love of God, love of Country is one of mankind's noblest emotions. Thus, we make no apologies for the fact that we cannot support any form of world government under the United Nations or under Atlantic Union. We believe that a nation must remain sovereign and solvent, if it is also to remain free.

We oppose socialism, Marxism, communism, or any other "ism" which threatens our free institutions. The only "ism" we support is Americanism. We want to keep America—American, and a bastion of freedom.

The DAR is not a political organization. We think of ourselves as a great service organization dedicated to the preservation of the moral and spiritual and constitutional values on which our freedoms are based. We know that the DAR is often accused of looking backward because we honor the Founding Fathers and the great tradition established by them for us. But we know that we must also look forward if freedom is to endure. Freedom is the one commodity which cannot be passed down from generation to generation like a precious heirloom. It is the very nature of government to encroach on the freedoms of its people. Thus, each generation must earn freedom, if it is to deserve it.

However, freedom can be threatened from without as well as within. We look to our Government to provide a strong military posture capable of defending us against all enemies and of deterring any would-be aggressor. Certainly, the first duty of any government is "to provide for the common defense." Without a strong military capability, freedom is in continuing jeopardy. It is, therefore, difficult to understand the thinking of those who make the military a prime target and who represent every request for an increase in the Defense budget as robbing the poor, the hungry and the jobless.

It is an unpleasant fact of life that this Nation's investment in the urgent business of national defense has been declining almost as rapidly as its expenditures for health, education and welfare have been increasing. But what will these last expenditures avail us, if we cannot also defend ourselves? This nation cannot stand another no-win war.

But, what are we doing to maintain our once overwhelming strategic superiority? We have done nothing to replace our aging B–52 bombers. One can read in the Congressional Record that we have not added a single new missile or submarine or strategic bomber since the Strategic Arms Limitation Talks (SALT) began in 1958.

Meanwhile, the Soviet Union has pursued a crash program aimed at achieving decisive superiority in both conventional and strategic weapons. Military experts tell us that the Soviet Union is achieving a first strike capability which could be used to blackmail the United States. They warn that even if we take drastic action now to build up our dwindling strength, we still have a period of perilous times ahead.

In a world in which only the strong can survive, America is in danger of becoming a second-rate military power, if it has not already reached that unhappy state. This—and not busing—should be a major campaign issue in this election year. It is America's tragedy that it is not even being discussed.

But however important a strong military posture may be, there is something more to national defense. Character is the heart and core of national defense. To be free, a people must first have the will to be free.

Essential to the preservation of freedom is an informed and patriotic citizenry, willing to exercise individual responsibility. Education is the foundation stone upon which we must build for the future as we have built in the past. Thus, it is no accident that the DAR has its Junior American Citizens programs; has fostered the National Society, Children of the American Revolution. Long before the word "underprivileged" became a household word, the DAR built two schools for underprivileged children in the Appalachian region. We not only support and maintain these schools, but we also have an educational program designed to assist aliens seeking American citizenship.

And why do we do all this? Because education is the cornerstone on which we must build if the ideals of the Republic are to survive. Either we teach our children to love our Country and to understand it—or we risk losing it, and the risk grows greater with each passing day.

In these testing times when men's souls are troubled, when new theories and false slogans beset us from every side, we should not break from our moorings. Instead we should realize that some things are fundamental and, thus, eternal. No one who truly understands the moral and spiritual and constitutional values upon which our freedoms are based will ever seek to overthrow these values. The more we know about America, the more we will love and defend her against all enemies.

It is not fashionable today to admit we have enemies. Negotiation and appeasement are the order of the day. "Love" and "peace" are the slogans which surround us. Nevertheless, ever since communism reared its head, and began to infiltrate our institutions, it has remained a continuing threat to freedom. Communist Russia has never deviated from its announced goal of world dominion. It has developed a military strength at least comparable to our own, if not superior in some areas. But, instead of acknowledging this growing threat to our own survival and that of the free world, there is an increasing number of Americans who describe communism as a scare word used only by right-wing extremists. Thus, while this Nation ostensibly fights to contain communism in Southeast Asia, communists are allowed to flourish on the campuses of the Nation and thereby offer a threat from within to all we hold most dear.

Recently, an article in *The Washington Post* made the following statement regarding campus communism:

"It is easy to recall a period just half a dozen years back when campus revolutionaries felt a need to disguise both themselves and their movements. Last year, however, few eyebrows were raised over the mere presence of communists on campus. The vast majority of student revoluntionary movements, far from being suppressed, now rate administrative sanction and faculty advisors. Most are allowed propaganda tables in the main buildings to push sales and hustle recruits. Faculty Marxists, a rarity half a dozen years ago, are now commonplace." Now this is not a quote from some conservative journal. It is from *The Washington Post*.

Moreover, this casual comment would appear to suggest that we need not fear communism anymore—but therein lies our danger. Note that the professors are referred to as Marxists, rather than communists. But Marxism is today's euphemism for communism. It does not make it any less dangerous to our free institutions.

We can be thankful for the basic soundness of our young people and that most of them escape the toils of the campus revolutionaries. However, there is one revolution from which there will be no escape, if and when it becomes the law of the land. I refer to the Equal Rights Amendment.

Women can and do complain with some justice that they are discriminated against in many fields of competitive endeavor. However, if new opportunities for women must be opened up at the price of wiping out existing legal protections at Federal and State level, then they will have a pyrrhic victory, indeed.

Through legislation already on the books, Congress has already moved to abolish discriminations against women, insofar as they can be corrected at the Federal level. Obsolete State laws affecting women could easily be repealed upon demand, leaving the basic structure of our society intact. To resort to a constitutional amendment to accomplish what can be done within the framework of existing legislative authority may have consequences not yet foreseen, risks social upheaval, and makes as much sense as using an atomic bomb to exterminate a few mice.

If and when women find themselves "liberated" by constitutional amendment from the protection of marriage laws which place primary responsibility for family support on husbands and fathers; when they find themselves "liberated" into sweeping the streets and parks, as women are required to do in the Soviet Union; and when they find that military service, including combat duty, is as compulsory for women as for men, then they will know that their birthright has been traded for a mess of pottage.

The good Lord made us male and female, and no constitutional amendment can change that. At least the French have the sense to say, "Vive la difference." However, in this Country the tide of public opinion appears to be running in favor of an equal rights amendment without thought for the future or the radical changes that will be wrought in our social structure, and weaken the fabric of the Republic in the process.

The fabric of the Republic already is being weakened in another way—by continuing inflation. Our rotting dollars are slowly but surely undermining our form of Government. Wage and price controls have been imposed on a presumably free people without even the excuse of a large-scale war. Such controls merely attack the symptoms of inflation and invite further controls which can only diminish freedom—and expand the bureaucracy.

Secretary of the Treasury Connally has told Europe, if not the American people, that the United States is broke. Faced with such a disaster, private individuals or families would not only cut spending but go back to work. This may be the prospect ahead of us all anyway.

The American people have not understood that Government deficits are not the sole cause of inflation. Productivity, or the lack of it, is a basic key to dollar value. As one economist explains:

"As workers produce less per dollar of wages received, prices go up and vice versa."

It is the work ethic which brought great prosperity to the American people and constituted the moral underpinning of the United States dollar. But it is precisely the

work ethic which is being undermined in America today.

By itself, Government cannot cure inflation or unemployment. Deficit spending cannot go on forever, but there is another side to the coin. As *Life* Magazine reminds us, "The hard fact is that everyone is going to have to work harder for more modest (but real) income increases than we have been used to in the past. A less hectic, more frugal and more productive style of economic life is inevitable if American products are to become competitive in world markets again and the dollar is once more to become a dependable measurement."

This is our Country. It is the land that we love. Our Government is no stronger than the people behind it. Moreover, our Government does not owe us a living; it never did. Its chief duty under the Constitution is to "provide for the common defense." But we, the people, have a responsibility, too. We must respect our Flag, preserve the Constitution which has thus far secured our freedom, restore the Nation to fiscal sanity, and be prepared at all times to defend America from all enemies. With God's help, we can.

MARYLAND BICENTENNIAL DAY IN HARFORD COUNTY

Mr. BEALL. Mr. President, on April 4, 1972, I rose to pay tribute to the citizens of Harford County, Md., for their commemoration of Maryland Bicentennial Commission Day. At the conclusion of my remarks, I asked that the addresses by Judge Wilson K. Barnes, chairman of the Maryland Bicentennial Commission, the Honorable Fred Baldwin, member of the Board of County Commissioners of Harford County, and Mr. Allan H. Constance, coordinator for the host committee at the ceremony, be included in the RECORD. Although the remarks were then inserted, the CONGRESSONAL RECORD of that day failed to credit Judge Barnes and Mr. Constance for their fine speeches. Therefore, I ask unanimous consent that, because of the importance of the RECORD to historians, these remarks be reprinted in the RECORD, as corrected.

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

REMARKS OF ALLAN H. CONSTANCE

Greetings to our Honored Guests, Judge Wilson K. Barnes, Chairman and Members of The Maryland Bicentennial Commission for the Commemoration of The American Revolution and to Friends of Harford County.

I am sure that I could find no better words, with which to open this program, than the ones used 72 years ago, when this monument was dedicated. On that occasion, the Honorable Samuel W. Bradford opened his remarks thusly:

"We have met upon sacred soil, whereon we have this day erected a memorial dedicated to the imperishable virtues of human liberty. Upon yonder spot, now wrapped in the stillness of peaceful nature, there once stood men who gave to the World their most solemn pledge that Government by man without the consent of the governed should perish."

It seems very fitting, that in these days of a so called revolution, that we should take the time to honor the past and to reflect on those events which lead to the establishment of this great nation. Perhaps, as we examine the past, we will find a better understanding of our heritage and reach the basis for an even greater growth in our appreciation of those standards that came from our Colonial Forefathers.

REMARKS OF JUDGE WILSON K. BARNES

The Harford Committee, provided for by the Maryland Provincial Convention, first met in 1774 as a Mass Meeting Committee. However, faced with events that were arousing the Colonists, this group felt that they should be more truly representative. With this in mind, they called for an election and set forth the ratio of elected representatives to be "ten in each hundred". They established the "hundred areas" and set up polling places.

The newly elected Committmen met on February 22nd, 1775 and organized in a strictly parliamentary manner and adopted rules of procedure. On the following day they met and made a provision for a collection to be taken for the poor of Boston and also for the purchase of arms and ammunition. They then adjourned, apparently to await word of the reaction from the British Parliament to the Resolves of the First Continental Congress.

When word of the rejection of the Resolves came from England, the Harford Committee was called to meet and on March 22, 1775 they passed and signed the Proclamation that has come to be known as the Bush Declaration of Independence and it reads:

"We, The Committee of Harford County, have most seriously and maturely considered the Resolves and association of the Continental Congress and the Resolves of the Provincial Convention, do most heartily approve of the same, and as we esteem ourselves in a more particular manner, intrusted by our Constituents to see them carried into execution, we do most solemnly pledge ourselves by every tie held sacred among mankind to perform the same at the risque of our lives and fortunes."

As we reflect on the words of the Bush Declaration, it seems apparent that the principles set forth in this document, became the very cornerstones upon which this Nation was built. It is also very significant that it was the act of "a duly elected body of men" who had in their hearts a sense of deep responsibility to those they were elected to represent. All this stands to the Glory of the Bush Declaration and to those who put their signatures, thereto.

It is with a feeling of high honor that we can be a part of this celebration that calls attention to this the 197th Anniversary of of the signing of the Bush Declaration of Independence at Harford Town on March 22nd, 1775.

THE WORKINGMAN'S BILL OF RIGHTS

Mr. GAMBRELL. Mr. President, last Thursday, April 20, 1972, I proposed and published a bill of rights for the American workingman.

The workingman's bill of rights expresses in commonsense terms the rights of American working people who have supported and defended the American system. The bill of rights demands respect for their labor, and respect for the things they believe in, such as patriotism, equal opportunity, equal taxation, law and order, and the right to be heard. The workingman's rights are expressed in terms of the responsibilities of citizenship, rather than in terms of the privileges.

This statement of the rights of workingmen and women has been formulated from my experiences, and from listening to disappointed and frustrated citizens on my "listening tours" throughout Georgia and in other parts of the country.

In publishing this statement of the workingman's rights, I am seeking to focus attention on average Americans and their concerns. By their support of the American system, they have earned the right to receive special attention from those who serve them.

During the upcoming senatorial campaign in Georgia, I expect to talk about the workingman's rights and to propose specific solutions for the problems that concern them most. I will challenge other candidates in this campaign to join me in giving American working people the recognition they deserve.

Hopefully, this discussion will develop a positive program for the solution of many of the problems which have been troubling our country. The themes which run through the workingman's bill of rights are "All-American." They are themes upon which American working people from all sections can agree. They are themes upon which this great Nation was built, and upon which we can rebuild for the future.

I have sent copies of the workingman's bill of rights to each of the major candidates for the Democratic nomination for the Office of President of the United States, urging them to support this proposal as a means of recognition and national commitment to American working people. If this Nation is to survive, and in fact if any of these candidates are to be elected, it will only be through the support and efforts of the American workingman.

I ask unanimous consent that the American workingman's bill of rights be printed in the RECORD.

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

THE WORKING MAN'S BILL OF RIGHTS

The American system should guarantee to the working man who supports it the following rights:

THE RIGHT TO HAVE A VOICE IN RUNNING THE SYSTEM

American working people should not be excluded from managing the system. They have the right to speak out and be heard. The working man of this country supports and defends the system and is entitled to control it, because institutions which exist under the system are the servants of the people. Remedies for the concerns of the working man should be convenient and prompt, and reforms of the system should be easy.

THE RIGHT TO BE FREE OF ABUSE AND NEGLECT BY THOSE IN POWER

Persons entrusted with power have special responsibilities to the working people. They must protect working people, as well as leave them alone. Bureaucrats should avoid treating working people as statistics to be manipulated for political purposes. They should handle the people's business with clean hands. Those who are arrogant or insensitive to the people they serve should be quickly removed from office.

THE RIGHT TO HAVE OTHERS SHARE IN SUPPORTING THE SYSTEM

Neither tax dodging nor draft dodging should be permitted. People with accumulated wealth should not be favored and exempted, while the working man and his earnings are heavily burdened with supporting the system. Every citizen has an obligation

to serve in the defense of the country and to pay his fair share in taxes.

THE RIGHT TO LIVE AND WORK IN DIGNITY

The American working man should be respected for supporting himself, his family and his government through honest labor. His personal worth as a contributing citizen should be recognized and his security both now and in future years should not be degraded by economic mismanagement.

THE RIGHT TO EQUAL OPPORTUNITY

The American working man is entitled to share in the prosperity produced by a fair economic system. A productive economy will be the result of free enterprise and freedom of choice by the working man. Access to opportunities in education, employment and business should be available on an equal basis without arbitrary interference by monopolies, unfair economic controls or discrimination.

THE RIGHT TO HAVE LAW AND ORDER

Law and order must be preserved. This is the foundation upon which the freedoms and opportunities of the working man are based. The system should provide for one standard of justice to be applied without regard to class, race, or station in life among those who support the system. Laws and the officers who enforce them are entitled to respect, and legal technicalities should not be permitted to cripple effective law enforcement.

THE RIGHT TO BE PROTECTED IN RELIGIOUS AND MORAL VALUES

Personal and family morality should be protected against permissiveness and disrespect. Every American community is sustained by the religious and moral values of its people. Religious worship should not only be tolerated, but should be respected and upheld.

THE RIGHT TO BE RESPECTED FOR THEIR PATRIOTISM

Honor should be the reward of working people who have tried to do their patriotic duty. They are committed to a strong national defense system and are prepared to stand up for America. They have every reason to be proud of themselves and their country, and should not be ridiculed for their patriotism or made scapegoats for mismanagement by higher-ups.

THE RIGHT TO BE FREE OF FREE LOADING

The earnings of working people should not be squandered through subsidies, give-aways, extravagance and waste. The American working man is compassionate, but his generosity should not be taken for granted by those capable of supporting themselves. Charity should not be extended to free-loaders . . . at home or abroad.

THE RIGHT TO BE FREE OF BRAINWASHING BY THE NATIONAL PRESS

The press should not scorn or ignore the concerns of the working people and should see that the working man's voice is heard. Freedom of the press, air waves, and mail service obligates the media to serve the working people and not cater to special interest groups and power structures. The press is obligated to publish the truth, the American working man deos not need to be spoon fed by self-styled "experts" who feed him only what they want him to know.

THE VICE PRESIDENT'S VIETNAM SPEECH

Mr. THURMOND. Mr. President, I wish to make note of a recent address by Vice President AGNEW concerning the controversy surrounding the President's conduct of the Vietnam war. His speech, given recently to the American Society of Newspaper Editors, presents a clear statement of facts refuting the recent charges in politically oriented statements by opposition candidates.

Mr. AGNEW pointed out that there have been repeated attempts by certain national figures, who at one time were the strongest proponents of the war, to weaken the President's position and thus weaken their own Nation's bargaining power. These irresponsible attempts to label the war "President Nixon's war," he said, are an unfortunate example of attempts of some politicians to cleanse themselves for their own political advantage at the expense of the country.

Mr. President, as the Vice President demonstrates and as the record shows, President Nixon has always been a consistent critic of the gradual escalation war of which he is accused. He recognized early the fault of the policies previously pursued by Presidents Kennedy and Johnson, which resulted in a virtual stalemate in the war. President Nixon's efforts, on the other hand, have resulted in the return of more than four-fifths of our troops committed to Vietnam action.

Vice President AGNEW further explained how the extreme efforts of certain of the President's political critics are serving the interests of Communist dictators, who applaud every word spoken out against the President's policies. In addition, his remarks provided an excellent insight into the real issues of the Vietnam war and the effects of our recent efforts there.

Mr. President, I ask unanimous consent that the address by the Vice President of the United States to the American Society of Newspaper Editors on April 21, 1972, be printed in the RECORD.

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

ADDRESS BY THE VICE PRESIDENT OF THE UNITED STATES

Under calmer circumstances, I would have been inclined to use this opportunity to discuss the disproportionate impact on the American people of that relatively small and increasingly monolithic segment of the communications media that enjoys frequent nationwide exposure. But there are more serious matters before you as newsmen and before us as a people.

The war that has divided and drained us, emotionally, physically, economically and spiritually, is back in the headlines.

So, the time has come for Americans once again to reflect upon how our involvement in this conflict began—and how we want it to end.

Eleven years ago, in the January cold, John F. Kennedy told the world:

"We shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, in order to assure the survival and the success of liberty."

Vietnam became the testing ground for that pledge. For seven years, American involvement in the war escalated. From a military advisory group of a few hundred in Vietnam when President Eisenhower left office, the United States commitment had escalated to 16,000 American combat advisers when John F. Kennedy was brutally murdered in Dallas. Under President Johnson, the buildup accelerated. Hundreds of thousands of American troops poured into Southeast Asia first to assist and ultimately to share major combat responsibility with the South Vietnamese troops fighting for national survival.

In the heady days of the New Frontier, Vietnam was seen as a testing ground for the new tactics of "counter-insurgery," and the new strategy of "flexible response." Even in the closing days of the Great Society, when the war was a matter of bitter controversy, my predecessor, Hubert Humphrey, was heard to rhapsodize that Vietnam was "our great adventure."

Though a consistent critic of the war policy of gradual escalation, President Nixon supported the United States commitment to South Vietnam. With the war driving an ever-deeper wedge between us as a people, the President pledged in 1968 that he would end American involvement in that war, in a manner consistent with America's commitment. On taking office, he began, within weeks to implement the policy which has come to be called Vietnamization. Under it, as American troops were withdrawn from the field of battle, they were replaced by the South Vietnamese units newly trained and equipped by the United States. For three years, the policy has continued; and the policy has worked.

In three years, American battle death averages have been cut from upwards of 300 a week to less than ten. Nearly half a million American troops—the greater proportion of our combat troops there—have been brought home.

At the same time, the President has made every effort to negotiate a settlement with Hanoi, including proposals advised by the Democratic war critics. Twelve times his personal emissary has flown to Paris to conduct secret negotiations. One year ago, the President offered the enemy a full withdrawal of American troops from South Vietnam in exchange for a cease-fire and our prisoners of war. But the North Vietnamese insisted on a full political settlement, and in the hope that the secret negotiations still might succeed, the President remained silent while many in the Congress savaged him for not doing what he already had done.

In the face of this record of conciliation at the conference table, the charge that Richard Nixon desires a military victory more than he desires peace is a transparent lie.

Yet, accusations tantamount to that are being leveled against the President—leveled, ironically, by men who played a central role in pushing America into an ever deepening involvement in Vietnam, and who for three years now have sought to frustrate and obstruct the President's policy every step of the agonizing way out of this war in Vietnam.

In your own profession, there is the New York Times, an early and ardent advocate of getting America into Vietnam, doing public penance by regularly scourging the President who is getting us out.

There is Mr. J. William Fulbright, who steered the Tonkin Gulf Resolution through the Senate with huge success—only two dissenting votes. His support was critical to the establishment of the premise under which hundreds of thousands of American boys were sent into the jungles of Southeast Asia to resist the armies of Ho Chi Minh. Now, hear his revisionist assessment of Uncle Ho:

"Ho Chi Minh," writes Mr. Fulbright, "was a life-long admirer of the American Revolution. As a young man in 1919, he went to the Versailles Peace Conference to appeal for self-determination for his country in accordance with President Wilson's principles. . . . In 1945, Ho Chi Minh started his declaration of independence for Vietnam with words taken from our own, 'All men are created equal.' Ho was an authentic Vietnamese patriot revered by his countrymen."

That reverential tribute by Fulbright was paid to a man who murdered his rivals in 1945 to consolidate his control over the nationalist movement; who was directly responsible for the slaughter of hundreds of

thousands of Vietnamese in the wake of his victory over the French; whose persecutions drove 900,000 refugees, mainly Catholics, southward during the 300-day freedom of movement period following the 1954 Accords to escape his ruthless regime. Ho Chi Minh was as much a Vietnamese patriot as Hitler was a German patriot.

And now hear some of our would-be Presidents.

First, the former "front-runner," Senator Muskie. Six years ago, he stated:

"We believe that containment of expansionist Communism regrettably involves direct confrontation from time to time. . . . and that to retreat from it is to undermine the prospects for peace and stability."

There will be no "peace and stability" if the United States fails to respond to the challenge of the North Vietnamese naked invasion of the South. Yet, today, Mr. Muskie charges that the President's actions to resist that aggression "undermines America's sense of decency."

"A corrupt dictatorship in Saigon is not worth the loss of one more human life," intones Mr. Muskie. What Mr. Muskie ignores is that the fate of 17 million people is also at stake here. What Mr. Muskie neglects to mention is that he himself was present at the election of President Thieu in 1967—and Mr. Muskie termed that election, "an inspiring experience." The only reason Senator Muskie is appalled in 1972 by what "inspired" him in 1967 is that Senator Muskie is desperately scrambling about for some moral justification for the 180-degree reversal in his position and his recommended abandonment of 17,000,000 people to a Communist future.

Six years ago, Senator McGovern supported a defense appropriation with the statement:

"My vote reflects my *conviction* that we must protect the men we have sent into battle no matter how we might question the policy that sent them to that battlefield."

Senator McGovern's convictions seem subject to seasonal adjustment. For when the President employed American air and sea power to stem the invasion that directly threatens 85,000 remaining American support troops, Senator McGovern suffered an acute attack of political rhetoric. He charged that: "the President has descended to a new level of barbarism and foolhardiness." (Imagine what the Washington Post would have said about me, had I called a Democratic President a barbarian and a fool!)

Six years ago, Senator Edward Kennedy called our commitment to the self-determination of the South Vietnamese people "fundamental and sound." Today, he denounces the President for seeking an honorable avenue out of a war his own brother supported with 16,000 military advisors—and charges the President with precipitating "this incredible new bloodbath," and "whipping the Nation into a new war frenzy." "How much longer," says Senator Kennedy, "will we contribute to a bloodbath for the sake of avoiding a highly speculative bloodbath of the future?"

Less than five years ago, Vice President Hubert Humphrey—he of the "great adventure," was beating the war drums for the American people. Hear this:

"Today, the threat to world peace is militant, aggressive Asian Communism with its headquarters in Peking, China. The aggression of the North Vietnamese is but the most current and immediate action of that militant Asian Communism. If it should succeed in its goal of conquest of South Vietnam, it would add to the strength of Communism in Asia and Europe and it would stimulate an appetite for more aggression and conquests. It would represent a defeat—not only for America but for freedom everywhere."

Today, Mr. Humphrey decries the President's actions to defend freedom in South Vietnam against the very same "militant aggressive Asian Communism" that so concerned him five years ago. He knows perfectly well that this latest massive invasion of South Vietnam is a blatant violation of the Geneva Agreement of 1954 and the bombing halt understanding of 1968.

Senator Kennedy, when he bewails a "bloodbath" in South Vietnam, knows very well that the reason men are dying by the hundreds in South Vietnam today is overt Communist aggression from the North. And he knows that, were the United States to pull out precipitously in the face of this enemy escalation of the war, the real bloodbath in South Vietnam would only be beginning.

Senator Muskie, when he recommends that we go back to the Conference Table, knows very well that we have been there for three years and that the President's most recent and most generous peace offer to date was answered with an enemy buildup and an enemy invasion. The enemy does not want a negotiated peace—he seeks a military victory. And what he wants of the United States in Paris is that we betray our ally and give Hanoi the victory at the Conference Table that it has been unable to win at the ballot box, on the battlefield, or in the hearts of the people of South Vietnam.

Senator Humphrey wants the President to take the matter to the Security Council where the Government which supports the negotiating demands of the enemy—which supplied the tanks, artillery and armor for this invasion—enjoys a well-flexed veto power. This would not only be an exercise in futility, but would fuel the propaganda machine of North Vietnam.

I would suggest that the timing of the attacks by these Senators and the selectiveness of their moral indignation should not go unnoticed. When the enemy invasion broke upon the Northern provinces, when the South Vietnamese were pulling back from their forward fire bases in the wake of the greatest artillery barrage of the war, when rocket and mortar rounds were callously lobbed into the cities—you did not hear these outraged condemnations of heating up the war. There were no Senate resolutions condemning Hanoi for its ambitious military escapade—or even raising questions concerning the role of certain outside powers in supporting the escalation. No, these acts were greeted with silence. The war critics were silent as church mice.

The outrage only became audible when the South Vietnamese held, when American air and naval power were employed to help smash the sneak attacks. Then came the cries of "bloodshed." Then it was that Senator McGovern summoned up all his righteous indignation and called the President of the embattled Republic of South Vietnam a "despicable creature."

You will never hear Senator McGovern use such language in referring to Ho Chi Minh, or to the men of the Hanoi Politburo who reescalated the war. No, the Senator's vitriol is kept in reserve for use against those who resist aggression—not those who perpetrate it.

Let me say simply that as an American I am appalled at the conduct of American leaders who keep their peace while a Communist invasion takes place and then rise up and slander an American President for taking the necessary military action—action consistent with a firm, bipartisan commitment antedating his term of office—to halt that aggression.

Recognize this. Some of these people now expressing outrage at the allied response to the enemy invasion have flatly predicted the failure of the President's Vietnam policies. They have staked their credibility—and some of them their political future—on the outcome of this struggle.

If there is a collapse in Saigon, if there is a Communist takeover—then they will have been proven right. They can then denounce the President for having foolishly resisted the inevitable. They can then congratulate themselves for having bailed out at the right moment. They can then make the President pay the political price for having tried to see this war through.

But what if the enemy offensive is blunted. and finally defeated? What if Vietnamization proves a success? Then the President of the United States will be credited by history for his courage, tenacity and toughness—for having surmounted all the obstacles they strung in his path. Then what do the history books say about Senators Humphrey, Muskie, McGovern and Kennedy?

But this Communist offensive, as vicious and tragic as it has been, has served one salutary purpose. It has stripped away all the pretentious nonsense about this being simply a civil war between Saigon and the Viet Cong. Further it has rebutted the pervasive slander that the South Vietnamese will not fight in their own defense. What a libel that has been upon these courageous people.

Today, South Vietnamese are fighting and dying for their country. In this decade-long war, over 150,000 South Vietnamese soldiers have given their lives in their nation's defense. In terms of our population that would amount to almost two million war dead. In the face of this, we still hear the libel: They won't fight in their own defense. It was the South Vietnamese alone who stood fast during those first weeks of the offensive when weather prevented U.S. airpower from being brought fully to bear. Even now, the South Vietnamese are flying more than one-third of the air strikes in South Vietnam.

Why did Hanoi launch its invasion now? Not because Vietnamization was failing—but because it was succeeding. The North Vietnamese had come to recognize that time is no longer their ally in this war; that Saigon's Government and Army grow stronger, not weaker, by the month; that the hope of conquest and reunification under Hanoi's regime recedes with each month.

And so General Giap has made his desperate throw of the dice.

Twelve of North Vietnam's 13 regular divisions are now fighting outside their country's borders—across the DMZ, in Cambodia and Laos, in the Central Highlands and elsewhere. They are lavishly equipped with modern Russian weaponry for this all out attempt to undermine President Nixon's Vietnamization program.

And so the war now stands naked as it is and has been—a war of carefully planned aggression to carry out the master strategy of Ho Chi Minh.

The current offensive is aimed as much at demoralizing the American people in the United States as the South Vietnamese army in the field.

General Giap, the North Vietnamese commander, recognized the psychological aspects of the war when he said that either public opinion in a democracy will insist upon an end to the "useless bloodshed" or its legislature will ask for a final date by which the war must end. He predicted that national unity would erode and that political leaders would fall over each other in their efforts to disassociate themselves from the war into which they led their nation. In the end, said Giap, the democratic nation would be forced to accept any humiliating settlement it could get, even if it meant abandoning the people of South Vietnam.

That is why I find the comments of Senators McGovern, Humphrey, Muskie and Kennedy so reprehensible. They know what the terms of this war are. They know that President Nixon's response to the North Vietnamese invasion is no wild escalation of the war.

When one remembers that in 1968 the United States was bombing all over North Vietnam and had some half-million troops in the south, Senator Muskie's wild charge

that the President "has escalated the war in Vietnam beyond any dimensions that we have known" is preposterous on its face.

President Nixon has consistently stated that he will do everything he must to protect American forces remaining in South Vietnam, assure no interruption of the withdrawal schedule, and provide South Vietnam with the chance to defend itself against an invader equipped by outside powers with the most sophisticated offensive weaponry. This is no new policy, nor is it at all inconsistent with the President's plan to end American involvement in the Vietnamese war.

As the President said on November 3, 1969:

"If I conclude that increased enemy action jeopardizes our remaining forces in Vietnam, I shall not hesitate to take strong and effective measures to deal with that situation."

From the beginning, it has been clear that our decision to stop bombing in the North was contingent, among other things, upon the North's not infiltrating the South across the DMZ. That was the understanding President Johnson had in October, 1968. That was the understanding to which the President has held. But when it became clear that the North Vietnamese had no intention of holding up their end of the bargain, we had no choice but to respond. To fail to respond would signal to the North Vietnamese a failure in our will and would end any possibility for successful negotiations.

The record clearly shows that the Nixon Administration has gone more than halfway in the negotiations to achieve peace in Indochina. On May 31, 1971, at one of the secret meetings between Dr. Henry Kissinger and the North Vietnamese in Paris, the United States offered specifically to agree to a deadline for the withdrawal of all American forces in exchange for the release of all prisoners of war and a cease-fire. On August 16th, at another secret meeting, we went further. We offered the complete withdrawal of all United States and allied forces within nine months after an agreement on an over-all settlement.

On October 11, 1971, the United States made another offer to the North Vietnamese, essentially the same offer the President announced in his January 25th televised address to the Nation. According to this plan, within six months of an agreement, the United States would withdraw all forces from South Vietnam, there would be a mutual exchange of prisoners of war, there would be a cease-fire throughout Indochina, and there would be new elections in South Vietnam, with procedures guaranteeing equal and fair participation for the National Liberation Front.

All of these moves have been turned down. Hanoi did not even bother to respond to our last offer—the October 11th offer—until President Nixon made it public on January 25th. This certainly does not reflect a desire to allow the South Vietnamese people to determine their own future, free of outside pressure from either North Vietnamese or Americans. It indicates just the opposite. So does the invasion of South Vietnam three weeks ago.

If ever there was a time when an American President needed the support of all Americans, it is now. North Vietnam's invasion makes clear how desperate the enemy has become. If we hold firm, we may be able to complete our withdrawal and finally get our prisoners back—and we may be able to do so with the liberty and future of the South Vietnamese people intact.

I can think of no better way to close than to quote the eloquent words of Mr. Smith Hempstone of the Washington Star (who, I might add, is not a great fan of mine).

"Nobody in his right mind wants this (or any other) war to continue But there are worse things than war, things like enslavement and betrayal and self-deception and cowardice. So the lines are drawn and the battle is joined. The distinction between aggressors and defenders is clear.

"Peace is very much to be desired, but not at any price. Not the false peace of the Neville Chamberlains and the George McGoverns which contains within it the seeds of later and greater conflicts. Not the peace which is a euphemism for surrender."

"Indeed, one could do worse than to recall the words of Lord John Russell, uttered 119 years ago: 'If peace cannot be maintained with honor, it is no longer peace.' That still holds true today."

EQUALIZATION OF RETIREMENT PAY FOR NATIONAL GUARD TECHNICIANS

Mr. GAMBRELL. Mr. President, I wish to announce my support for S. 855 which is proposed to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement. We all understand the difficulties in trying to retire on a fixed income in these days of high taxes and inflation. This is especially true when that income is based on a discriminatory formula.

At present, National Guard civilian technicians are given retirement benefits computed on a formula which gives them only a 55-percent credit for each year of service prior to 1969. S. 855 corrects this discriminatory feature and recognizes the past service credit of these technicians in full.

These technicians who are required to be members of the National Guard often perform essentially civilian functions. Yet they are required as a part of their employment duties to respond where needed to civil disturbances with the National Guard. This kind of service and commitment should not continue to be frustrated by discriminatory retirement formulas.

I trust that when this matter comes before the Senate and is considered, it will be passed and will result in a satisfactory settlement of this problem.

TRIBUTE TO RUTH RIBICOFF

Mr. PERCY. Mr. President, I was saddened to learn recently of the death of Ruth Ribicoff, the wife of our distinguished colleague from Connecticut, Senator ABE RIBICOFF. Mrs. Ribicoff was a gentle, capable woman who had served faithfully at the side of her husband throughout his long, distinguished career.

When the Ribicoffs began their married life together, the senior Senator from Connecticut was a law student at my own University of Chicago; at that time Ruth worked in a doctor's office to help defray expenses. From those early days of marriage until her death, she was always prepared to follow her husband wherever his career took them and she preferred to remain in the background to let her husband have the full recognition which was due him.

Ruth Ribicoff was able to move graciously from home to home and from one status to another with her husband, while at the same time retaining her sense of privacy and her individualism. She was active in many civic and philanthropic organizations in her own right. I know that she was one of the most widely respected and well-liked and devoted members of the Senate wives group engaging actively in its American Red Cross activities. She also was devoted to the work of Junior Village here in Washington. Working on a one-to-one basis with a young child there who had never spoken, she had the joy of finally hearing him utter his first words. This is typical of her many unsung efforts to touch the lives of others and in some way help them.

We are familiar with the distinguished and almost unbelievably broad ranging career of ABE RIBICOFF in all three branches of government. He has served the State of Connecticut at every level of government, as municipal judge, member of the Connecticut House of Representatives, U.S. Congressman, Governor of his State, Secretary of Health, Education, and Welfare in the administration of President John F. Kennedy, and now as Senator.

All of us in this Chamber are keenly aware of the importance to our careers of having a devoted wife who is willing to make the sacrifices that public life invariably entails.

An understanding wife is one of the greatest assets of a successful public servant. She often must be father and mother to the children because of the absences necessitated by the demands of politics. She also must be her husband's friend, counselor, confidante, and chief political booster. Relatively few public men rise above the capabilities of their spouses. It is a testament to Ruth Ribicoff, therefore, that her husband has achieved all that he has during his public career.

I know that the people of Connecticut share the sense of loss in Ruth Ribicoff's passing. I know that Senators and their wives will miss her gracious presence here in Washington. My wife Loraine joins me in extending our deep sympathy to Senator RIBICOFF and his devoted family.

Mr. President, I ask unanimous consent that several newspaper articles about Ruth Ribicoff be printed in the RECORD.

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

[From the Washington Post, Apr. 13, 1972]

RUTH SIEGEL RIBICOFF, WIFE OF CONNECTICUT SENATOR

Ruth Siegel Ribicoff, wife of Sen. Abraham A. Ribicoff (D-Conn.), died at the Washington Hospital Center yesterday after a long illness. She was 64.

Mrs. Ribicoff had suffered from heart disease for many years. Recently she had entered the Mayo Clinic in Rochester, Minn., for tests.

Born in Hartford, Mrs. Ribicoff and the senator had been married for 41 years. They lived at Watergate West after making their home for many years in Georgetown.

She first came here with her husband when he was elected to the House of Representatives in 1949. He subsequently served as governor of Connecticut and then was Secretary of Health, Education and Welfare.

In Washington, Mrs. Ribicoff belonged to the Senate Red Cross Ladies. She also did much volunteer work with organizations helping needy children.

A close friend of many years, Mrs. David L. Bazelon, said yesterday that Mrs. Ribicoff

was greatly concerned about the welfare of children.

"This country hasn't yet defined a child. We are not committed to children. We neglect them," she quoted Mrs. Ribicoff as saying.

Besides her husband, Mrs. Ribicoff is survived by a son, Peter, of New York City; a daughter, Jane Bishop, of New Rochelle, N.Y., and four grandchildren.

[From the Hartford Courant, Apr. 13, 1972]

MRS. RUTH S. RIBICOFF

The State will best remember the wife of its senior Senator, Mrs. Ruth S. Ribicoff, as its gracious and lovely first lady who contributed beauty, charm and wit to formal state affairs when her husband was Governor. But she was far more than the adornment to the dais that the public saw on the public occasions to which her duties called her.

Long before her husband emerged as a political figure she had been an active, public-spirited worker in cultural, religious and philanthropic projects and she maintained her interests while her husband was in office here and when she accompanied him to Washington. She proudly shared with her husband that fulfillment of "the American dream" of which he spoke so movingly on his inauguration as Governor, the proof that anyone, regardless of ethnic or religious background, could attain high office. She had reason for pride in his accomplishments in a career in the shaping of which she played no small part.

Even though in recent years Connecticut saw her only on week ends and vacations, she will be sadly missed. To her husband and family we extend our deepest sympathy in the knowledge that it will be shared by all the people of her native city and the state of Connecticut.

[From the Hartford Times, April 13, 1972]

RUTH SEIGEL RIBICOFF

Ruth Ribicoff was, in a very real sense, one of Connecticut's beloved public servants.

From the early days when she found a job as a nurse in Chicago to marry Abe Ribicoff and be with him at the University of Chicago Law School, she accepted cheerfully the role of helpmeet to an active man in a demanding life.

She was the state's first lady during her husband's term as Governor.

She has spent the last decade sharing his life in Washington, setting aside the personal relaxations most wives and mothers and grandmothers crave. She has been a gracious hostess to countless Connecticut visitors.

And in addition to the burdens incumbent on the wife of a popular elected official, she found time to serve in her own right, over the years, many humane organizations in Hartford and throughout the state.

Her death this week is a loss many of the state's citizens will feel personally. The state shares with Senator Ribicoff the grief of her loss, and the joy in recalling how fully she gave of herself over the many years of public life, to the enrichment of so many.

DEVELOPMENT OF MOLYBDENUM AT CASTLE PEAK, IDAHO

Mr. McGEE. Mr. President, in too many instances the history of the development of our natural resources has been one which does not measure environmental values with the economic benefits of such development.

Such is the case in efforts to develop molybdenum deposits at the base of Castle Peak in Idaho—a rugged, largely undeveloped, and beautiful country.

As was pointed out in an article by David Braaten in the Washington Sunday Star of April 23, "the ecologists are particularly incensed that the despoilment of the environment will be perpetrated for low-grade yield of a mineral that the United States has an oversupply of."

Apparently mineral interests are bent on developing a questionable source of molybdenum which is not in demand in this country at the risk of devastating a very unique and scenic area Utah. Such development seems implausible in light of the facts.

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:

HIGH NOON IN THE SHADOW OF CASTLE PEAK

(By David Braaten)

It involves some of the last "High Noon" country left in the West, and the basic question is as stark and dramatic as the confrontation between Gary Cooper and the villain on that dusty, sun-baked main street.

Should Congress let a private corporation dig a strip mine across a scenic National Forest peak and dump tons of slag into the unspoiled alpine valley below?

To ask the question is to answer it—almost.

The trouble is that, unlike the black-hatted bad guys in the movies, the mining company has the law firmly on its side. To save the scenic mountain, Congress must somehow get around the 100-year-old mining laws that permit mineral exploitation—including strip mining—of public land by anyone who has staked out a valid claim.

The scenery at the heart of the current controversy is Castle Peak in the White Cloud Mountains of central Idaho, northwest of Sun Valley.

It is rugged, beautiful country, largely undeveloped, a land of cattle ranches and isolated, one-horse towns, with a backdrop of snow-capped mountains. Its crystal-clear lakes and streams, its crags and forests offer a variety of targets for fisherman and hunter.

What threatens this idyll is the discovery that the rock base of Castle Peak contains molybdenum, a mineral used in the processing of steel.

The ore is low-grade. Even the claim-holder, American Smelting and Refining Co., concedes this. Opponents of ASARCO's strip-mine plans contend that there is only two-tenths of one percent molybdenum in the rock—that is, four pounds of molybdenum in every ton of rock gouged out, crushed and washed. The other 1,996 pounds would be dumped on the nearest available land.

In addition, an on-site ore processing mill and a large "tailings" pond for wastes would be placed next to the strip mine. The strip mine itself would peel off an area about two miles long and three-quarters of a mile wide, to a depth of 350 feet. The waste from the operation would obliterate Little Boulder Creek and much of its forested valley below the mine.

In testimony last week before a Senate Interior subcommittee considering a recreation-area bill, an ASARCO spokesman, Keith Whiting, agreed with Sen. Frank Church, D-Idaho, that it would be impossible to put the area back in its original shape after the mining was finished, but insisted that the operation can—and will—be conducted to minimize its impact on the environment.

"It will not be unsightly," he said. And he told the senators that ASARCO will even sell or give the land back to the public when it's through.

"It is our intention to negotiate an arrangement with the government whereby they (the ASARCO claims) will revert to federal ownership upon completion of mining operation," said Whiting.

Church commented that, without wishing to belittle the magnanimity of ASARCO's offer, "it's like offering to return a woman to her husband after you've raped her."

The proposed Sawtooth National Recreation Area would encompass some 750,000 acres, mostly National Forest land, in south central Idaho, reserving about 200,000 acres for a wilderness area. The House has already passed a bill, and the Senate subcommittee is trying to determine the proper degree of federal control needed to preserve the area.

Castle Peak is only one of the scenic mountains, and ASARCO's claims are only a fraction of the thousands that have been filed in the area covered by the bills. But it is clearly the easiest to dramatize, and there apparently are no Idahoans who do not have vehement opinions on the subject.

The proposed recreation area is a hot political issue, and is credited with the election of Cecil D. Andrus, who favors the plan, as Idaho's first Democratic governor in decades. It is considered risky for an office-seeker to appear to be "in bed with the mining interests," as the phrase goes out West, and the politician who vociferously champions the preservation of the Sawtooths' primitive grandeur is on the side of the angels, or at least the voters.

Thus one of the most eloquent of the dozen Idahoans who testified at the Senate hearing was a young doctor and attorney named Glen Wegner, who extolled the beauty of the mountains and disclosed that he had traveled 6,800 miles around the state since the first of the year, sampling public opinion. He criticized Rep. James A. McClure, R-Idaho, as not being dedicated enough in his devotion to conservation.

It turned out, of course, that Wegner is running against McClure for the Republican nomination to replace retiring Sen. Len Jordan.

Other witnesses were not without a tinge of self-interest. A summer cabin owner wanted to make sure he and his fellow property owners would be allowed to stay put. A rancher wanted to be allowed to develop his property right up to the very day Uncle Sam buys a scenic easement from him. Others had no objection to cashing in on the tourist boom that seems inevitable, but wanted the right of "reserve condemnation"—selling their property to the government if the scenic easements lower the value of the land.

But the big problem to be resolved is the mining rights—whether to withdraw the land forever from mineral exploitation, or to declare a five-year moratorium while the matter is studied once more.

And the companion problem is, assuming that the government does decide to ban mining in the area, how or whether claim-holders are to be compensated.

The environmentalists shed no tears for the minning interests, and see no reason they should be paid for the loss of profits they might have made by developing public land. In the Castle Peak hassle, the ecologists are particularly incensed that the despoilment of the environment will be perpetrated for low-grade yield of mineral that the United States has an oversupply of.

"We export half of the molybdenum we produce," said Dave Van de Mark of the Sierra Club. "It is incredible that we may literally export portions of the White Clouds, when its one-of-a-kind beauty and open space values are desperately needed at home.

But ASARCO and constitutional lawyers point out that mining claims on public land are sanctioned by law. Indeed, by simply marketing each corner of a claim with "a Prince Albert can on a stick" (as Sen. Alan Bible, D-Nev., put it), the miner acquires a property right that cannot be taken from him without due process of law. The fact

that prospecting is no longer done by grizzled, romantic old coots leading burros, but by big corporations using helicopters and bulldozers, does not diminish the legality of mining claims.

The 1872 mining law, like the Homestead Act a decade earlier, was designed to encourage exploration and development of what seemed at the time to be limitless natural resources in the West. Environmentalists challenge the usefulness of such a law today, when the country's supply of unspoiled wilderness is shrinking inexorably.

As reluctant and uncertain as any Gary Cooper sheriff, Congress must now figure out the fair, judicious, satisfying "right" solution before the end of the reel. Far from having it go it alone, deserted by everyone, Congress has, instead, to choose one of the many eminently reasonable, hopelessly conflicting pieces of advice it has been offered. Coop had it easy.

STAR-TRIBUNE APPEALS TO PATRIOTS

Mr. PROXMIRE. Mr. President, those of us who believe that a strong defense is our best insurance policy also believe that waste does not buy strength.

This Nation cannot be No. 1 by throwing away money.

A case for that point of view is made in an editorial in the Star-Tribune of Casper, Wyo. This excellent editorial, "The Pentagon Spenders," of April 12 discusses disclosures before the Joint Economic Committee of a Navy order to spend $400 million extra before the end of the fiscal year. It also discusses the method by which shipbuilders make fantastic claims for higher payments. This editorial ends with these two pertinent paragraphs:

Claims for large settlements should be turned over to a civilian board, which would be free of any conflict of interest and hopefully, dedicated to saving tax dollars.

Revelations of fast spending merely to use up appropriated funds may disillusion some patriots who believe bigger and bigger defense budgets are vital to the defense of this country. The Navy could inspire more patriotic support if it made every dollar count.

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

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

THE PENTAGON SPENDERS

The shocking waste of millions of dollars down the defense drain has been exposed by Senator William Proxmire, D-Wis., chairman of the Senate's Joint Economic Committee.

Anyone reading the transcript of a recent hearing before the committee will be struck by what the senator calls "the incredible way tax dollars are wasted by the Pentagon."

The story of the hearing, printed in full in the Congressional Record of March 30, was called to this newspaper's attention by Senator Proxmire, who terms it "about as devastating an indictment of service waste as I have ever heard" during his 15 years in the U.S. Senate.

The Pentagon spending issue came to a head with the disclosure that Admiral Zumwalt had issued a memo urging the Navy to rush spending, to spend all the money that is available, before the end of Fiscal 1972. Otherwise, said the admiral, any "shortfall" in current spending "could be translated into program loss under the fiscal '73 outlay ceiling."

In other words, noted Proxmire, "spend to the hilt this year so we can have more funds to spend next year."

Admiral Kidd enlarged on the spending theme by saying, "we do not want to be put in a position of disadvantage later on by someone being able to say, well, you asked for the money but you did not spend it, so we are going to take it away or cut your budget next year."

Apparently this spend and spend policy has been going on for years, and the Navy brass accepts it as routine.

Senator Charles Percy of Illinois, another member of the Senate committee, recalled that when he served in the Navy 29 years ago as a procurement officer, during World War II, the goal was to spend money by June 30 of that year.

"I never wasted more money faster in my life than I did then, and I have been working hard ever since to make it up to the U.S. Government," he commented.

"I am shocked to see the same spending incentive system going on," Percy added, calling it a "built-in disincentive for efficiency."

To which Admiral Kidd responded: "When you are faced with a proposition of losing funds which you fought hard to get and justify, by George, the incentive is high to get them committed."

One of the top priority means of spending money faster was settling contractors' claims against the Navy in a hurry.

The claims problem perturbed Proxmire and his committee when the dollar volume of claims neared the $1 billion mark for the first time in history. In 1969, the Navy "settled" a claim with the Todd Shipyards for $96.5 million, representing about 90 per cent of the face value of the original claim. The committee called the General Accounting Office (GAO) to investigate. It found the claim had not been adequately substantiated and that the contractor was unable to prove any specific actions by the Navy which caused the increased costs.

Probing deeper, Proxmire found many big claims from defense contractors were settled simply by cutting the amounts to 37 per cent, without requiring detailed proof and auditing.

When Gordon Rule, former head of the Contract Claims Control Group, rejected the multi-million dollar Avondale Claim, he was eased out of the job last fall. "I resigned, rather than waiting to be kicked out," he told Proxmire. The Navy reorganized the commission, putting a government lawyer in charge.

"The pattern of shipbuilders," noted Proxmire, "is for the contractor to incur large cost overruns and submit voluminous claims to recoup his potential losses. The Navy gets bogged down for months or years trying to figure how much, if anything, it owes. The contractor fails to keep records which would substantiate the claim. He makes an issue with Defense and Congressional officials over the delay . . . until the Navy eventually caves in, releases the money."

Proxmire offers a simple but effective solution: do not pay unsubstantiated claims.

Controversial claims should go to the courts as an adversary proceeding, it was suggested. Instances were cited where the contractors held ships as "hostage," until the claims were settled. The Navy was in a hurry to take possession of the ships. Naturally the claim settlements were rushed. This amounts to "extortion," said Proxmire.

A GAO study showed the average return to Navy contractors was 50 per cent on invested capital. The Electric Boat Division of General Dynamics, for example, made $28 million on a little over $52 million investment.

"Why does the Navy allow such high profits?" asks Senator Proxmire. "I think 15 or 20 per cent would be quite modest."

In the Polaris Poseidon overhaul and conversion, it appeared that the Navy spent $65 million more at Electric Boat than at Newport News for the same amount of work. The admiral had a rather lame explanation. He said Electric Boat had just reorganized, and replaced certain key people who were apparently involved in "weak material controls."

We may disagree with Senator Proxmire on some other issues, but certainly can appreciate his bulldog tenacity in uncovering this shocking waste of taxpayer funds.

The hearing shows that the military-industrial complex is not playing the game straight, that the Pentagon is wasting the taxpayers' dollars, that we are getting less defense for the dollars we spend.

It's a sad commentary on the morality of the times, when other businessmen are being urged to show restraint in the President's program to curb inflation. Perhaps the Navy needs a "Task Force" to save taxpayers' funds, even if all of the appropriated money isn't spent by the end of any fiscal year.

Claims for large settlements should be turned over to a civilian board, which would be free of any conflict of interest and hopefully, dedicated to saving tax dollars.

Revelations of fast spending merely to use up appropriated funds may disillusion some patriots who believe bigger and bigger defense budgets are vital to the defense of this country. The Navy could inspire more patriotic support if it made every dollar count.

USE OF MARYLAND'S HELICOPTER SYSTEM IN HEALTH CARE

Mr. BEALL. Mr. President, I have been vitally interested in the emergency health care and services in America. My State of Maryland leads the country in this area with its sophisticated trauma center at the University of Maryland and the State's helicopter system.

The State is well on its way to becoming a model for the entire Nation. I am convinced that the technology that has been demonstrated in Vietnam can be utilized here at home to save lives.

The Baltimore Sun on April 11, in an article by Mr. Jon Franklin, focused on yet another use of these helicopters; namely, transporting critically ill newborns from hospitals throughout the State into intensive care nurseries in Baltimore.

In addition, a recent article in the News Leader of Laurel, Md., written by Martha Nudel, describes the helicopter role with respect to the accident victim.

I ask unanimous consent that the articles be printed in the RECORD.

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

CRITICALLY ILL NEWBORNS FLOWN HERE FROM OUTLYING HOSPITALS

(By Jon Franklin)

Critically ill newborns from outlying hospitals are routinely air-evacuated into Baltimore intensive care nurseries by a newly developed helicopter ambulance system.

University Hospital and City Hospitals form the hub of the new statewide infant evaluation system. The system is patterned after a helicopter ambulance scheme already proven effective in rushing critically injured accident victims to the sophisticated shock and trauma center at University Hospital. The evacuation plan was tested late last year and went into full operation in mid-January. It uses State Police helicopters backed up by airborne Army medical units stationed at Fort Meade.

Dr. Herman Risemberg, a chief architect

of the system, is a Johns Hopkins University professor and director of the City Hospitals intensive care nursery. More than half of the infants are flown to his service, with the remainder going to University Hospital.

INDIVIDUAL BASIS

Dr. Ronald Gutberlet, who heads the infant care unit at University, said he has flown in infants on an individual basis since the shock trauma evacuation system began operating more than two years ago.

According to Dr. Risemberg at City Hospitals, all hospitals in the state where infants are likely to be born are now tied in to the evacuation system.

Since the pilot program began, a City Hospitals spokesman said, about 85 infants have been flown into Baltimore. Depending on space availability, roughly four out of every seven evacuated infants go to City Hospitals.

Most of the rest go to University, with a few babies being transferred on to Johns Hopkins Hospital for specialized treatment. Most of the evacuations involve premature infants. They have a variety of critical problems, including heart defects and deformities of the respiratory tract. But Dr. Risemberg said most of them are victims of hyaline membrane disease.

LUNG DEFORMITY

That is a lung deformity, peculiar to premature babies, that took the life of John F. Kennedy's newborn son in 1963. In the years since, researchers have made significant progress in the treatment of that and other newborn afflictions. But the treatments tend to be difficult, and to require complex equipment and a specially trained staff.

Those assets are not usually available at local hospitals outside the metropolitan area. In the past, babies could be brought to Baltimore only if they could live through the long ambulance ride. But now none are more than one hour's helicopter flight away.

In the months before the evacuation system went into full operation, Dr. Risemberg and Dr. Gutberlet visited Maryland hospitals to make sure doctors knew how to get quick helicopter service.

The hospitals were given confidential telephone numbers that bypass the City Hospitals switchboard and ring directly in the intensive care nursery. Doctors at the two hospitals are always available to accompany the helicopter to the outlying hospital if conditions warrant.

USUALLY BY CREW

But the transport can usually be handled by the helicopter crew. Since the shock and trauma unit began operating, the crews have gained considerable experience in first aid to accident victims.

Before the infant evacuation service began they attended additional training sessions at City Hospitals to study the special problems posed by sick newborns.

They learned, for instance, to operate the small life support systems used to transport critically ill infants. The units, about the size of orange crates, keep the baby warm and supplied with oxygen. Those life support systems, called isolettes, were furnished by the state Department of Health and Mental Hygiene.

FIRST 15 MINUTES OF COPTER FLIGHT CRUCIAL TO LIFE

(By Martha Nudel)

The 15 minutes immediately following a serious accident are the most crucial to the continuation of life. Maryland State Police know that, so two years ago they bought and offered for state rescue operations the first medical evacuation helicopter.

They have three in operation 24 hours a day now. Nothing can equal their service. Nothing can save a life as quickly.

One helicopter sits on its landing pad at the police barracks in Forestville, waiting for a call primarily from the two Maryland counties surrounding Washington, D.C.—Montgomery and Prince Georges. It also serves the Western shore around Charles County and makes calls to the lower end of the Eastern shore, according to Maryland Police Cpl. Charles T. Snow.

The second ship covers the five-county area around Baltimore along with the northeast corner of the Eastern Shore. The third helicopter is used for back-up operations—saved for the long distance calls that come in when the other two helicopters are busy elsewhere.

Flown exclusively by Maryland state troopers and equipped with oxygen, a burn kit and a first aid kit, the Forestville-stationed helicopter can make it to Laurel Shopping Center in eight minutes when flying at its top speed of 150 MPH. It takes another eight minutes for the helicopter to get the victim to trauma center at the University of Maryland Hospital in Baltimore, where the evacuation helicopter takes all patients.

But it's the first eight minutes that are crucial. Once the victim is inside the helicopter, the first-aid troopers most likely can sustain life until the hospital staff takes over.

Sponsored through federal funds funneled to the state by the Highway Safety Act of 1966, the medical evacuation helicopter can be summoned to the scene of a serious accident either by an individual or a city's rescue squad. The helicopters also transport the seriously ill who need immediate medical attention.

"We'd rather be called before someone decides it's absolutely necessary," noted Cpl. Snow, "rather than come too late and then realize we should have been called."

But the medical evacuation helicopter doesn't just land at the Laurel Shopping Center. In fact they can, and do, land any place with about 50 square feet of cleared land.

The trauma center in the University of Maryland hospital was chosen because it has a staff available at all hours of the day. It is a study center for the staff about the seriously injured and the most common causes for their death. Few, if any, hospitals in Maryland have the facilities and staff on hand that the trauma center provides almost daily for the Maryland evacuation helicopters.

Each of the troopers assigned to the helicopters get 60 hours of training at the University of Maryland in emergency first aid and some in-hospital training. The helicopters are manned by a pilot and a first-aid man at all times.

Two members of the Laurel Volunteer Rescue Squad are also troopers with the Maryland State Police and happen to be assigned to the medical evacuation helicopters. Millard Bell, with the LVRS for about three years and Gary Bockelman, having joined the squad this year, work exclusively on the helicopters because of their special training in aviation.

During peak traffic hours, the helicopters often cruise on routine traffic control routes, looking for trouble spots to report to their headquarters and for accidents that need their aid.

TIME TO HEED IKE

Mr. PROXMIRE. Mr. President, one of the famous admonitions of modern American history came from President Eisenhower, the statesman-general who knew the dangers inherent in the "military-industrial complex."

The Christian Science Monitor in an editorial on April 19 reminded its readers of Ike's warning, citing military spending.

The Monitor says of President Eisenhower's admonition:

The wisdom of his warning, has never been clearer than in current hearings by Congress into the $83.4 billion defense budget.

At a time when the civilian needs in health, education, housing and other social needs are so pressing, President Eisenhower's warning appears more timely than ever. Those conscientious congressmen who are conducting the current inquiries so intently serve their fellow citizens well in their pursuit.

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

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

MONEY AND THE MILITARY

One of the acts for which former President Eisenhower may be most remembered is his warning against "the military-industrial complex." The wisdom of his warning has never been clearer than in the current hearings by Congress into the $83.4 billion defense budget.

Economics and politics both play a part in the revelations of waste in the armed forces. First there is the rising public concern over taxes and inflation. Then there is the all-too-willing exploitation of that concern by Democratic presidential candidates. But whatever the motive, the public airing of extravagance in the name of military defense is a healthy, if unpleasant, exercise.

The Democratic Armed Service Committee chairmen of both houses of Congress—Sen. John Stennis of Mississippi and Rep. Edward F. Hébert of Louisiana, both strong Pentagon supporters—are having to burrow into the intricacies of contract practices that escalate military costs by hundreds of millions of dollars. And Senator Proxmire's subcommittee on priorities and economy in government has found instances of overcost claims being settled even after a review group declaration that they were unsubstantiated.

In the case of the Grumman Corporation, contractor for a $5 billion program to build 313 F–14 fighter jet planes, the company told the Senate armed services subcommittee it needs $545 million more to complete the job. Under the pressures being brought on the Pentagon, the Navy is insisting that Grumman should build them within its present contract—but the public is left to wonder how it would have reacted outside of the congressional limelight.

Likewise Litton Industries, whose huge new automated shipyard is now 19 months behind schedule in building five assault ships, is asking a huge increase in its original billion-dollar contract. Fortunately, some congressmen, such as the bipartisan Members of Congress for Peace Through Law, are resisting such claims. There is talk of rejecting the $600 million budget request for seven new destroyers to be built by Litton.

Meanwhile the tax-weary American public is faced with a built-in budget deficit of $25.5 billion, and warnings from such economically (and politically) astute congressmen as Wilbur Mills, chairman of the House Ways and Means Committee, that a tax rise may be necessary next year.

At a time when the civilian needs in health, education, housing and other social needs are so pressing, President Eisenhower's warning appears more timely than ever. Those conscientious congressmen who are conducting the current inquiries so intently serve their fellow citizens well in their pursuit.

THE GENOCIDE CONVENTION IS WHAT IT SAYS IT IS

Mr. PROXMIRE. Mr. President, opponents of the Genocide Convention have

raised many objections to American ratification of this treaty. They have attempted to obscure the convention behind a cloud of rhetoric. They have tried to defeat the treaty by claiming that it is something it is not.

The Genocide Convention is an attempt to prevent the recurrence of the mass murders that occurred in Nazi Germany before and during World War II. It defines the crime of genocide in language that is consistent with the language used in defining Federal and State crimes. It provides safeguards for American citizens that are consistent with the safeguards guaranteed them by the Constitution. The convention provides that a person accused of genocide is to be tried in his home country. All these points are confirmed by S. 3182, which I am cosponsoring and which would implement the Genocide Convention within the United States.

In concluding its favorable report on the Genocide Convention the Foreign Relations Committee said:

> We find no substantial merit in the arguments against the convention. Indeed, there is a note of fear behind most arguments—as if genocide were rampant in the United States and this Nation could not afford to have its actions examined by international organs—as if our Supreme Court would lose its collective mind and make of the treaty something it is not—as if we as a people don't trust ourselves and our society. The rhetoric of the opponents . . . has obscured what a modest step the convention represents.

The Genocide Convention is what it says it is, not what some of the opponents of it would have us believe. Senators should read the treaty and the excellent report by the Foreign Relations Committee to see what the treaty proposes to do.

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

HIP TO THE NEED FOR ENVIRONMENTAL ACTION

Mr. PERCY. Mr. President, I wish to express my high esteem for a group of concerned housewives in Urbana, Ill., who, through their hard work, dedication, and diligence, seek a universally desired goal—a clean environment.

The Government's course appears to be reasonably well defined in trying to attain this objective and we have already taken positive steps. A primary example of this was the recent approval of the Federal water pollution control amendments (S. 2770), legislation which I cosponsored. That bill declares it a national policy to halt waste discharge into our national waterway system by 1985.

The task is so monumental, however, that it cannot be dealt with effectively by the Congress alone. We need private citizen groups to inform the general public of the severity of the problem; we need private citizen groups to stimulate and focus community attention on the need for action; we need private citizen groups to cooperate with and coordinate various segments of the community to initiate this needed action.

HIPS—Housewives Involved in Pollution Solutions—is such as organization. This Urbana-based, entirely volunteer group, has committed itself to the alleviation of problems caused by ecological destruction. Through its committee system, HIPS deals with priority environmental problems. The organization maintains a legislative information committee, but is not content to seek environmental protection legislation and sit back awaiting passage. HIPS has sought immediate relief through affirmative action. It runs the recycling collection centers around the Urbana area and is planning to open three more. It publishes a monthly newsletter, of which I am an avid reader, which summarizes and highlights model community efforts to protect the environment. It conducts workshops and seminars which not only publicize ecological problems but also stimulate citizen involvement. All this from a wholly volunteer organization.

In these days of alienation and apathy, such dedication is an inspiration to us all. We can and will prevail against ecological decay if we allow ourselves to become as committed as these housewives from Urbana. I am hopeful that similar groups will spring up throughout Illinois and the Nation.

Mr. President, I ask unanimous consent that excerpts from the March edition of the HIPS newsletter be printed in the RECORD.

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

HIPS BULLETIN

ENVIRONMENTAL CALENDAR

March 21—O. L. Daniels, Bitterroot National Forest, speaks at 180 Bevier Hall.

March 21–22—Register at Parkland College for environmental courses.

March 21—Statewide primary election—Go to the polls and vote.

March 23—HIPS General Meeting, Unitarian Church, Urbana. 7:30 PM. Bring cup.

March 26—Campus Bike Path Tour.

April 4—County Board of Supervisors election—Again, go and vote!

April 13—HIPS Executive Board Meeting. 7:30 PM at Virginia Locke's.

April 15–16—Bicycle inspection.

April 16–22—Earth Week.

April 16—Bike parade.

April 17—"Bicycle Maintenance and Repair"—program at Champaign Library.

April 18—"Bicycle Legislation and Bicycle Safety"—program at Campaign Library.

April 23—Century Run.

NOISE POLLUTION

(By Dr. John O'Neil)

Ginney Locke introduced Dr. John O'Neil, Professor of Speech and Hearing and Director of the Speech and Hearing Clinic, University of Illinois. Dr. O'Neill is a psychoacoustician and was appointed to the University Task Force on Noise Pollution. He spoke on Noise Pollution: Urbana, State, Federal legislation, and what noise is all about.

One obvious result of our technology is exposure to noise. It cannot be seen and its effects are not fully known, and therefore not considered. Noise, defined as unwanted sound, can cause hearing loss and interference with sleep. In a broad sense, noise might be considered a health problem if health is defined as a state of physical, mental, and emotional well-being. However, Dr. O'Neil feels too many "scare" statements have been made about the negative effects of noise. The data on noise making people tense, irritable are not conclusive.

Noise can be annoying. Individual tolerances vary and a specific noise level may be annoying in one situation but not in another. For example, a very loud noise in a movie does not usually seem to annoy viewers. Appliance noises may be troublesome but appliances can be manufactured to be less noisy. However, the cost would increase and the appliance would generate more heat. Houses can be built to reduce noise but this too costs money. Research indicates that people adapt very well to noise levels. This was supported by a HIPS member; when she first came to the U.S. she felt it was a noisy country but she adapted to the increased noise level.

To demonstrate the measurement of sound, Dr. O'Neil played a tape of "white noise" (a random mixture of many frequencies and heard as a hissing noise) at different intensities and measured them with a sound level meter. A reading taken during HIPS' business meeting was 52 decibels (db).

Dr. O'Neil described the work of the Task Force. It considered a whole range of viewpoints including the extreme positions, *i.e.*, no noise vs. lots of noise. It looked at results of research done in the U.S. and Europe, and evaluated existing laws. The proposed Ill. law is the first in the Nation of this type. There are 3 city ordinances in Ill.: Chicago, Peoria, and Urbana. One of of the major problems is enforcement of the law or ordinance. Setting the standard, or noise limit, is not difficult; the problem is what to do when the limit is exceeded.

Dr. O'Neil listed some commandments of environmental legislation: 1) Any regulation should be based on scientific fact—nothing else. 2) All rules must be documented. 3) All effort must be made to avoid severe standards, i.e., standards must be realistic (or there will be no enforcement).

In the proposed Illinois law, regulations on noise levels are based in part on land use classification. Land usage is defined by a code which states that land is classified by the major function of what is on the land. There are 3 categories: 1. Industrial-manufacturing, 2. Commercial-business, and 3. Residential-institutional. There are also categories for undeveloped land and a nondegradation clause which prevents the noise level on the land from being increased if the general level is lower than the standard. The regulations limit the noise levels emitted to the 3 land-use categories. Types 1, 2, and 3 can emit certain levels to nearby types 1, 2, and 3 and may not go beyond the specified levels. The Task Force used data to help determine realistic levels. The proposed levels are similar to Chicago's. Regulations are also based on noise limits from the source rather than at the ear. Single event measures are used as opposed to measurement over time. The Task Force is working on moving vehicle noise but there are problems, *e.g.*, tire noise.

After the first year the state law has a provision whereby noise regulations can be changed depending upon the first year's results, complaints received, etc.

The EPA has established a statewide division of noise pollution which is to measure noise it receives complaints about. It would purchase measurement equipment and train people to use it. Illinois mayors do not want the EPA to have the power of enforcement. But if the mayors have enforcement power the law/ordinance will probably not be enforced.

The Chicago ordinance has set different maximum db levels for the 3 land use categories, *e.g.*, residential-institutional—61 db. This limit applies to stationary, daytime noise as measured at the property line. Dr. O'Neil pointed out that these limits have not been enforced in Chicago. The ordinance also makes provisions for traffic and city noise but does not cover construction noise.

The Urbana ordinance is based on Chicago's ordinance. Dr. O'Neil feels Urbana should

have "listened to Urbana" and then determined noise limits that are best for it, rather than just using an existing ordinance. Chicago is a large city, unlike Urbana, and Urbana needs *less* noise. The Urbana ordinance should have been developed specifically for Urbana.

In contrast to Chicago, the Urbana ordinance and the proposed state law incorporate night-time standards (night is specified by time) which are generally lower than daytime levels.

The Urbana ordinance has not apparently been printed yet for public distribution. Not all of the necessary measurement equipment has been purchased. G. Locke proposed that University audiology students get experience by volunteering their talents to take sound level readings when the equipment becomes available.

Noise in Urbana will not cease, but the city may be quieter. There are 3 large hospitals, 2 of them on major traffic arteries which is an undesirable situation. The noise level in school rooms, *e.g.*, cafeterias, shop classes, is very high in some instances. The ordinance should help.

On the Federal level, noisy factories are theoretically covered by laws: The Walsh-Healy and the 1970 Occupational Safety and Health Act. In the proposed Federal legislation of transportation noise, the noise level of a vehicle is evaluated at the manufacture, or, for a used vehicle, at the dealer. However, if the vehicle is found to be in violation, it could be due to either a manufacturing defect or because the owner made the vehicle run louder. Determining responsibility may pose problems.

Several questions were raised by HIPS members. 1. What can be done about a neighbor mowing his lawn early in the morning? Dr. O'Neil suggested for periodic, short term noises it may be best to charge a nuisance violation rather than trying to get the EPA to come take a noise level measurement. 2. Are "ear defenders" available through Army surplus? These devices are similar to ear muffs but contain a liquid seal to keep out noise. Apparently they are no longer available. Dr. O'Neil suggested ear plugs which are good if properly fitted.

Dr. O'Neil informed us that there will be noise pollution hearings at different cities throughout Illinois. He suggested we go to the hearings and encouraged HIPS to support legislation on noise pollution. While the laws and ordinances may not go as far as we like, at least they're a beginning.

At the conclusion of Dr. O'Neil's talk, the meeting was adjourned.

SPECIAL ANNOUNCEMENT—CONCERNED ABOUT CLEAR-CUTTING AND TIMBER LANDS

O. L. Daniels, supervisor of the Bitterroot National Forest in Idaho, will discuss "Forest Management on the Bitterroot" on March 21st, at 180 Bevier Hall at 2:00 PM and again at 8:00 PM. The timber cutting on the Bitterroot has been a recent source of controversy between conservation groups and the Forest Service. The University of Illinois Department of Forestry is sponsoring Mr. Daniel's appearance, and they made a special effort to contact HIPS personally about attending these talks. Robert A Young, Forester, commended HIPS for "doing a fine job of promoting environmental concerns in our community." For background material, check out the article entitled "The Crisis of Our National Forests" in the December, 1971 issue of *Reader's Digest*.

NEWSNOTES—A SUMMARY OF CURRENT ENVIRONMENTAL NEWS

Mr. Sterling R. Kennedy has developed and is testing a device which turns industrial and residential sewage discharges into drinkable water.

MIT's Systems Dynamics Group has released a report as a part of their "Project on the Predicament of Mankind" which deals with crisis of diminishing natural resources.

Most U of I campus area stores do not carry non-phosphate detergents.

Gov. Ogilvie earmarked an advance of $226 million for construction of sewage treatment facilities to help in meeting the 1972 federal pollution control deadlines. $165 million of this is an anticipation of federal funds which Sen. Stevenson says has not been released by the Nixon Administration.

Gov. Ogilvie's budget suggests $600,000 for the IPCB to meet their court reporting costs and has decreased the amount allocated for water projects from last year. The entire allocation for EPA in the new budget is up from $8.49 million to $9.57 million.

Milton Cline of IIT has developed and is hoping to test a nonphosphate detergent which also does not contain any dangerous caustic substances.

Tests at the ESSO Research and Engineering Co. show that how you drive affects how your car pollutes the air.

The U.S. Supreme Court has been asked to assume jurisdiction in 3 cases involving pollution suits that affect 30 states in hopes of expediting the solutions.

The U.S. Agriculture Department believes the organically grown food may not be as economically and nutritionally sound as many people believe.

The U.S. Census Bureau reports fertility rates for poor women is dropping and narrowing the rate between poor and rich women.

Earth Week will not be coordinated on a national level this year according to leaders from 19 national environmental and educational organizations who met with Sen. Gaylord Nelson (D-Wisc.) recently.

The Limits of Growth, a new book prepared at MIT warns of the disaster faced by humanity until it halts the current rates of growth.

200,000 chickens have been confiscated in Maine because they are contaminated with poly-chlorinated biphenyls (PCBS), an industrial chemical.

The EPA has proposed a gradual mandatory reduction of lead in gasoline.

Bonnie Slocum of Carbondale reports that Japanese daisy, known here as a painted daisy has a deterrent effect on bugs. The plant, when ground up can be made into a harmless and effective insect spray.

State Rep. Webber Borchers has announced that he will join with central Illinois mayors who plan to fight the powers of the IPCB.

Oakley Dam fight—The City of Decatur which has joined with others in favor of Oakley Dam has requested the court suit be moved to Illinois. In Oreana, the Friends Valley Association has been formed to fight the proposed dam.

Feature Stories: Land Use Planning in Illinois.

Editorials: Urbana Incinerator Ordinance; Scenic Rivers Legislation; Nuclear-fuel electric power plants; Kickapoo Reservoir.

Pollution Free Car Engines (*Life*, Vol. 12, #8).

MESSAGE FROM THE PRESIDENT

February and March frequently find all of us plunged into the depths of lethargy and disinterest. If you find your get-up-and-go lagging, do not fear. With the first crocus of Spring, it will return. It had better, because there is much work ahead for all of us. HIPS is losing some vigorous and dedicated members—next September will see a decimation in our ranks that really scares me. But at the same time, new people are joining us all the time, and we must incorporate them rapidly into a working organization. Our telephone survey is moving right along and we'll soon be able to identify those who want to get involved. The information gained from the survey should prove very useful in picking out those people who have talents, experience, or just plain guts to give HIPS.

As a result of the mention in Rodal's *Env. Action Bulletin* about the McDonald study, over 130 requests have come to us from all over the country. It has proven an obvious point. People ARE genuinely concerned about wasteful packaging. We want to brainstorm soon on some ideas for attacking the corporate entity. Anyone who would particularly like to work on this project, please call me (367–1066) and we'll arrange a meeting soon. This could really be fun! The study was mentioned on Canadian radio.

We hear good things about HIPS all the time, and the day doesn't go by when some sort of compliment comes in over the telephone or through the mailbox. But we hardly sit on our laurels now—Earth Week-1972 lies ahead and an election year always offers the possibility of new priorities and decisions. Use your vote wisely. Acquaint yourself with each candidate's qualifications and give serious attention to his (or hers) environmental platform. Register to vote: A recent informal survey showed me an appalling number of HIPS members who were not registered. For shame! Make a special effort to attend the March general meeting—we've planned no fancy program—and hope to make time for socializing and getting better acquainted with each other. We'll be talking about plans for Earth Week and beyond. Be there!

ECO-WORKSHOP REPORT

(By Nan Ehrlich)

Some 40 people from 11 Illinois Counties spent Tuesday, February 29th in the Urbana Civic Center exchanging ideas and experiences related to environmental action at the local level. The morning session included a brief summary of HIPS history (Barbara Anderson), and a panel discussion on recycling (Sally Kraska), legislation (Laurel Prussing), and bikeways (Virginia Locke). The panel discussion ran slightly over the allotted 70 minutes. The group then toured the Twin City Recycling and Reclamation Center before returning to the Civic Center for the fantastic and well received eco-lunch. The menu and recipes appear elsewhere.

The afternoon session was a Show and Tell by our guests, which was very interesting and generated much discussion. There was also a brief review of the possibilities of HIPS lobbying as a group. The idea of united lobbying was warmly received although some of the already formed groups are not in a position to lobby, for various reasons. Establishment of a travel fund was also discussed. Further information available from Nan Ehrlich, 1508 Dawson Drive, Champaign, Ill. 61820. The participants engaged in a good deal of personal interaction on various subjects. Our guests were serious and attentive. Although affiliation would appear to be inappropriate at this time, there was no doubt that all of the groups and individuals could work together in various ways very well.

The Committee for the Eco-Workshop included Kathy Henry, Joan McTeer, Kit Foster, Sandy Batzli, John Hilsdorf, Kay Huddleston, Pat Dremuk, Pat Hosier, Barbara Anderson, and myself. Barbara foised the title of Coordinator onto me but luckily the committee coordinated itself which was a real pleasure. The members of the committee in particular Kathy Henry, went off and got other HIPS members to help and contribute in various ways with the lunch and as a result of initiative, cooperation, and cheerful willingness to work we had a successful day.

SOLID WASTE DISPOSAL

Since the last newsletter, I received a two-and-a-half-page letter from ASTRO (America's Sound Transportation Review Organization) giving comprehensive answers to the several questions I had posed. On the questions other than rate discrimination, Mr. Richard Briggs, executive director of ASTRO suggested that I look at the Surface Transportation Act, S. 2362 sponsored by Sen.

Hartke and H.R. 11207 sponsored by Rep. Adams and Senate Bills 1731 and 1730 dealing with freight cars. I have written for more detailed information on those bills.

On rate discrimination he replied: "The question of rates is more complex. The railroad industry does not believe it is discriminating against scrap metal by charging higher rates for it than for iron ore. Basically, the rate charged is related to the cost of shipping a particular item, and the cost of shipping iron ore is far less than the cost of shipping scrap iron.

Iron ore is moved largely in train-load lots, from one origin to one destination, with trains moving on a shuttle basis between mine and plant. This means that yard and switching functions can be largely eliminated, and, it also means that an extremely high utilization factor can be attained . . .

Scrap metal, however, cannot be moved in unit train operations because individual scrap yards do not usually generate more than a few car loads a week. This means that the cars must be picked up at a scrap yard, moved to a freight yard where they can be assembled into trains, and then put in another freight yard at the destination where the cars containing scrap are separated from other cars and finally moved to the steel plants. This process of assembly and disassembling trains is quite expensive and the expense must, of necessity, be reflected in rates.

Additionally, there is one other cost factor contributing to the higher rates charged scrap metals, and this is that scrap is much harder on a railroad car than is ore. Most scrap is loaded onto cars by means of magnets. Generally, rather than placing the scrap in the car before releasing the magnetic hold, the crane operators release the magnetic hold on scrap from a height of several feet above the car. The result of this is that cars devoted to scrap movements quickly become damaged, are in frequent need of repair, and must be replaced far more rapidly than cars used in hauling ore.

He continued to express his concern over environmental problems. As I am already familiar with railroad problems in general, I feel that this adequately represents their viewpoint and concerns. Therefore, I am studying the possibility of supporting legislation designed to improve railroads as an environmentally sound form of transportation. In exchange, I would hope that ASTRO and other railroad organizations might look more favorably on the problems of moving recycled and recyclable materials.

LEAD GLAZES ON FOOD CONTACT SURFACES

These recommendations and observations concern glazes intended for food contact surfaces:

1. Glazes consist of ingredients, often including lead, which melt together and become a glass at high temperatures.

2. Unless the glaze is properly formulated, handled, applied and fired, it can be dangerous both to the potter and to his customer.

3. No element, alone or in combinations, imparts all of the desirable properties to a glaze that lead does.

4. Although ceramic materials are very durable, glazes are not completely insoluble. Acids will extract ingredients from the glaze, including lead, if it is present. The amount of lead that may be extracted from any given glaze varies with the *chemical composition.* Other factors which have a direct bearing on the lead solubility are:

The ratio of ingredients.
Thickness of glaze application.
Time and temperature of firing.
The condition of the kiln atmosphere.

5. It will be evident from the text that glazes for use on food contact surfaces should not be combined. Blending of different glazes will disturb the "balance of ingredients," and retesting would be necessary before use.

6. It is often implied that removal of lead will make the glaze non-toxic. However, lead-free glazes may contain other potentially toxic heavy metals; and testing should be done to determine solubility for these as well.

7. Copper should not be added, either as a stain or mill addition, to any lead glaze intended for food contact surfaces. Regardless of how it is added, copper will increase the lead release of the glaze.

8. Raw lead compounds should not be used to make glazes for food service utensils. Only "low solubility" frits should be used because they are much safer.

9. Glazes must be retested if any changes are made in formulation, handling, application, or firing.

10. Persons formulating glazes for tableware should obtain and read the "ILZRO Manual, Lead Glazes for Dinnerware."

11. When ware is produced on a routine basis for food service, "screen testing" of production items should be done frequently.

12. Kilns should be operated under hoods vented to the atmosphere.

13. Scrupulously hygienic procedures should be observed in the ceramic workshop—no smoking, eating, or drinking. Every care should be exercised to avoid any possible transfer of toxic materials from hands and clothing to the mouth.

RADIOACTIVE ASHES IN THE KANSAS SALT CELLAR

That's the title of a three and a half page article by John Lear in the Feb. 19, 1972 issue of the *Saturday Review.* Lear recounts the adventures of the AEC in attempting to find a place to bury forever the radioactive waste of the over twenty atomic furnaces presently in operation in the United States. There is general agreement that salt beds are a suitable final resting place. The problem arose when the AEC conducted inadequate studies and then announced summarily that it was going to fill an abandoned salt mine under the town of Lyons and a thousand acres of excellent agricultural land with radioactive waste. A geology professor, William Hambleton, mulled over the announcement for 3 weeks, and then put his dissent into a letter and sent it off to the Governor. A little over a year later the AEC backed off, primarily because further information revealed that there appeared to be water somewhere in the salt, and that is very bad news for storing atomic waste. The article is very readable and informative. A companion article is in the Perspective Section, 1A, page 24, of the Sunday Mar. 12, 1972 Chicago Tribune.

Letters for individual action—Take pen in hand now and write!!!

Truth in Food Labeling Act—Bill #H.R. 8670—intro. by Cong. Benjamin S. Rosenthal of New York. Would require all ingredients in a food product to be listed. Would assist those with allergies, etc., to shop more carefully.

Bicycle Transportation Act of 1971. HR 9369—Koch of New York; S. 2440—Cranston, Tunney, California.

Would make Federal Highway Trust Funds available for development of bike lanes, trails, shelters, park facilities, and traffic control.

Trans-Alaska Oil Pipeline—Write to representatives and the President urging them to hold public hearings on the forthcoming TAPS environmental impact statement.

Scenic Rivers bill—(state legislature) The Scenic Rivers Bill provides that no agency, or political subdivision of this state shall undertake, sponsor, authorize, cooperate or participate in any of the following: (a) construction of impoundments which would have a direct and adverse effect on the scenic values. (b) diversion, straightening, riprapping or other substantial modification of the waterway. (c) mineral activity unless conducted in a manner that minimizes surface disturbance, sedimentation and pollution and visual impairment. The bill also has rules preventing the construction of roads, railroads or utilities.

Please take a minute right now to contact your representatives by letter or phone and urge his support for these bills.

WHAT DOES AGING MEAN?

Mr. PERCY. Mr. President, I am fortunate in having as one of my constituents a woman who is a nationally known expert on the subject of aging and human development. I am referring to Mrs. Bernice Neugarten, who is a professor and chairman of the University of Chicago's Committee on Human Development.

In an article printed in Psychology Today, Mrs. Neugarten put down her thoughts, based upon extensive research, on the subject of aging. Her views differ in some respects from my own observations, and they differ as well from some of the findings of the Senate Special Committee on Aging, of which I am a member.

I nonetheless agree with Mrs. Neugarten in many respects, and, in any case, I feel it is most important that we listen to different views—particularly those of experts in this field. As Mrs. Neugarten points out, our stereotypes about the young, the middle-aged, and the old influence our behavior in subtle ways. These stereotypes "affect our perceptions of appropriate and inappropriate behavior in ourselves and in other persons. They make it difficult to improve relationships among persons of various ages." At a time when the term "generation gap" has become a cliché, it is important for us to think more carefully about what growing old means for us as individuals, so that we can understand and better cope with this process.

In her article entitled "Grow Old Along With Me! The Best is Yet To Be," Mrs. Neugarten goes into her reasons for disagreeing with over-simplified views on aging and makes some uniquely interesting observations.

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:

GROW OLD ALONG WITH ME! THE BEST IS YET TO BE

Most of us have a half-conscious and irrational fear that one day we will find ourselves old, as if suddenly we will fall off a cliff, and that what we will be then has little to do with what we are now. Recent research has shown, however, that nothing could be farther from the truth.

It would be a gross over-simplification, of course, to say that no changes occur in personality as people move from middle age through old age, just as it would be a distortion to say that life-styles always remain consistent. But within broad limits—and with no overwhelming biological accidents—the pattern of aging is predictable for the individual if we know his personality in middle age and how he has dealt with earlier life events.

ARC

Several years' research that I and other investigators have done at the University of Chicago has led us to conclude that aging should be seen as one part of the continuous life cycle. It is shaped by the individual's past—his childhood, adolescence and adult-

hood. Like earlier periods in life, aging brings new situations and new problems. It calls for new adaptations.

Middle age and old age are eventful periods, and grandparenthood, retirement, widowhood, illness, and the recognition of approaching death can be as dramatic as anything that happens earlier. In adapting to the biological changes that are going on inside and to the social changes that are going on outside, the aging person draws upon what he has been as well as what he is. How else shall we account for the fact that one person copes well, another poorly, with the succession of late-life events?

Nevertheless, most people see aging as alien to the self and tend to deny or repress the associated feelings of distaste and anxiety. We have an irrational fear of aging and, as a result, we maintain a psychological distance between ourselves and older persons.

This irrational fear has its basis in our stereotypical thinking about age groups. Stereotypes about the young, the middle-aged and the old influence our behavior in subtle ways. They affect our perceptions of appropriate and inappropriate behavior in ourselves and in other persons. They constrain our attitudes and our actions. They make it difficult to improve relationships among persons of various ages.

ANIMUS

While the stereotyping of any age group is full of pitfalls, we are just now beginning to realize that stereotypes about aging and the aged create a particularly complex set of problems. In addition to making us fear aging, the stereotypes lead to a divisiveness in society at large that has been called ageism—that is, negative or hostile attitudes between age groups that lead to socially destructive competition. So long as we believe that old persons are poor, isolated, sick and unhappy (or, to the contrary, powerful, rigid and reactionary), we find the prospect of old age particularly unattractive. We can then separate ourselves comfortably from older persons and relegate them to inferior status.

Conflict between generations probably is a universal theme in history, but the intensity of the conflict and the focus of the hostility obviously fluctuate according to historical, social and economic factors. Some social scientists are alarmed that generational conflicts are increasing in the 1970s. Although the generation gap has been described mainly as a gap between the young and everybody else, it is entirely possible that conflicts will also appear in the other direction—that is, between the old and everybody else.

Anger toward the old may be on the rise. One of every 10 Americans is now 65 or older, and an industrialized society whose citizens live increasingly longer becomes in many ways a gerontocratic society. Older persons occupy an increasing proportion of power positions in judicial, legislative, economic and professional areas, and the young and the middle-aged often resent them. Older persons themselves are learning the politics of confrontation. The appeal to Senior Power and the recent growth of national organizations that act as advocates for older persons suggest that the conflict is being joined by those who might otherwise be its victims.

Stereotypes of the aged are difficult to dispel, largely because research on aging is a recent development in both the biological and the social sciences and research findings reach the public at a snail's pace. Many widely held but inaccurate images, inadvertently repeated through the mass media, come from social workers who serve the poor, the lonely and the isolated, and from physicians and psychiatrists who see the physically ill and the mentally ill. Thus we base many of our current stereotypes on a picture of the needy rather than on a picture of the typical older person.

Studies of large and representative samples of older persons are now appearing, however, and they go far toward exploding some of our outmoded images. For example, old persons do not become isolated and neglected by their families, although both generations prefer separate households. Old persons are not dumped into mental hospitals by cruel or indifferent children. They are not necessarily lonely or desolate if they live alone. Few of them ever show overt signs of mental deterioration or senility, and only a small proportion ever become mentally ill. For those who do, psychological and psychiatric treatment is by no means futile.

Retirement and widowhood do not lead to mental illness, nor does social isolation. Retirement is not necessarily bad: some men and women want to keep on working, but more and more choose to retire earlier and earlier. Increasing proportions of the population evidently value leisure more than they value work. Nor do retired persons sicken physically from idleness and feelings of worthlessness. Three fourths of the persons questioned in a recent national sample reported that they were satisfied or very satisfied with their lives since retirement. This is in line with earlier surveys. Most persons over 65 think of themselves as being in good health and they act accordingly, no matter what their physicians think.

CUT-OFF

The belief that 65 is a useful marker of old age is another stereotype. It was historical accident that set 65 as the age of eligibility for Social-Security payments. The decision reflected the economic situation and the manpower needs of the country in the 1930s. Age 65 otherwise has no reality as a turning point in the life of the individual. Because people are beginning to retire at earlier ages, perhaps we should call 60 or 55 the beginning of old age. Or, on the other hand, because 65-year-olds are generally more youthful today than their fathers were, and because longevity is increasing, perhaps we should use 75 as the marker. (The 1970 U.S. census shows that in the last 10 years the number of persons aged 75 and over increased three times as fast as the number of those aged 65 to 74.)

But the most insidious stereotype of all, in many ways, puts the old (or, for that matter, the young or the middle-aged) into a distinct category or a distinct group. There is, in truth, no such thing as "the" young, or "the" old. People *do* differ; they also become increasingly different over time, as each person accumulates an idiosyncratic set of experiences and becomes committed to a unique set of people, things, interests and activities. One has only to recall, for instance, the range of differences among the members of one's high-school graduating class and then to see these persons at a class reunion 25 years later. They are much more varied as 40-year-olds than they were as 18-year-olds. In a society as complex as ours, with increasing social permissiveness for people to follow their own bents, a good case can be made that—despite the counterpressures that create conformity—increased differentiation occurs over the life cycle.

To put the same point another way, calendar age or chronological age is a poor basis for grouping people who have attained biological maturity. Study after study of the happiness, intelligence, personality or health of adults has shown that age is a poor index of the differences between people.

PROBE

Older persons are not a homogeneous group, then, no matter from what perspective we look at them. This fact has become particularly clear to our group at Chicago in carrying out a long line of studies of middle age and aging over the past 15 years: studies of personality, of adaptational patterns, of career lines, of age-norms, of attitudes and values across social-class and generational lines. The number of men and women who have participated now totals more than 2,000. We based each study in the series upon a relatively large sample of normal persons; none was a volunteer and all were living in one or another metropolitan community in the Midwest.

One study that illustrates the point about heterogeneity focused on persons aged 70 to 79. We were pursuing these questions: Would retired persons who stayed actively engaged in various family and community activities be happier than those who were relatively inactive? How would longstanding personality differences affect these relationships? To find out, we gathered various psychological test data and conducted home interviews repeatedly over a seven-year period. We made systematic assessments in three areas: personality, degree of satisfaction with life, and extent of social-role activity.

In the area of personality, we assessed each person on 45 dimensions. Then, by appropriate statistical methods, we derived four major personality types, which we called integrated, defended, passive-dependent, and disintegrated.

POINTS

Our life-satisfaction measure involved five components. We rated an individual high to the extent that he 1) took pleasure from the round of activities that constituted his everyday life—the person who enjoyed sitting at home watching television could rate as high as the one who enjoyed his job; 2) regarded his life as meaningful and accepted responsibility for what his life had been; 3) felt he had succeeded in achieving his major goals; 4) held a positive self-image; and 5) maintained optimistic attitudes and moods.

For role-activity, we rated both the extent and the intensity of activity (that is, the amount of time and energy invested and the emotional significance attached) in each of 11 social roles: parent, spouse, grandparent, kin-group member, worker, homemaker, citizen, friend, neighbor, club-and-association member, and church member. For example, with regard to the role of spouse, we rated a man low if he lived with his wife but shared few activities with her other than perfunctory routines such as eating his meals in her presence. A man who planned and carried out most of his day's activities in the company of his wife rated high. We summed the ratings in the 11 roles to obtain a role-activity score.

We also asked about an individual's activities in each role area when he had been age 60, then systematically assessed the differences that had developed as time passed. For this group as a whole, activity levels had decreased and members showed levels of social interaction that were lower than they were when they were 60. Yet the more dramatic finding was the great range of differences in terms of present activity patterns and life-styles. Using our various sets of data for each person, we found eight major patterns among the four major personality types that follow:

1. Integrated. The majority of these 70-year-olds remained integrated personalities —well-functioning persons with complex inner lives, intact cognitive abilities and competent egos. They accepted and maintained a comfortable degree of control over their impulses; they were flexible and open to new stimuli, mellow and mature. All were high in life satisfaction. At the same time, they differed among themselves with regard to role activity and therefore showed different patterns of aging.

One pattern we called the *reorganizers*, competent people who were engaged in a wide variety of activities. They were the optimum agers in some respects—at least in the American culture, which places a high value

on continuing to be active. These persons substituted new activities for lost ones; when they retired from work, they gave time to community affairs or to the church or to other associations. They reorganized their patterns of activity. One such person was a retired schoolteacher who, at 75, was selling life insurance and making more money than ever. He held elective office in an association of retirees, attended concerts and the theater with his wife, and visited regularly with friends.

Another group of complex and well-integrated personalities we called the *focused* because they had become selective in their activities, devoting energy to the few roles that were important to them. One was an emeritus university professor who, at 75, was still teaching, but only those courses she wanted to teach. She had withdrawn from organizations that she felt were needlessly time-consuming; she felt free to accept or decline invitations at will. It was a relief to have her husband at home now, because he did things around the house that she had had to do earlier, but otherwise, he played a very secondary role in her life. She seldom saw her children and liked it that way. She was glad to be free of responsibility, and to invest all her energies in her work.

A third pattern we called the *disengaged*. These were also well-integrated personalities with high life satisfaction, but with low activity; they had moved away voluntarily from role commitments, not in response to external losses or physical deficits, but because of preference. These were self-directed, though not shallow, persons. They were interested in the world, but they were not imbedded in networks of social interaction. They had high feelings of self-regard, just as the first two groups did, but they had chosen the "rocking-chair" approach to old age—a calm, withdrawn, but contented pattern. One was a retired man who had dropped his club memberships, seldom saw his former work colleagues or friends, and welcomed the opportunity to lead relaxed life at home, visiting with his children and grandchildren, gardening a little, and occasionally helping his wife around the house.

2. Defended. In the next major personality category were men and women whom we called "armored" or "defended." These were the striving, ambitious, and achievement-oriented persons who drove themselves hard. They had high defenses against anxiety and needed to maintain tight control over impulse life. This personality group provided two patterns of aging.

The *holding-on* pattern included the persons who said, "So long as you keep busy, you'll get along all right," or "I'll work until I drop." This group had medium to high life satisfaction because they managed to maintain relatively high levels of activity. One such woman had been an office worker all her life, had never married, and regarded herself as strong and tough. She said that when she was younger she was much too busy to feel lonely; now that she was retired, she kept busy as the historian and recording secretary for the local DAR. She had arteriosclerosis and had suffered a heart attack five years earlier, but she said that she did not let her illness get her down: "You can't slow down just because you happen to have some physical limitations."

The other group of defended personalities we called the *constructed*. These persons were busy defending themselves against aging; preoccupied with losses and deficits, they constructed their social interactions and shut out new experiences, fending off what they seemed to regard as imminent collapse. Given their personalities, their approach to the world worked fairly well, and they had medium or even high levels of satisfaction and contentment. Mr. B, for example, had worked out elaborate rituals for maintaining his health. He talked of little else. He and his wife spent hours shopping for just the right foods, and they made vegetable juices fresh every day. He took long drives into the country each week to bring back pure spring water. He was not much different now, he said, from when he was younger. All his life he had been cautious about himself, and even as a young man he "always thought twice before making any rash decisions."

3. Passive Dependent. Among members of the passive-dependent group, there were also two patterns of aging.

The *succorance-seeking* were those persons with strong dependency needs who sought responsiveness from others. They showed medium levels of activity, for the most part, and medium satisfaction with life; they did fairly well so long as each had at least one or two other persons to lean on. One woman, for example, looked back to the time when her husband was alive because he always took such good care of her. Now she was diabetic and felt particularly helpless. But she said she counted on her son, who lived in the same city and visited her every day. He took her shopping on Saturdays, paid all her bills and saw to it that she took her medicine.

There were a small number of the *apathetic,* those in whom passivity was the most striking personality feature. They had few activities and very little interaction with others; they showed little interest in the world about them. Life was hard, they said, and there was never much that could be done about it, was there? One, for instance, was a woman who limited her activities entirely to meeting her physical needs and caring for her two cats. She seldom interacted even with her brother and sister-in-law, who lived on the floor above her, because, as she said, "They are old and sick, too, and don't go anywhere."

4. Disintegrated. Finally, there were a few whom we called the disintegrated or *disorganized,* persons who showed gross defects in psychological functions and deterioration in thought processes. They managed to maintain themselves in the community, either because of protective families or because of the forbearance of the people around them. Mr. G, for instance, was a paranoid, isolated man who lived in a run-down section of the city. He did a little janitorial work around the building in exchange for a room in the basement.

OTHERS

These eight patterns do not exhaust the variations we found in this group of 70-year-olds, and the group itself did not include the full range. There are, of course, some persons in their 70s who are too ill to be interviewed, a small number who live in hospitals and homes for the aged, and a few who have moved to leisure communities in the South and Southwest.

But it is the variation rather than the similarity among 70-year-olds that is impressive. And the diversity is likely to become even greater in the future. At present, there is an over-representation of the foreign-born, the poorly educated and the poor among those who are 65 and over. In future decades, with better health, more education and more financial resources, older men and women will have greater freedom to choose life-styles that suit them.

Another point is equally important. The individuals we studied in such great detail over seven years seemed to show relatively consistent patterns of coping and adjustment. Although we had no systematic data gathered when these persons were young or middle-aged, we knew a great deal about their life histories and we had information from family members. The general picture was one of personality continuities over time.

BRIDGE

Looked at realistically, then, and with the stereotypes dispelled, aging is not a leveler of individual differences. For most people it brings no sudden and drastic transformation of personality. This being so, aging will not separate the individual's present from his future self. Just as every person changes as he grows up, he will continue to change as he grows old. But aging will not destroy the continuities between what he has been, what he is, and what he will be, Recognition of this fact should lessen the fear of growing old. At the social level, the knowledge that our stereotypes are ill-founded should make older persons seem less distant and less alien, and should help to bridge the psychological barriers between people of different ages.

MILWAUKEE JOURNAL FINGERS FALSE PHILOSOPHY

Mr. PROXMIRE. Mr. President, the Milwaukee Journal editorialized in April 1 about the Navy's proposal to spend $400 million more than necessary in this fiscal year just to be in a position to get more next year.

The Journal summed it up tellingly in this paragraph:

No matter what the rationale to justify such a procedure, it is wasteful. It assumes that all procurement decisions anticipated when the annual budget was drawn up are correct, that there is no possibility of saving a dime. Such a philosophy is nonsense.

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

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

FULL SPEED AHEAD ON SPENDING

Sen. Proxmire has caught the Navy with its plans down on material weapons procurement. The senator turned up a directive from the chief of naval operations ordering various service elements to "spend" lest Congress not provide as much money in next year's budget.

No matter what the rationale to justify such a procedure, it is wasteful. It assumes that all procurement decisions anticipated when the annual budget was drawn up are correct, that there is no possibility of saving a dime. Such a philosophy is nonsense.

The shame of such thinking is not limited to the Navy. Spending to the limit of the appropriation is age old standard operating procedure for large bureaucracies, both public and private. A lot of taxes could be saved and profits made if such attitudes could be overcome. In the nature of bureaucracies, there is not much of a chance.

ADAPTING TO THE UNDESIRABLE WITHOUT BEING AWARE OF IT

Mr. PACKWOOD. Mr. President, the human animal seems to be miraculously able psychologically, and in some cases physically, to adapt to its environment—a trait which may have some beneficial short-run value, but a trait which may in the long run prove to be one of the specie's greatest frailties. A slow moving but steady wave of change is not so disruptive and attention getting as the large swift one, hence it is often accepted and adapted to without much awareness or thought.

Couple this with another human trait—of perceptions and concerns concentrating much more strongly on the

immediate future and immediate self and associates, versus long-range future and broader segments of society—and you have compounded the situation which leads to complacency, limited perception and ready adaptation to the major forces moving about us.

We are all aware that it takes a crisis of considerable magnitude to rile sufficient concern to bring about needed and adequate changes. We will not deal with strike situations until the country has been brought to its knees by a strike; we will not enforce air pollution regulations until a severe and specific air pollution incident occurs where the health of people is seriously and dramatically impaired or life is terminated. We will not curtail auto traffic until the congestion results in a physical stoppage where no one can move. At the rate we are going, we will not adequately deal with most of our environmental problems until a crisis underscores the necessity for strong action. But at that point, we will have lost the opportunity for choice among the array of remedial options which we may have once had had we acted sooner, and more importantly, much damage will have occurred which is irreversible and too late to correct despite our state of awakenness to reality. Again, prevention is so much better than cure.

In this day where the major forces of influence about us are moving at exponential rates, we are conspicuously trying to cope with and remedy problems by applying solutions at arithmetic rates. As a result, we find the problem continues to intensify at a rate faster than the solution which comes along behind it, and on balance, the problem seems to worsen despite arresting efforts. Again, we have been too late with too little.

We are in an age where real solutions will often have to be so strong as to appear tainted by radicalism or they will be meaningless. We need some bold initiatives. We are at a time when we must stop passively and submissively accommodating every pressure and "demand" which comes our way just because we are told that this is what's coming and we had better find a way to cope with it. We must begin to identify the quality of environment we feel is acceptable and desirable, and then influence and direct and constrain the various forces and demands about us in such a way as to assure achievement and sustenance of the precious quality of environment standards which we have identified.

It is so much easier to talk strongly, as I am doing here, than to act strongly. But if we don't all do our part to rapidly heighten our perceptions of the nature and magnitude of the major forces at play in the world around us, and take full charge of their direction, our destiny will almost assuredly be much less pleasant than it could be.

Mr. President, at this point I ask unanimous consent that a recent article from the Washington Post by Coleman McCarthy be printed in the RECORD. Mr. McCarthy expresses, better than I have and in much greater detail, the dilemma we face in our lack of perception and in our apathy to deal with the gentle but persistently forceful wave which threatens to overwhelm us without our being aware of what is really happening.

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

EARTH WEEK AND SMALL LOSSES—POLLUTION IS BAD, ADAPTING TO IT IS WORSE

(By Coleman McCarthy)

New movements breed new words. Two years ago during Earth Week, it was ecology. This year it is ecocide. Defined, ecocide means that unless a firm brake is applied soon on how we are feverishly abusing our resources, the earth is a runaway planet doomed shortly to collapse. Yet, as much as we may be an endangered species, it is hard to imagine a total wipe-out. Every disaster, no matter how heavy the downpour of tragedy, always has a few survivors who get to a dry ground of safety. Instead of worrying about deadlines for extinction, thought needs to be given to a danger even closer and even more fearsome: adaptation. The greatest horror is not that we are killing the land and possibly ourselves, but that we calmly adapt to it.

Because adaptation to pollution is made in small fits, we see each giving-in as only a minor loss, not a big one. If pollution came in killer doses, we say, then we'd fight back; but why sweat the small stuff? Adaptation is easier.

For example, a city park is taken over for a new highway, so the neighborhood people adapt and use another park a mile away. A stream through that park has been contaminated by the town's power plant, so the people are told to fish upstream, 30 miles away. They go upstream but a chemical factory blackens the air there with smoke, so breathing is bad. They are told to go across the state line 100 miles away, where there are tough clean air laws. They go, but a new airport for jumbo jets is going up, so the noise will prevent sleeping at night. In desperation, they decide to go 2,000 miles away, to buy some land in the remote hills of the north country. When they arrive, the air, earth and water are clean all right, but the spread of land they bought has a new neighbor: the Defense Department, building ABM silos.

Each loss along the way was only a small one, penny ante stakes, but in the end, the adapting citizens found their fortune—their environment—taken away. The statistics of pollution show that we've been adapting well; much of America lives comfortably with the following:

50 per cent of the nation's drinking water has been discharged only a few hours before from some industrial or municipal sewer. In the last 10 years, 128 known outbreaks of diseases or poisoning have been caused by contaminated drinking water.

Pesticides killed 6 million fish in one recent year.

Strip mining may soon claim 71,000 square miles of American land, an area the size of Pennsylvania and West Virginia combined.

In one Washington inner city neighborhood, 25 per cent of the children tested under six showed high levels of lead in the blood. The source is now seen to be not only paint; which the children eat, but breathed air made foul by car exhaust containing lead.

By 1976, we will have the disposal problem of 58 billion non-returnable bottles and cans.

40 million pounds of dog dung are deposited annually on streets by dogs in New York City.

That most people become good sheep and adapt to these horrors may be a tribute to human flexibility; but isn't something subtracted from the sum of the person's individuality and emotions? A clear equation is created: adapt to the subhuman and you may become subhuman too. No one reverts to become King Kong overnight, but the chance for some loss in humanity is present. Dr. Rene Rubos, a sensitive scientist who does not believe that mere survival is enough, has written: "It is not man the ecological crisis threatens to destroy but the quality of human life, the attributes that make human life different from animal life. Wild animals can survive and even multiply in city zoos, but at the cost of losing the physical and behavioral splendor they possess in their natural habit. Similarly, human beings can almost certainly survive and multiply in the polluted cage of technological civilization, but we may sacrifice much of our humanness in adapting to such conditions." (Life Magazine, July 4, 1970.)

Like pollution, adaptation comes in many forms. Much of it results from laziness—better to yield than fight—but much also is caused by other reasons. The inner city poor, who must suffer pollution at its most fetid, often have no choice except adaptation to their conditions. Jerome Kretchmer, head of the New York City Environmental Protection Administration, tells about a ghetto mother who was seen "air mailing" her garbage. This maneuver means she put her refuse into bags and hurls them from her tenement window into the vacant lot below. When asked why she air mailed, Kretchmer told the Senate Subcommittee on the Environment: she "said she used to carry her garbage down the four flights, but she grew afraid of running the gauntlet of addicts roaming the hallways of her building, and afraid of a rat attacking her child while she was doing so. In other words, as offensive as 'air mailing' is, it had a sound internal logic according to the conditions under which she was forced to live."

Politically, crime in the streets is much safer to condemn from the rostrum than filth in the streets. Concerning the ghetto poor, however, a few politicians are breaking away from saying that filth—car exhaust, for example—may be victimizing people in deadly ways. Hopeful talk is being heard about banning cars from parts of cities. James P. Alexander, Washington's director of the Department of Environmental Services, said recently before the Senate: "In city after city across the country, traffic moving through the clogging inner city streets builds up pockets of air pollution that pose an invisible threat to health. In Washington alone, there are now identified 10 intersection areas where carbon monoxide counts exceed 35 parts per million much of the day. That does not sound like much. But look at it from the point of view of an inner city resident. No air conditioner. No humidifier. Windows open. Children with sickle cell anemia and needing all the oxygen they can breathe 24 hours a day. This affects health . . .

"What must a city do? In this department, we are shortly going to be seeking some rerouting of traffic, possibly some closing of areas to motor vehicles. We know that this will excite resistance from a number of the community sectors. But the step must be taken . . . if we are to move meaningfully forward against the effects of air pollution . . . Automobiles account for 98 per cent of the carbon monoxide emitted into Washington's air. While other pollutants cause serious problems, the adverse physiological effects of carbon monoxide warrant special attention . . . If we are really to protect our people, we soon must consider establishment of massive fringe parking areas, inexpensive shuttle bus service downtown and banning of privately operated cars in large central city areas."

A second form of adaptation is the kind found not among those trapped in the slums but among those comfortable in the suburbs. Not only can they escape or block out the worst assaults of pollution but they believe

the mild assaults they do feel are only temporary. In the debate to get lead out of gasoline, for example, many accept the argument that we must be reasonable and face "the economic realities," not just the environmental ones. Thus, people like Kretchmer and Alexander who talk about banning cars (Kretchmer: "I don't think you need a car in New York at all") sound like wildmen compared to those calling for "reason." After all, if lead comes out of gas, it will cost more and you won't get good mileage. Yet, the Kretchmers persist. He asks: "Is it important that people get good mileage? Is that greater economy than children whose brains get addled?"

A third cause for widespread adaptation is that many citizens are not even aware a problem exists. Jerome Kretchmer teaches a class at the New School in New York. When he came to the subject of garbage, "I took them out to the landfill and there was nothing so overwhelming as standing there a couple of hours and watching 650-ton barges loaded with New York City's refuse being unloaded at the rate of 14,000 tons a day and watch it get carried out a mile, two miles, to the landfill site and see it get dumped and watch these wagons come back . . . You have the feeling it is never ending, you have the sense you are never going to get rid of it and that no systems are being designed to create less of it. We are up against it on both sides. I testified here (before the Senate Subcommittee on the Environment) about how much waste was being created and I felt when I left that we had made very little impact on the people that make the waste, the manufacturers, the bottlers, packagers, all the usefuless products that get sold in our society."

"Very little impact" is right. Not only is the one-way container industry intent on keeping on with the throwaway system, but many of its members lead an organization called Keep America Beautiful. Its message? Don't litter. Thus, they tell the lone consumer not be messy around the neighborhood, as if putting a can in the litter basket really gets rid of it. Sen. Gaylord Nelson points out that instead of the 25.6 billion non-returnable cans and bottles we had to try to dispose of in 1958, we will be inundated by the disposal problem of 58.1 billion non-returnables in 1976. "We must view with bitter irony the possibility that the pyramid for our affluent and productive age may prove to be a massive pile of indestructible bottles, cans and plastic containers paid for by the collective sweat of the public brow." Paid for in money, too. A current article in the excellent monthly "Environment" says that beverages in returnable bottles are actually about 30 per cent cheaper than in cans or throwaways.

Is there any hope, is there anyone who isn't adapting to pollutions? Surprisingly, large numbers of lone citizens, groups, even whole communities, are part of the new environmental resistance. City officials in Oberlin, Ohio, for example, passed a stiff law in January making it illegal to sell, offer for sale, or even possess non-returnable cans or bottles. Industry Week magazine reports officials as saying "a significant dent" in their solid waste problem has been made. Six weeks ago, in rural Adam County, Pennsylvania, a citizens group convinced HUD to stop a developer from mistreating the land. In eastern Kentucky and Tennessee, two citizens' groups are campaigning to stop strip mining, the first time the voice of impoverished mountain people has been heard on this outrage.

If by Earth Week next year, or the years after, groups like these multiply, and the philosophy of non-adaptation spreads, then possibly the ecocidal deadlines will be wrong. The small losses will be truly seen—and rejected—as big ones.

THE LOAN GUARANTEE TO LOCKHEED AIRCRAFT CORP.

Mr. PROXMIRE. Mr. President, Wednesday, April 12, Elmer Staats, Comptroller General of the United States, testified before the Senate Banking, Housing and Urban Affairs Committee that the Secretary of the Treasury has denied the General Accounting Office access to the books and records of the Emergency Loan Guarantee Board in connection with the Government loan guarantee given to the Lockheed Aircraft Corp.

On the basis of the testimony of the Comptroller General, I asked the chairman of the committee, Senator JOHN SPARKMAN, to hold further hearings on this matter and to invite Secretary Connally to testify in these hearings.

Senator SPARKMAN has authorized me to go ahead with such hearings and to preside over them in his absence. I have therefore invited Secretary Connally to respond to the very serious charges made by the Comptroller General.

Last year the Senate, by a bare one-vote margin, passed the Emergency Loan Guarantee Act in order to bail out the Lockheed Corp. from its financial difficulties with a $250 million loan guarantee.

Under the act, the Emergency Loan Guarantee Board was created to administer the loan. The Board is composed of the Secretary of the Treasury, the Chairman of the Board of Governors of the Federal Reserve System, and the Chairman of the Securities and Exchange Commission. The Secretary of the Treasury is designated as Chairman of the Board.

The act sets out limitations and conditions for the extension of a loan guarantee requiring the Board to make specific determinations of entitlement.

The act also directs the General Accounting Office to make detailed audits of the books of any borrower under the act and to report the results to the Board and to Congress. Of course, the act was set up for the benefit of Lockheed, and the only loan approved under it is to that company.

In order to carry out its responsibilities, the GAO needs to have access to the books and records of the Emergency Loan Guarantee Board as well as of Lockheed.

The law giving GAO access to the books and records of the Emergency Loan Guarantee Board as well as all other Government agencies and boards is clear and well known. GAO's right of access has existed since passage of the Budget and Accounting Act of 1921 and has been expanded and reinforced by the Legislative Reorganization Act of 1946 and the Accounting and Auditing Act of 1950.

It has not been necessary to renew GAO's right of access each time a new agency or board is created. Numerous Government boards have been established in recent years and all of them have submitted their books and records to inspection by GAO.

According to the Comptroller General, Mr. Connally is in clear violation of the law when he denies GAO access to the records of the Emergency Loan Guarantee Board.

I asked the Comptroller General about the Lockheed loan in the hearings on April 12. It was pointed out that under the Budget and Accounting Act of 1921, "all departments" are directed to "furnish to the Comptroller General such information regarding the powers, duties, activities, organizations, financial transactions, and methods of business of their respective offices as he may, from time to time, require of them." It should be emphasized that this act imposes a duty on the heads of all Government agencies, as well as the GAO. The question I raised with the Comptroller General was whether he had been able to meet his statutory responsibilities under the Lockheed bail-out act and the Budgeting and Accounting Act.

The following exchange then took place between the Comptroller General, Mr. Staats, and myself:

Mr. STAATS. I have previously testified before the Congress that we have had good cooperation from the contractor, Lockheed Corporation. But for reasons which are not at all clear to us, the Board has refused us access to any records of the Board.

Senator PROXMIRE. What Board is that?

Mr. STAATS. I am referring here to the Emergency Loan Guarantee Board, which is chaired by the Secretary of the Treasury, also the Chairman of the Federal Reserve Board, and the Chairman of the Securities and Exchange Commission. It is staffed by the Treasury Department.

I have had two exchanges of letters with the Secretary. The most recent was March 30th. But in both cases, the Secretary has turned us down. In my initial letter on this to the Treasury, dated September 21, 1971—this was occasioned by the informal refusal on the part of the staff of the Board to make available any of the records of the Board.

The refusal which I received from the Treasury Department dated December 9th indicated they were turning us down on the basis that the law did not specifically give us this authority.

Senator PROXMIRE. Isn't the Secretary of the Treasury in flat contradiction of the law, as I read it? I just read it to you. It seems to me it is very clear, very explicit.

Mr. STAATS. Mr. Chairman, I reminded the Secretary in a further letter, then, replying to his letter, that we did not think they had given adequate consideration to the basic statutory authorities of our office, namely, the Budget and Accounting Act of 1921 and the 1950 Act.

And it would indeed, then, have been unnecessary for the Congress to repeat that authority, and it does not repeat that authority in successive pieces of legislation. So I asked him to take a look at it, as a personal matter, to be sure that they had given full consideration to our basic authority.

Under date of March 30, 1972, I have a further letter in which he says, "On the basis of my review of the matter, I continue to believe that the conclusion reached by the Board at its November, 1971 meeting as set forth in my letter to you of December 9th, 1971, was correct and that it was not the intent of Congress that the decisions of the Board be reviewed by the General Accounting Office. In reaching that conclusion, the Board and its staff gave careful attention to the provisions of the Budget and Accounting Act of 1921, the Legislative Reorganization Act of 1946, and the Accounting and Auditing Act of 1950."

Senator PROXMIRE. Let me just interrupt to say, Mr. Staats, that I can't understand that

letter from Mr. Connally, that it was not the intent of the Congress.

I was involved, as you know, very deeply in this, and it was certainly my intent—it is true that it was not discussed in any kind of colloquy on the floor, but I know of nobody who wouldn't have expected that the General Accounting Office would do what it was required to do under the law with respect to all of these matters.

Mr. STAATS. Mr. Chairman, it would not have been necessary for the Congress to discuss it. The same practice is followed on many other pieces of legislation.

I personally think it is a clear violation of the law, and I am very much concerned about it.

Senator PROXMIRE. Let me say that I have known you for some time, Mr. Staats, and as you may know, I have been somewhat disturbed at your mildness. I felt that you have been very gentle, and that is a marvelous quality, but I felt maybe it would be better if you were a little tougher.

This is the first time I have ever heard you take a position saying that anybody was in violation of the law, and I am most impressed by the fact that it comes from you.

Mr. STAATS. Mr. Chairman, the Congress in the past, when it has wanted to make exceptions to our basic statute, has done so explicitly. I can cite you—I have a list here of this type.

For example, the expenses allowance at present, the expense for the White House Office, the CIA, emergency or extraordinary expenses of the Department of Defense, emergencies in the diplomatic service in the Department of State, Offshore Procurement by the Agency for International Development, the Comptroller of the Currency, the Federal Reserve System.

Now, this has been a specific, positive action on the part of the Congress when they wished to take exception to our basic statutory power.

Let me cite you another one which involves the Treasury Department. In the Gold Reserve Act of 1931, they authorized establishment in the Treasury of a stabilization fund for the purpose of stabilizing the exchange value of the dollar, to be operated under the exclusive of the Secretary of the Treasury, with the approval of the President, whose decision shall be final and not subject to review by any other officer of the United States.

Now, that clearly excluded our office. But only in 1970, the Congress, by law amended that Act to provide for authority to our office to review the administrative expenses of the Fund.

Now, I cite this as a case involving the Treasury Department where Congress, in the one instance, denied our office access to records, and now have modified that in some respects.

I do not know why the Secretary of the Treasury has taken this view, particularly against the history of the fact that there have been many other agencies——

Senator PROXMIRE. What could he be trying to hide, here? Why wouldn't he be willing to disclose this unless it is something that would be adverse to Lockheed, something adverse to the fight that he waged so hard to win, and led the fight, of course, for, very successfully?

Mr. STAATS. Mr. Chairman, I have known the Secretary for many years, having worked with him when I was in the Bureau of the Budget, and he was in the Defense Department. I cannot under any conceivable line of reasoning understand why he has taken this position.

I am most disturbed by the allegation that the Secretary of the Treasury has flatly refused to comply with what the Comptroller General has determined is the law in this case. If the Comptroller General is right, such arrogant defiance of the law by a high Government official goes to the heart of our system. It unsettles the people's already shaky confidence in the Government.

Why should a taxpayer, for example, make his books and records available for auditing by the Internal Revenue Service when the Secretary of the Treasury would not make the books and records of a government board available for auditing by GAO?

Unfortunately, the statues giving GAO access to books and records of Government agencies lack teeth. There appears to be no way to enforce this right. There is no penalty under the existing law for violations of it.

I asked the Comptroller General in the same hearings whether GAO had any recourse against the Secretary of the Treasury for refusing to comply with the statutes regarding access to books and records of Government agencies. Mr. Staats replied that there was no recourse.

In his own words:

We have no recourse, unless this Congress is willing to either take us out or make it clear that we are responsible. I do not want to be responsible for auditing an agency where I am denied the records, and then still carry that responsibility to the Congress.

Of course, we have only heard one side of the question so far. I am thus reserving final judgment until Secretary Connally has an opportunity to explain his position. In view of the seriousness of the charges that have been made, I am confident that he will personally want to take advantage of this opportunity.

The Comptroller General, after all, is a highly respected and distinguished public official. He does not make such accusations lightly, and I do not believe they are to be taken lightly by anyone.

Mr. President, I ask unanimous consent to insert in the RECORD, Public Law 92–70, "The Emergency Loan Guarantee Act," and the series of correspondence between the Comptroller General and the Secretary of the Treasury.

Regardless of the legal arguments involved, I cannot understand why Mr. Connally is concealing the records on the Lockheed bailout loan. What he is trying to hide? If he has complied with the law, why is he afraid to let the GAO examine the records on the Lockheed loan? His refusal to open the books certainly does not inspire public confidence in the soundness of the Lockheed loan.

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

[Public Law 92–70, 92d Cong., H.R. 8432, Aug. 9, 1971]

An act to authorize emergency loan guarantees to major business enterprises

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 "Emergency Loan Guarantee Act".

ESTABLISHMENT OF THE BOARD

SEC. 2. There is created an Emergency Loan Guarantee Board (referred to in this Act as the "Board") composed of the Secretary of the Treasury, as Chairman, the Chairman of the Board of Governors of the Federal Reserve System, and the Chairman of the Securities and Exchange Commission. Decisions of the Board shall be made by majority vote.

AUTHORITY

SEC. 3. The Board, on such terms and conditions as it deems appropriate, may guarantee, or make commitments to guarantee, lenders against loss of principal or interest on loans that meet the requirements of this Act.

LIMITATIONS AND CONDITIONS

SEC. 4. (a) A guarantee of a loan may be made under this Act only if—

(1) the Board finds that (A) the loan is needed to enable the borrower to continue to furnish goods or services and failure to meet this need would adversely and seriously affect the economy of or employment in the Nation or any region thereof, (B) credit is not otherwise available to the borrower under reasonable terms or conditions, and (C) the prospective earning power of the borrower, together with the character and value of the security pledged, furnish reasonable assurance that it will be able to repay the loan within the time fixed, and afford reasonable protection to the United States; and

(2) the lender certifies that it would not make the loan without such guarantee.

(b) Loans guaranteed under this Act shall be payable in not more than five years, but may be renewable for not more than an additional three years.

(c)(1) Loans guaranteed under this Act shall bear interest payable to the lending institutions at rates determined by the Board taking into account the reduction in risk afforded by the loan guarantee and rates charged by lending institutions on otherwise comparable loans.

(2) The Board shall prescribe and collect a guarantee fee in connection with each loan guaranteed under this Act. Such fee shall reflect the Government's administrative expense in making the guarantee and the risk assumed by the Government and shall not be less than an amount which, when added to the amount of interest payable to the lender of such loan, produces a total charge appropriate for loan agreements of comparable risk and maturity if supplied by the normal capital markets.

SECURITY OF LOAN GUARANTEE

SEC. 5. In negotiating a loan guarantee under this Act, the Board shall make every effort to arrange that the payment of the principal of and interest on any plan guaranteed shall be secured by sufficient property of the enterprise to collateralize fully the amount of the loan guarantee.

REQUIREMENTS APPLICABLE TO LOAN GUARANTEES

SEC. 6. (a) A guarantee agreement made under this Act with respect to an enterprise shall require that while there is any principal or interest remaining unpaid on a guaranteed loan to that enterprise the enterprise may not—

(1) declare a dividend on its common stock; or

(2) make any payment on its other indebtedness to a lender whose loan has been guaranteed under this Act.

The Board may waive either or both of the requirements set forth in this subsection, as specified in the guarantee agreement covering a loan to any particular enterprise, if it determines that such waiver is not inconsistent with the reasonable protection of the interests of the United States under the guarantee.

(b) If the Board determines that the inability of an enterprise to obtain credit without a guarantee under this Act is the result of a failure on the part of management to exercise reasonable business prudence in the conduct of the affairs of the enterprise, the Board shall require before guaranteeing any loan to the enterprise that the enterprise make such management

changes as the Board deems necessary to give the enterprise a sound managerial base.

(c) A guarantee of a loan to any enterprise shall not be made under this Act unless—

(1) The Board has received an audited financial statement of the enterprise; and

(2) the enterprise permits the Board to have the same access to its books and other documents as the Board would have under section 7 in the event the loan is guaranteed.

(d) No payment shall be made or become due under a guarantee entered into under this Act unless the lender has exhausted any remedies which it may have under the guarantee agreement.

(e)(1) Prior to making any guarantee under this Act, the Board shall satisfy itself that the underlying loan agreement on which the guarantee is sought contains all the affirmative and negative covenants and other protective provisions which are usual and customary in loan agreements of a similar kind, including previous loan agreements between the lender and the borrower, and that it cannot be amended, or any provisions waived, without the Board's prior consent.

(2) On each occasion when the borrower seeks an advance under the loan agreement, the guarantee authorized by this Act shall be in force as to the funds advanced only if—

(A) the lender gives the Board at least ten days' notice in writing of its intent to provide the borrower with funds pursuant to the loan agreement;

(B) the lender certifies to the Board before an advance is made that, as of the date of the notice provided for in subparagraph (A), the borrower is not in default under the loan agreement: *Provided,* That if a default has occurred the lender shall report the facts and circumstances relating thereto to the Board and the Board may expressly and in writing waive such default in any case where it determines that such waiver is not inconsistent with the reasonable protection of the interests of the United States under the guarantee; and

(C) the borrower provides the Board with a plan setting forth the expenditures for which the advance will be used and the period during which the expenditures will be made, and, upon the expiration of such periods, reports to the Board any instances in which amounts advanced have not been expended in accordance with the plan.

(f)(1) A guarantee agreement made under this Act shall contain a requirement that as between the Board and the lender, the Board shall have a priority with respect to, and to the extent of, the lender's interest in any collateral securing the loan and any earlier outstanding loans. The Board shall take all steps necessary to assure such priority against any other persons.

(2) As used in paragraph (1) of this subsection, the term "collateral" includes all assests pledged under loan agreements and, if appropriate in the opinion of the Board, all sums of the borrower on deposit with the lender and subject to offset under section 68 of the Bankruptcy Act.

INSPECTION OF DOCUMENTS; AUTHORITY TO DISAPPROVE CERTAIN TRANSACTIONS

SEC. 7. (a) The Board is authorized to inspect and copy all accounts, books, records, memoranda, correspondence, and other documents of any enterprise which has received financial assistance under this Act concerning any matter which may bear upon (1) the ability of such enterprise to repay the loan within the time fixed therefor; (2) the interests of the United States in the property of such enterprise; and (3) the assurance that there is reasonable protection to the United States. The Board is authorized to disapprove any transaction of such enterprise involving the disposition of its assets which may affect the repayment of a loan that has been guaranteed pursuant to the provisions of this Act.

(b) The General Accounting Office shall make a detailed audit of all accounts, books, records, and transactions of any borrower with respect to which an application for a loan guarantee is made under this Act. The General Accounting Office shall report the results of such audit to the Board and to the Congress.

MAXIMUM OBLIGATION

SEC. 8. The maximum obligation of the Board under all oustanding loans guaranteed by it shall not exceed at any time $250,000,000.

EMERGENCY LOAN GUARANTEE FUND

SEC. 9. (a) There is established in the Treasury an emergency loan guarantee fund to be administered by the Board. The fund shall be used for the payment of the expenses of the Board and for the purpose of fulfilling the Board's obligations under this Act. Moneys in the fund not needed for current operations may be invested in direct obligations of, or obligations that are fully guaranteed as to principal and interest by, the United States or any agency thereof.

(b) The Board shall prescribe and collect a guarantee fee in connection with each loan guaranteed by it under this Act. Sums realized from such fees shall be deposited in the emergency loan guarantee fund.

(c) Payments required to be made as a consequence of any guarantee by the Board shall be made from the emergency loan guarantee fund. In the event that moneys in the fund are insufficient to make such payments, in order to discharge its responsibilities, the Board is authorized to issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities and subject to such terms and conditions as may be prescribed by the Board with the approval of the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under that Act are extended to include any purchase of such notes and obligations.

FEDERAL RESERVE BANKS AS FISCAL AGENTS

SEC. 10. Any Federal Reserve bank which is requested to do so shall act as fiscal agent for the Board. Each such fiscal agent shall be reimbursed by the Board for all expenses and losses incurred by it in acting as agent on behalf of the Board.

PROTECTION OF GOVERNMENT'S INTEREST

SEC. 11. (a) The Attorney General shall take such action as may be appropriate to enforce any right accruing to the United States or any officer or agency thereof as a result of the issuance of guarantees under this Act. Any sums recovered pursuant to this section shall be paid into the emergency loan guarantee fund.

(b) The Board shall be entitled to recover from the borrower, or any other person liable therefor, the amount of any payments made pursuant to any guarantee agreement entered into under this Act, and upon making any such payment, the Board shall be subrogated to all the rights of the recipient thereof.

REPORTS

SEC. 12. The Board shall submit to the Congress annually a full report of its operations under this Act. In addition, the Board shall submit to the Congress a special report not later than June 30, 1973, which shall include a full report of the Board's operations together with its recommendations with respect to the need to continue the guarantee program beyond the termination date specified in section 13. If the Board recommends that the program should be continued beyond such termination date, it shall state its recommendations with respect to the appropriate board, agency, or corporation which should administer the program.

TERMINATION

SEC. 13. The authority of the Board to enter into any guarantee or to make any commitment to guarantee under this Act terminates on December 31, 1973. Such termination does not affect the carrying out of any contract guarantee, commitment, or other obligation entered into pursuant to this Act prior to that date, or the taking of any action necessary to preserve or protect the interests of the United States in any amounts advanced or paid out in carrying on operations under this Act.

Approved August 9, 1971.

SECRETARY OF THE TREASURY,
Washington, D.C., Mar. 30, 1972.

Hon. ELMER B. STAATS,
Comptroller General of the United States, General Accounting Office Building, Washington, D.C.

DEAR ELMER: Since receipt of your letter of February 10, 1972, regarding the authority of the General Accounting Office to review the activities of the Emergency Loan Guarantee Board, I have reviewed the entire matter again.

As you know, representatives of your Office have examined and verified the accounts of the Emergency Loan Guarantee Board. On the basis of my review of the matter, however, I continue to believe that the conclusion reached by the Board at its November 1971 meeting, as set forth in my letter to you of December 9, 1971, was correct, and that it was not the intent of Congress that the decisions of the Board be reviewed by the General Accounting Office. In reaching that conclusion, the Board and its staff gave careful attention to the provisions of the Budget and Accounting Act of 1921, the Legislative Reorganization Act of 1946, and the Accounting and Auditing Act of 1950.

Sincerely,

JOHN M. CONNALLY.

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C., February 10, 1972.

Hon. JOHN B. CONNALLY,
Secretary of the Treasury,
Washington, D.C.

DEAR JOHN: On December 9 you wrote me that records of the Emergency Loan Guarantee Board, which has guaranteed a loan to the Lockheed Corporation, would not be available to the General Accounting Office in carrying out its audit and review responsibilities. Your letter indicates that there is nothing in the Emergency Loan Guarantee Act, or its legislative history, which provides for a GAO review of the Board's activities and suggest that Congress might need to pass additional legislation to make it clear that GAO has this authority.

I am afraid that your staff has overlooked the basic authority of GAO as set forth in the Budget and Accounting Act of 1921 to audit the activities of the Government agencies. Also included in the Act is the right of access to the records of the agencies. In short, there would have been no reason for the Congress to repeat this authority in connection with the Emergency Loan Guarantee Act. I wonder if you would not want to take a personal look at the situation.

Best wishes.

Sincerely,

ELMER B. STAATS.

SECRETARY OF THE TREASURY,
Washington, D.C., Dec. 9, 1971.

Hon. ELMER B. STAATS,
Comptroller General of the United States, General Accounting Office Building, Washington, D.C.

DEAR MR. STAATS: This is in further response to your September 21, 1971 letter to me as Chairman of the Emergency Loan Guarantee Board requesting that records of the Board be made available to the General Accounting Office for its review. In your letter you indicate your authority to review decisions of the Board and its records is found in the Budget and Accounting Act of 1921, the Legislative Reorganization Act of 1946 and the Accounting and Auditing Act of 1950.

The Board wishes to cooperate as fully as possible with the General Accounting Office. After carefully considering your request, however, the Board concluded at its meeting on November 17 that it was not the intent of Congress that the General Accounting Office review its decisions. The Board's belief is based on its understanding of what was intended to be accomplished by the Emergency Loan Guarantee Act. If Congress intends for the General Accounting Office to review the decisions of the Emergency Loan Guarantee Board, we believe amendatory legislation should be enacted making it clear that the GAO has this authority.

Congressional review of loan guarantee matters is carefully spelled out in the Guarantee Act: the GAO is directed to audit the borrower and report its findings to the Board and to the Congress; and the Board is directed to make a "full report" of its operations to the Congress. We find nothing in the Guarantee Act or its legislative history which suggests an intent that competing reports of the Board's operations were to be made to the Congress or that the Board's decisions were to be reviewed by the General Accounting Office.

The Board as constituted by the Congress is uniquely well qualified to make the determinations called for by the Guarantee Act, including the critical finding of whether failure to guarantee a loan would have an adverse effect on the economy.

We would be happy to discuss this matter further with you if you wish. Questions concerning the basis for the Board's decision also may be directed to Samuel R. Pierce, Jr., General Counsel of the Treasury, and Executive Director to the Board.

Finally, I have taken the liberty of furnishing a copy of your September 21, 1971 letter to me together with a copy of this response to the Honorable John Sparkman, Chairman of the Senate Committee on Banking, Housing and Urban Affairs and the Honorable Wright Patman, Chairman of the House Banking and Currency Committee.

Sincerely,

JOHN B. CONNALLY.

COMPTROLLER GENERAL,
OF THE UNITED STATES,
Washington, D.C., September 21, 1971.

Hon. JOHN B. CONNALLY, Jr.,
Chairman, Emergency Loan Guarantee Board, Washington, D.C.

DEAR MR. CHAIRMAN: As you are aware the Emergency Loan Guarantee Act, Public Law 92–70, requires the General Accounting Office to make a detailed audit of any borrower with respect to which a loan guarantee is made.

In this connection, a meeting to initiate our review was held on September 16, 1971, between representatives of our Office and Mr. Tim Greene, Secretary of the Emergency Loan Guarantee Board.

The discussion centered on three areas; decisions of the Board in approving, executing, and administering any guaranteed loans; the provisions of the guaranteed loan agreements established between the Board and the borrower; and the audit of the borrower. Mr. Greene had some question concerning our authority and responsibility for review of Board decisions.

As you know the authority and responsibility of the GAO for making audits and investigations of Government agencies are stated in a number of laws including the Budget and Accounting Act, 1921; the Legislative Reorganization Act, 1946; and the Accounting and Auditing Act of 1950. For example, Section 312 of the Budget and Accounting Act requires the Comptroller General to examine all matters relating to the receipt, disbursement or application of public funds and report to the Congress the results of such examinations. Section 313 of the same Act states that all departments and establishments shall furnish information as may be required of them by the Comptroller General. It further provides that the Comptroller General shall have access to any books, documents, papers or records of such departments or establishments. Section 2 of this Act defines department or establishment to include boards such as the Emergency Loan Guarantee Board.

In view of the fact that Lockheed has already received a substantial amount of the guaranteed loan and is likely to receive additional amounts in the near future, we are anxious to begin our work as soon as possible. We would appreciate advice as to when the records of the Board can be made available for review.

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.

MEANY-PROXMIRE CLASH OVER WHO KILLED INFLATION CONTROL

Mr. PROXMIRE. Mr. President, on Thursday, April 20, the Joint Economic Committee had one of the liveliest and most interesting hearings we have had in a long time. Our principal witness was George Meany, the president of the AFL–CIO. The hearing was vintage Meany, which means about as straightforward a comment on economic policy as one can get.

I ask unanimous consent that the transcript of the hearing be printed in the RECORD.

There being no objection, the transcript was orderd to be printed in the RECORD, as follows:

REVIEW OF PHASE II OF THE NEW ECONOMIC PROGRAM

The Committee met, pursuant to notice, at 10:00 o'clock a.m., in Room G–308, New Senate Office Building, Senator William Proxmire (Chairman of the Committee) presiding.

Present: Senators Proxmire (presiding), Fulbright, Javits, Percy, and Representatives Conable and Brown.

Also present: John R. Stark, Executive Director; Loughlin F. Mc Hugh, Senior Economist; Lucy A. Falcone, Jerry J. Jasinowski, John R. Karlik, Richard F. Kaufman, Courtenay M. Slater, Economists; Walter B. Laessig, Minority; George D. Krumbhaar, Minority Counsel; and Leslie J. Barr, Minority.

Chairman PROXMIRE. The Committee will come to order.

Mr. Meany, you drove a hard bargain before you agreed to serve on the Pay Board. First you insisted that it be tripartite. Many disagreed with you on that and thought a tripartite board would bog down in delay, would invite division and disagreement, and when it would stumble along would only be able to do so by caving into pressure.

It looks like this is exactly what happened to the Board. So those who disagreed with you may have been right. At any rate the Board did delay. It did deadlock. And in my view it did cave in under pressure.

But the tripartite feature was not the Administration's idea or Congress' idea. It was your idea. And when you walked off the Board, you killed it. You strangled your own baby.

You also drove another bargain. You insisted that there would be no interference—some might call it coordination—between the Cost of Living Council and the Board.

You insisted that the Board, not the Cost of Living Council, not Secretary Connally, not the Administration but the Board, should determine wage policy without interference or veto. You won that battle.

It is true that this victory has been at least partially sabotaged by Cost of Living determination of some policies such as low income exemption. But the Pay Board sovereignty was again your baby. And as long as you were on the Board it had a fighting chance. Now you have left the Board, and this Senator wouldn't give a nickle for the continuing independence of the Pay Board. Here is a second offspring you have done in.

When you walked off the Board you said you didn't want to be mere window dressing. But while you were on it your will seemed to prevail on some immensely impressive settlements—coal wages were allowed a 12 percent increase; railroads even more. There were other settlements which seemed inflationary. Frankly, I opposed them, but you seemed to be winning.

Sure you lost some battles, some tough battles, but you seemed to be winning the war. And I don't see how you could possibly have called the overall determinations by the Pay Board just a facade. The results were: 1. Some enormous breakthroughs for immediate wage gains for labor; 2. some serious setbacks for any effective anti-inflation program.

Now this is all over. You are on the outside. You must carry on your fight for a better break for the working man from the outside.

You are a mighty powerful man. Some say you are the second most powerful man in the country. I would only question why they say second.

I am looking forward to this hearing this morning to see if something better can't come out of this action of yours. You are as devoted as any American to the economic health of this country. You know as well as anyone that inflation can spell disaster for the millions of working men you represent. You have the power to get results, and, as I am sure you recognize, when you walked off that Pay Board you did not walk out on your responsibility to your country.

I stress this point because I am now going to go on to say that, after listening to the Administration witnesses, I am not only persuaded that inflation is not being controlled, but that in addition labor may be right in thinking the program will result in serious discrimination against them.

The control of wages has not been very good. Some unions have gotten extraordinarily large settlements approved. The Pay Board estimates of average increases contain so many loopholes that they are hard to interpret. But if the statistics Judge Boldt presented yesterday are even anywhere near correct, wages are being controlled more effectively than prices.

In part this is being done through delay. Some of the Pay Board's most difficult cases are still pending. If decisions can be put off long enough, this will certainly help keep down the average wage increase, but it would be hard to imagine a more unjust way of achieving this objective.

The Price Commission by contrast seems

to move with promptness in approving price increases. The statistics presented by Chairman Grayson indicating that 40 percent of the first 129 firms to file complete quarterly reports appeared to have profit margins exceeding the guidelines, certainly suggest that prices have gone up more than they should. I have little hope that Mr. Grayson's fine plans for price roll-backs will come to much. The sheer effort involved in reading and evaluating the reports of 3,000 companies will in itself prevent uniform application of the profit rule.

So I can understand why you think the program will turn out to be systematically discriminatory against labor. Corporate profits represent only about ten percent of total national income, while wages and salaries represent 75 percent. So a little extra profit may not have a really major impact on prices. But the equity issue involved is very serious. The very notion that excess profits are resulting from this program infuriates the public. They feel they just cannot cooperate. A program which the public sees as unfair cannot help but fail.

My view is that the thing to do with this shambles of a control program is to get rid of it. Limit the controls to the areas of monopoly power and the few areas of supply shortage. Make these limited controls effective while they last. Then get rid of them, too, replacing them with voluntary guidelines. I know my position on this differs from that of the AFL–CIO, and I hope we can later get into some discussion of that.

Mr. Meany, the Administration officials we have had testify have made light of the importance of labor participation on the Pay Board. Furthermore, they have flatly denied some of the accusations you and other labor leaders have made. Now it is your turn.

Before you begin, let me say that I appreciate receiving your statement before the close of business yesterday. You are close to winning on that score. I had a little colloquoy with Mr. Brown. He wondered if I would tell George Meany this morning that he was late in his statement. You were late. You violated the Reorganization Act, which requires 48 hours in advance. You were later than the Committee instructed. You did a whale of a lot better than anybody except Mr. Gullander, the head of the National Association of Manufacturers.

We are delighted to have had your statement in advance.

STATEMENT OF GEORGE MEANY, PRESIDENT, AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS

Mr. MEANY. Thank you very much. Before proceeding with my statement——

Chairman PROXMIRE. Before you do that, just one other point. Again, I am embarrassed to tell you. You are certainly our principal witness and our most important witness in this hearing. We have followed a policy and I know you want to be treated equally with everybody else. We put a timer up here and limit everybody to 15 minutes. The buzzer goes off at 13 minutes and you have two minutes left. Then we will get into the questioning period.

There will be other Senators here and I know you want as much time for give and take as we can have.

Mr. MEANY. Am I permitted to comment?

Chairman PROXMIRE. Yes, without restrictions on your time.

Mr. MEANY. You speak of the battles we won and the victories we won in this whole business. Frankly, I don't want to win any more battles, if we won battles with the Administration on this question.

We started back in February 1966 and we said publicly, in a public statement unanimously adopted by your Executive Council, which received wide publicity, that it was not our decision as to whether or not controls should be used to combat inflation. This was the decision that would have to be made by the President of the United States.

However, if he made that decision, we would cooperate, providing, and I want to stress this, that the controls were fair and equitable, and that they were put out in all segments of the economy that had any impact on the question of inflation.

We repeated that again later that year and then in 1967 and in 1968 and in 1970 and again in 1971 we issued that same statement, word for word, that we were ready to surrender some of our freedom in order to make a contribution to fight this battle of inflation.

You say that 70 percent of the workers' wages have an impact on prices and only 10 percent of profits.

Well, I can say to you that we are the first victims of inflation. If you talk to the housewives of America today, and we have a way of talking to them—we have some material which shows what they are up against on the basis of a survey we made—we certainly want to bring prices down. If we brought prices down, it is quite obvious that the pressure for higher wages would be to some extent lessened. When you look at the problem of the housewife with her bills going up and up and up—I happened to talk to the wife of a Republican Congressman that I have known for many years, and she was almost in tears just a few nights ago. She has a large family. I happened to meet her at a social occasion. She said that she shops for her large family, I think once a week, and she keeps a record. Six months ago she was paying $155 for her week's supply for her children, which she buys in the super market. Now it is about $198.

I want to say this, that she can afford to pay that, I am quite sure. I know her husband and I know what his background is. In fact, he is a very good friend of mine, despite the fact that he is a Republican Congressman.

She was really indignant about it. This applies to all the housewives of America. Whether they can afford it or not, they don't like to get robbed in the store. So we are the victims.

You talk about the people who get the profits, and so on and so forth. They are the victims, too, but not to the extent that we are, just because of our numbers. So we start out, Senator, by saying that we want to see prices controlled.

What was the attitude of the NAM? What was the attitude of big business? No controls at all. Controls are undemocratic.

What did the President of the United States say? The President of the United States said controls will not work. They will not work because they are never equitable "and I am completely and unalterably opposed to price controls." This is what Mr. Nixon said.

However, when he became President, we were told that there was going to be a fight on inflation, and with a great deal of fanfare and a great deal of rhetoric from Arthur Burns we were told that the inflation was going to be licked. This was February 1959.

I have in my record, and I put this in the record the other day, a letter from Mr. Nixon to me personally in which he said, "We are going to control prices. We are going to bring prices down. And we are going to do it without asking the worker to pay for this control by the loss of his job. In other words, we are going to do it without causing additional unemployment."

What was the system? Monetary fiscal control, squeeze down, cool down the hot economy. This was Arthur Burns' theory, to cool it down. I have known him for years and he sincerely believed this would happen. This was the beginning of Phase I, February 1969, the start of Phase I, not August 15, 1971.

What happened? Well, they did slow business down a little and they promptly caused unemployment.

Of course, we kept getting a series of statements from the representatives of the Executive Branch of the Government. They have a way of seeing blue birds flying around every time a statement comes out. They ignore the things that they feel might not be favorable.

But Mr. Walker, the Assistant Secretary of the Treasury, in July 1969, just a few months after the Phase I inflationary fight started, pointed to the rapidly rising rate of unemployment and he said, "This proves that President Nixon's plan is working."

Well, he evidently hadn't consulted because President Nixon's plan was to control inflation and not cause more unemployment. So what was the result? More unemployment. And what happened to the inflation? Up, up, up. It was 4.5 percent in February 1969. A year later it was well over 6 percent. It is well over 6 percent today.

What happened to the interest rates? Gentlemen, don't interest rates have something to do with prices? Don't interest rates have something to do with what the consumer pays? Don't what the middleman gets for his profit have something to do with the price? Don't profits have something to do with price? Don't dividends that are paid on investment capital have some impact on prices? Or is the only thing that has an impact on prices the workers' wages?

We don't believe that. But we kept hearing that the plan is working, the economic plan is working.

However, I began to have my doubts because just about a year after the plan went into effect Arthur Burns started to make some speeches. He didn't talk about his plan. He didn't say, "Well, it may work a little better." He didn't even mention the plan. He started to say, "Labor is the problem. Labor is the problem." He came out with some new ideas. Congress didn't adopt them. One of his new ideas was to enact compulsory legislation, to compel workers to work for wages laid down by the government, to work for the private employer at a wage set by government flat.

He had another idea. The minimum wage law was in the way because, you see, in our unemployment figures we get an overall figure but then there are a lot of broken down figures about how it affects the blacks, how it affects the ghettoes, how it affects rural areas, how it affects teenagers, and so forth. The teenage rate is always high and always will be high because the teenagers are added to the labor force when they are out of work. They are not working. They have never worked before.

They come into the labor force and until they get a job they are listed as unemployed. Sometimes their rate is as high as 22 percent. But Arthur had a brilliant idea. The minimum wage law should be amended so that the teenagers can be hired at something below the minimum wage. The fact that this may put the teenager's father out of work never occurred to Arthur, but I suppose if it did his answer would be, "Well, the father can always go on welfare."

It is very simple. Tie it all together.

Speaking of Welfare, this is one place where we have made great, great progress. We have added almost 5 million people to welfare during the last three years. So this is great. The ratio between those who work and those who depend and put their hands out for their sustenance from those who work is changing all the time. The number of people that we call the working poor is increasing all the time.

So when you look at this picture you have to look at the general picture. As late as last July Secretary Connally said, "There will be no change in the President's economic

plan." And then they went up on a Friday afternoon to the eagle's nest up here in Maryland and they had a conference.

They didn't even bother to bring the Secretary of Labor. He is not one of the egg heads. But they had Arthur and George Shultz, and they had big John Connally there. They sat for several hours. All of a sudden the plan changed and they notified the Members of the Cabinet to be at the White House at four o'clock Sunday afternoon, the 15th of August. Then the President came out on the 15th of August.

He didn't apologize for the miserable failure of the economic game plan number one. He didn't even mention it. Of course, this is something he has borrowed from the communists. They have a technique. They never defend, they never mention. You can't get a communist to talk about Czechoslovakia in August 1968. You can't get him to talk about Hungary back in 1956. No, they don't talk about those things. They talk about what is wrong with you, not what is wrong with them.

So the President's education has progressed, I think.

So not a single word about the failure, not a word. And then on the night of August 15 we have the flip-flop. The fellow who was against controls completely came out for controls. And we had a freeze. But we had something more than a freeze. We had $3 billion for industry—$3 billion. A little gift to industry. After all, we can't have all poor people, you have to have some people getting along. So $3 billion for industry in the form of an investment tax credit.

This was on top of $4 billion that he had given industry just a month previous by the accelerated write-off of their investments. So they had about $7– or $8 billion given to them that night. It was a great night for industry.

And lo and behold the NAM and the Chamber of Commerce were for controls. It was great.

It is like the fellow who is preaching against dictatorships to his friend, and he says to him, "Dictatorships are wrong." He finally convinces him that they are wrong, and then he says, "However, unless you can get one of your own they are wrong."

Here was the NAM and the Chamber, and they had controls. But one of their own was at the helm. Everything was fine, but not a word from the President of the United States.

I remember one of his speeches back in September 1968 when he spoke about the right of the public to know, the right of the public; the President must let the public know what is going on. He must not only explain what he is going to do, but he must explain what he has done and why he has done it.

But not a single word about Phase I.

Chairman PROXMIRE. I would like to interrupt to say that the Chair has put himself into a very difficult dilemma. Let me tell you why.

Mr. MEANY. You started this, Bill.

Chairman PROXMIRE. You bet your life I started it.

Mr. MEANY. I haven't even gotten into the meat of this thing at all.

Chairman PROXMIRE. Yesterday I provoked Judge Boldt and he wanted time.

Mr. MEANY. I am surprised that you provoked Judge Boldt. I didn't think that was possible.

Chairman PROXMIRE. At any rate, I gave Judge Boldt time. He took about a minute and a half before we ran time on him. As I said, we have run time on every witness—Mr. Stein, Mr. Grayson, Mr. Boldt. I want to begin that time but I told you I wouldn't as long as you are responding to my question.

Mr. MEANY. Did you start with every witness the way you started on me?

Chairman PROXMIRE. Even tougher. Let me say I am glad I started this because your response, while your statement is a fine statement, is a great deal better, much better. Nat Goldfinger may have had something to do with your statement. I am sure he agrees.

Let me just say that I think we better start with the time now.

Mr. MEANY. You can start time anytime.

Chairman PROXMIRE. Congressman Brown will be very mad if we don't treat you the same as we did Judge Boldt.

Bring out the clocks. Start the time.

Mr. MEANY. I hope this time limit won't cut off your questioning when I get through.

So we get to the point of August 15. We have a freeze. We have contracts. Then the job of carrying out the freeze is given to the Cost of Living Council. There is no public representation on the Cost of Living Council. This is all government. Actually, it was run by a fellow by the name of Webber. Within 12 hours he interpreted the freeze in a great many respects. He said this means that even if you have a contract which calls for a deferred wage increase in the freeze, that wage increase cannot be paid because the President has spoken.

Of course, I immediately said this reminded me of Peron. Peron used to raise the wages from the balcony. The President makes economic decisions affecting everybody. He makes them over the tube. Then he said another thing, and this was an official ruling. Not only can you not get your deferred wage increase, but you are violating the law if you negotiate with your employer to try to get that increase after the freeze is over.

In other words, you couldn't say to the employer after the freeze is over, "You owe each man here $30 and we want to talk to you about it." He would say, "No, I can't do that. I will go to jail. Mr. Webber said so."

So here we had some real dictatorship facing us.

Well, we did the best we could under the freeze. Then they talked about setting up a tripartite system. We talked about the tripartite system. You know the reason we talked about it? Because of our experience, Senator. I spent over five years on the War Labor Board and we had a tripartite setup. We had no government. We had no government interference whatsoever, not to the slightest degree, at least for the first three years.

We came up with the little steel formula, which was limiting on wages. We didn't like it, but we accepted it. We went along because we had something to say when the decision was made. So when they appointed the so-called neutral members—Judge Boldt, Neal Jacoby, Weber—he was neutral? He was the axe man for John Connally on the night of October 21, 1971, and on the morning of October 22 he was a neutral member of the Pay Board. That is Weber. And they had Kermit Gordon, a conservative economist.

Well, Mr. Jacoby has been for the past 13 years a director of Occidental Petroleum Company. He is still a director, and he is supposed to be neutral. Cabels was for many years an executive of Inland Steel Company, a former vice president of the National Association of Manufacturers. He, too, is a neutral member.

Then we have Judge Boldt, who is on the Federal payroll. He is not neutral. He is government. The Judge can be very profound. He is a delightful person. I like him personally very much. He can be very profound and he and I had a little discussion about these contracts.

Incidentally, the contracts were validated by Congress. You know that. You are quite familiar with that. Congress validated them. And Congress validated our deferred wage increase.

I was talking about the validity of the contract. I was talking about the power of the President to stand up in a rostrum and negate contracts, nullify contracts. I am not a lawyer, but I have read the Constitution and I think I have an advantage over some lawyers because I get closer to earth with people.

I am a plumber by trade and I think plumbers are much more important than lawyers. I said to Judge Boldt, "What about the validity of contracts? What about the sanctity of contracts?" He said, "Mr. Meany, I agree with you on the sanctity of contracts. I think it is tremendously important to uphold the sanctity. But there is a vital principle here." I said, "What is the vital principle?" He said, "We have got to go along with the President."

Then if you got to go along with the President, then I want to say that Congress is ignoring that principle every day of the week. They don't go along with the President. But this was the Judge's approach, that we had to go along with the President.

No one in this Administration has defended these appointments. No one in this Administration from Connally right down the line has defended these appointments or even mentioned these appointments. Despite that, in November we said we will go on this board. We will try to make it work. In other words, we have said we wanted this. We will try to make it work, despite the fact that the dice are loaded. We will see what we can do.

Well, we had some experience and we found out that we were making no impact at all. There was no input from us. The last decision wasn't near as bad as people might have though it was on the question of figures. But the last decision was an insult to the labor members of that Board because they came into the room and the decision had already been processed after a caucus between the business and the so-called public members. The caucuses were a regular thing. In fact, one day we sat over in the old State Department building from 9:30 in the morning to attend a conference which was never held. We were supposed to have a meeting at 11. From 9:30 in the morning until 4:30 in the afternoon there was a caucus held between the so-called public members and the business members.

They even went out to lunch together and left us sitting there. They finally walked in at 4:30 in the afternoon.

Actually, I think the New York Times described the labor member's presence there as degrading. The last decision was worked through the legal department and presented in its final form. It was laid on the table and the Chairman said, "Gentlemen, no use wasting any time. We have ten votes for this decision." This was sort of the crowning insult to our people there.

When we say, Senator, that we go along with a tripartite setup, let me point out that we are now going along with a tripartite setup. The same people who are members of our Council, who voted unanimously to take AFL–CIO people off the Pay Board, are still sitting on a tripartite board which was established by the President of the United States last March. That is the Construction Industry Stabilization Committee. They are still working. So here are the people who have voted to cut us off the board, who said, "Off" and they themselves are still on.

What is the difference? The difference is that they have a tripartite board. They have public members and they have no interference. I will tell you how cute this Administration is. They have not interfered with the construction board because it is working, and it is working because it is tripartite in nature and it has the cooperation of all the members of that board, including the labor members. They not only have their cooperation in reaching a decision, but they have cooperation in carrying them out. They are carrying out those decisions and they are

bringing down what has been admitted to be high wage settlements in the past in the building trades.

I will show you how cute this Administration is. This Construction Industry Commission is officially, according to the President's order, under the Pay Board. It is under the Pay Board, under the Pay Board's rules and regulations. But the Pay Board has never touched the Commission.

I will tell you why. Because the labor members of this Commission have informed the Pay Board, and the public members of this Commission have informed the Pay Board, and the industry members of this Commission have informed the Pay Board, "If you touch us, we quit."

So we walked off the Pay Board and the decision was made by the unanimous vote of our Council on the 22nd of March. Included in that unanimous vote were seven members of the construction industry group that are now sitting and have been sitting since last March on the Construction Industry Council set up by the President.

On the 23rd of March the labor members of the Construction Industry Council issued this statement: That they will continue to serve on the Commission only so long as the Construction Industry Stabilization Commission continues to maintain effectively its separate and autonomous position free from the supervision or control of the Pay Board.

This is a rather odd situation. Officially they are under the control of the Pay Board, but the Pay Board doesn't touch them. It doesn't overlook anything they do. Why? Why did we get off? And why did we stay? Why are we staying on that board?

If our Council made a decision on the Construction Industry Council they would have walked off. If we make a decision tomorrow, they walk. We have no intention of making such a decision.

As far as the Pay Board and the future of the Pay Board, when we walked off the reaction of the Administration was somewhat hysterical. Mr. Ziegler said, "This is sabotage." And the President said something about we were trying to torpedo the Pay Board.

We weren't trying to torpedo the Pay Board. We were trying to live with ourselves. We were trying to live with our membership. We refused to be a facade. We refused to be party to a deception of our own members, that we were having something to do with the decisions when we were having nothing to do with the decisions.

Then Mr. Gray from the Department of Justice compared me to the robber barons of the 19th Century. If the Senate confirms him, he will get to know some robber barons of the 20th Century over there.

So as far as we are concerned we want this to work. And let me say this, Senator: It can't work any worse for us with us off the Board because actually we might just as well have been off the Board from the start. We had no hand in the decisions. We were unable to get that Board, Senator, to go along with the will of Congress. The legislation that extended the Economic Stabilization Act gave the Administration some instructions, specially about low paid workers, about people below the poverty level.

Well, people below the poverty level are still controlled. Do you know that the Price Commission has decontrolled 85 percent of the retail establishments in this country? I don't mean 35 percent of the business. I mean 85 percent of the number of establishments. They don't represent 85 percent of the business. And they have said to them, "No control."

We have said to the Price Commission, and we have said to the Pay Board, "If you are going to remove controls from an establishment as to its prices, surely you should remove controls in the establishment as to the wages it pays workers because these are low-paid workers."

No. The Pay Board, itself, refused to accept the $1.90 limit that was placed by the Commission, the Price Commission, so the Price Commission, after asking the Pay Board advice, put it on anyway.

I say when they did this they were thwarting the will of Congress, because your official poverty figure, you know, is well above the $1.90 an hour. It is far above $1.90 an hour.

As far as us trying to sabotage, we are not trying to sabotage it. We want prices controlled. I say to you very frankly the Administration has no intention of changing its approach on price control. Do you know why? The President said he will not create a new bureaucracy. Well, if he is not going to create a new bureaucracy, he is not going to control prices because the people who put these prices on, let me tell you, have no fear of the Internal Revenue Service. I might have some fear, my members might have some fear, but business in this country has no fear of the Internal Revenue Service. They have handled them for many years. I think they have a feeling of contempt for the Internal Revenue Service, based on past experience. They are not going to be scared.

We have all sorts of documents here. I am quite sure I will never be able to read this statement and we can put it into the record. We have documents that we want to put in the record.

The documents are an analysis of the Price Commission formula for a price boost, and then an AFL–CIO comparative price survey made in 13 states and 20 communities. We will submit that for the record.

These show a seven percent increase, a 34 percent increase, a 33 percent increase, a 20 percent increase—these are surveys made by our people in stores. We name the stores, we give you the location of the stores, we tell you what the cost of a pound of beef liver is. We tell you what the cost of a pound of carrots is. Here is a pound of carrots that went up 67 percent. Coca Cola went up 10 percent. Thin spaghetti went up 96 percent. Carnation Milk up 33 percent. American processed cheese—you can do something about this, I am sure—went up 11 percent.

Chairman PROXMIRE. I went over that last night and I think you have an excellent documentation.

Mr. Meany, isn't this what the whole thing really comes down to—and I want to thank you for a very stimulating and interesting and forceful response—that when the big settlements with powerful unions are negotiated, the Board approves even though the settlements are far more than the guidelines? The 80 percent or more of Americans who are not organized find that their employers are the Administration enforcement agents because they will fight to keep the prices down, because that is the way they operate, to keep costs down—

Mr. MEANY. Those 80 percent are your responsibility, Senator, not mine. They are not organized. They have no spokesman and they must look to Congress to help them.

Chairman PROXMIRE. The Administration has said that you only represent a small fraction of workers and many of those you do represent disagree with you. How about that charge?

Mr. MEANY. If there is any of them that disagree they keep it to themselves because we can't find any disagreement. In fact, we get a lot of mail which criticizes me because I am not militant enough; I ought to picket the White House or do something like that.

Chairman PROXMIRE. They should have been here this morning.

Mr. MEANY. The AFL–CIO is the largest organization of private citizens in this country. They say we represent 20 percent. Maybe it is 22 percent, 22 percent of the workers. Who are on the work force? The President of General Motors is not the work force to begin with. The President of the United States is considered on the work force. Everybody is on the work force. Household labor, domestic labor, people in business for themselves, executives of all types. How many of them can be organized, I don't know. But we organize those we think we can help. Who speaks for the 60 million people who are not organized?

Well, I don't know. But I have an idea that while we don't represent them, we speak for them. It is like asking the Consumers Union and the consumer organizations to say who they speak for. You say to them they only speak for their members? I don't know any housewives that belong to these organizations. 90 percent of the housewives don't belong to any consumer outfit at all. But I would assume that the consumer organizations, like the Consumers Union, do speak for the housewives. We speak for this other labor.

After all, in the final analysis what do we want out of this economy? Do we want to change this system? After all, if you get any foreign news, and I am sure Senator Fulbright does, you will find out that I am a capitalist stooge. Pravda pays a lot of attention to me. I am a capitalist stooge. Well, I suppose I am in a sense because I believe in the capitalist system.

I believe in profits. I believe in management's right to manage. I believe in the return for invested capital because otherwise we can't expand. This is the life blood of capitalism. But what do I disagree with? I disagree with the share of the wealth that is produced that the worker gets. I have the old fashioned idea that this dynamic economy that we like to boast about, and it is the best with all its faults, has been based through our entire history on the amount of purchasing power in the hands of the great mass of the people.

Our job is to try to get that purchasing power in the hands of the great mass of the people.

Look at our 14.5 million members. When their wives come home and complain, and I know they complain about prices going up—and some of the prices are unbelievable—where does that worker go? He is organized. Well, he goes to his organization. How does he compensate for this increase in his living expenses? By looking to his employer and saying, "I need more money." It is as simple as that.

If you kept the cost of living down, I say to you quite frankly you would have wage settlements as they come up. But a system which has every employer in this country as an enforcer delighted to be an enforcer—do you know they finally cracked down on a chain store yesterday? The government finally cracked down on a chain store in Baltimore. In fact, they fined them $2500. Not for raising prices but for raising wages illegally.

The meat cutters union, they fined them $2500. They fined the meat cutters affected so much out of their day's pay. So in that way the corporation will get its $2500 back quite quickly.

You talk about the longshore case. The longshore case took $17 million out of the pockets of 15,000 housewives at the rate of $15 a week. That was a signed contract. It was signed on the basis of an increase in productivity that was without parallel in that industry or perhaps any other industry. There was a dispute between the two groups as to the percentage. The union said it went up 180 percent in ten years. The company said it went up 150 percent. Well, somewhere in between that. It went up 33 percent since the last contract was signed. They wanted to get something for it.

The employer was willing to pay them something for it. They were willing to give them something for the money that they

saved. They brought down the cost of tonnage. They brought down the amount of time involved and all of these things. What was the result? The Pay Board took $17 million away from them.

I ask you, Senator, and I have asked this in a lot of places—and I haven't yet received an answer, what does the return of that $17 million out of the pockets of the workers and into the treasury of the employer do to bring down prices?

We would have felt better if they said to the employer, "Pass it on to the consumer." But they didn't say that. Or if they even said, "Give it to the Little Sisters of the Poor" we might have felt better. We felt pretty bad to take $17 million out of the pockets of these workers that they felt they had earned, that the employer conceded they earned, take it out of their pocket by Executive fiat and give it to the employer. What did that do to fight prices?

Chairman PROXMIRE. Mr. Meany, let me get back to the issue we are trying to get to this morning. I agree with most of what you have said. I agree that the AFL–CIO does serve the interests of the American people and well, over the years before you were in office and since you have been in office. There is no other organization that has fought as hard for decent opportunities for the American worker, and those associated, organized or unorganized.

But under these circumstances how in the world does your withdrawal from the Pay Board really serve the best interests of the American public?

Mr. MEANY. It is not going to interfere with the Pay Board. The Pay Board is functioning.

Chairman PROXMIRE. It would function better if we had on the Board a group that represented such a broad interest as you spoke about.

Mr. MEANY. I don't think so. They wouldn't be functioning under a facade of deceit. They are functioning for what they are a government board.

Chairman PROXMIRE. Doesn't your resignation give the Administration a scapegoat?

Mr. MEANY. Senator, we were the scapegoat from the start. As I told you before, when Arthur Burns' ivory tower collapsed, he went out and made anti-labor speeches, that we had to be controlled.

Chairman PROXMIRE. Consider the dilemma you have put the Congress and the country in. What are you going to do about it?

Mr. MEANY. I will tell you what you should do about it.

Chairman PROXMIRE. Let me finish, Mr. Meany.

Mr. MEANY. It sounds like a meeting of the Foreign Relations Committee.

Chairman PROXMIRE. That is the best compliment I have had today, although it sounds to me more like a meeting of the AFL–CIO Executive Council.

Mr. MEANY. No. Our meetings are more like prayer meetings.

Chairman PROXMIRE. I just pray to have a chance to get a question in.

Mr. MEANY. We look at the White House and pray for the country.

Chairman PROXMIRE. Many people don't think that compulsory arbitration is a very likely possibility. We have been able to stop it and kill it year after year. But now we are in a dilemma. We are in a real dilemma. I think many people consider, and I consider, too, that the whole anti-inflation program may have been blown out of the waters.

Yesterday, it was indicated that the prices are going up and are now over the six percent rate. Your walk-off from the Pay Board really played into the hands of those who want compulsory arbitration.

Mr. MEANY. I don't think we have to play into their hands. If they want compulsory arbitration, they don't need encouragement from me. You say what can you do. Let the Pay Board alone. The Pay Board is doing its job. It is keeping wages down. Let it alone. It is not going to change. But take care of Mr. Grayson. Let us get some price control because if you are going to control inflation you have to control prices and you are not controlling prices.

So your job is quite obvious. It is right in front of you. Let the Pay Board alone. They will continue their 5.5 percent and after a while we will get used to it. But what about prices? The price control situation as it is presented to the American people is an absolute fraud. You are not controlling prices. We had 200,000 people on OPA. You know, Mr. Nixon was one of those 200,000. He worked for the price control. He worked under Leon Henderson's department in World War II, so he knows what it is all about.

He has said publicly time and again, "I will not create a new bureaucracy." I say to you and I say to him, too, if you don't create a new bureaucracy, you are not going to control prices. It is just as simple as that.

And if you talk about compulsory arbitration, if you mean that as a threat to labor, well, we have been threatened with that time and time again. But let me tell you something. If you inflict compulsory arbitration, if you compel American workers by law to work for the private profit of another individual, you have then taken a long, long step in the direction of destroying our American system.

And let me tell you if I was an employer I would be opposed to compulsory arbitration because history shows that every time you control workers you go a little further down the line. Hitler controlled workers, but then he controlled employers. The Soviet Union controls workers and they destroyed the union.

Chairman PROXMIRE. I am one of only three Senators who voted against the longshoreman bill—Harris, Weicker of Connecticut, and myself. I will never vote for anything that has any implications of compulsory arbitration.

Mr. MEANY. That bill was an insult to American labor. The President signed it as a warning. He didn't need to sign it. The strike was over. He signed it in the land of the free—he signed it in Peking

Chairman PROXMIRE. Mr. Meany, I have been on this committee many years, and this is the most stimulating colloquoy I have been engaged in but it is also the most frustrating. I have never gone so long trying to ask a question without being able to ask one.

Mr. MEANY. I thought I answered your questions.

Chairman PROXMIRE. I didn't say you didn't answer them, but I didn't get to ask them. I yield to Congressman Conable.

Representative CONABLE. Sometimes it isn't necessary to ask questions.

You have referred to plumbers and lawyers. I suspect I can think of one plumber who couldn't have become a more passionate advocate if he had all the legal training in the world.

Mr. MEANY. When I think of plumbers and lawyers, I think of the large cities. You can have 7 million people in a large city without lawyers, but you couldn't have them without plumbers.

Representative CONABLE. Let me ask about this chart you have. It seems to refer mostly to food price increases. Do you feel we should have control of food prices?

Mr. MEANY. Absolutely.

Representative CONABLE. Do you see any problem—

Mr. MEANY. Leaving food prices out is nonsensical.

Representative CONABLE. Would you impose those before the farmers plant their crops this year or afterwards?

Mr. MEANY. That, of course, is something the Administration would have to figure. I am not going to get into details about the farmers planting. I would like to see controls imposed as soon as possible on food prices. Of course, when they imposed the freeze on wages they didn't give us a chance to do any planning of any kind. It was just bang, we were out.

Representative CONABLE. There was some retroactivity later.

Mr. MEANY. We got that from Congress, thanks to Senator Proxmire and a few more of our friends, including Senator Taft, believe it or not, Senator John Tower, those great liberals. We thank them, too.

Representative CONABLE. Do you see any problem of supplies? The allegation has been made that if we control food prices there will be rationing very shortly because the farmers simply won't come forward. They will hold off until they get the price they want.

Mr. MEANY. You are making my point. When you start control, you can't stop. Rationing is a possibility. We had rationing during World War II. We lived through it.

Representative CONABLE. I thought you were advocating controls.

Mr. MEANY. I am advocating controls across the board. I am advocating what I advocated in February of 1966, controls across the board if the President decides they are necessary. They should be equitable and they should call for equal sacrifice on all segments of our society. That is what I am advocating right this minute.

Representative CONABLE. Then you are willing to accept the implications of food price controls if that means rationing?

Mr. MEANY. You bet your life I am, yes, sir. At least it would be some attempt to bring equity into this picture.

Representative CONABLE. You don't see any problem of public support if people walk up to counters that are empty in this time when many people don't feel there is a sufficient national crisis to involve total controls?

Mr. MEANY. My people feel that there is sufficient reason to control food prices and all prices that we have to pay. It is just as simple as that. Our wages are controlled.

Representative CONABLE. Are they advocating the result or the process if they are asking for food prices?

Mr. MEANY. They are advocating equity.

Representative CONABLE. Even if that means scarcity?

Mr. MEANY. Possibly. We don't predict what it would mean. We are advocating equity. If it happens to mean scarcity, so be it. We have a President, we have a Congress, to take care of those things.

Representative CONABLE. You are not suggesting that the President and Congress go out and grow food if it is not economic for the farmer to do it?

Mr. MEANY. I don't know. The President and the Congress have stopped farmers from growing food. They might encourage them to grow food. I don't know. You are just begging the whole question.

Representative CONABLE. No, I am not. I am asking how we achieve stabilization of food prices without running the real risk of scarcity.

Mr. MEANY. I will depend on the Congress and the President for that. All I want is some equity. After all, the Agricultural Secretary says we eat too much meat anyway. He may be right.

Representative CONABLE. It is your position, apparently, that the tripartite board did not give adequate influence to labor, or that labor had no influence on the board as it was constituted?

Mr. MEANY. The second statement is a proper one. We had no influence.

Representative CONABLE. How do you explain the large initial pay increases that were approved far beyond the 5.5 percent?

Mr. MEANY. Because they were committed to approve them all. They didn't approve

them all. They did not approve them to their full amount that was required. As I say, we had this commitment from the government to start and they didn't keep it. They kept part of it.

Representative CONABLE. A commitment from the government? From whom?

Mr. MEANY. Mr. Weber.

Representative CONABLE. That all pay increases would be approved?

Mr. MEANY. On the night of November 8th, when they came down with their first policy after were outvoted, we had a discussion and he said, "We will take care of aerospace, we will take care of the steel contract, we will take care of the coal miners, we will take care of the railroads, we will take care of the UTU, United Transport Workers Union, the West Coast longshoremen and East Coast." They made that commitment. They didn't keep it but they kept part of it.

Representative CONABLE. The West Coast longshoremen's strike was not resolved.

Mr. MEANY. No, but the wage thing had been resolved two months before the President made his August 15th speech and we were quite familiar with that.

Representative CONABLE. Then you felt it was the White House's job to tell the Pay Board what they should do on those and that you felt you had a commitment from the White House in that respect, is that right?

Mr. MEANY. Yes.

Representative CONABLE. Do you feel there is inadequate White House influence over the Pay Board?

Mr. MEANY. No. I think we had double proof. You see, they made the promise and then the White House changed its mind so they changed their mind. There is no question about that. This was done with everybody present. This was done in the open. You can question anybody who was there on the night of November 8th.

Representative CONABLE. You maintain that the early large settlements, then, were not the result of labor's influence?

Mr. MEANY. No. They were a gift from the Great White Father.

Representative CONABLE. And do you expect that kind of gift to continue with labor largely off the Board?

Mr. MEANY. It would depend on circumstances. Yes, that is possible the way this thing is run. You know, this is a government of change. Things can change quite rapidly.

Representative CONABLE. But you are willing to put yourself in a position of accepting grace there rather than continuing to try to influence?

Mr. MEANY. We can appear before the Board as advocates of our contracts just the same as we appeared before, but we have dropped the pretense that we have anything to do with the decisions. The problem is not the Pay Board. The Pay Board is going on its way, I am quite sure. While they may use some of the flexibility that they have here and there, the big question is prices. You have wage control. There is no problem in this country, you have wage control. That is what you want and you have it. That is what the President wanted and he has it. We don't argue with that. You are going to continue to have it. It is going to be very, very effectively policed. Now we want price control. That is what we want.

Representative CONABLE. If you could design a system, then, that would be fair at this point, it would involve not any real change on the pay side, except perhaps that you would like to feel that you have some influence there, but on the price side you would like to have a complete setup adequate to control prices in every four corners, wherever they are moving up?

Mr. MEANY. Right.

Representative CONABLE. That is what your primary advocacy would be at this point.

Mr. MEANY. That is our primary problem right now. We are not worried about the Pay Board.

Representative CONABLE. You are still interested in an excess profits tax despite the economists have opposed that?

Mr. MEANY. Yes. Of course, this may affect the GNP, and I will really go—Well, I will really weep if the GNP goes down. This is really awful.

You know, profits are hitting record heights. Somehow or other the old trickle down theory isn't working. Maybe it will work after a while, but profits are hitting record heights and we are getting squeezed at the check-out counter in the super market.

Representative CONABLE. You want control of price, then, and primarily food, or at least that is the area of great concern.

Mr. MEANY. I would like to see price control, period.

Representative CONABLE. You would like to see profits controlled.

Mr. MEANY. I didn't say anything about controlling profits.

Representative CONABLE. That is what an excess profits tax is.

Mr. MEANY. Do you mean to get them to bear more of the share? Yes. I would like to see the people getting these profits put a little more into the common till, into the Federal treasury.

Representative CONABLE. What about interest?

Mr. MEANY. Personally, I would like to see a Federal ceiling on interest. Of course, I am not a financial expert, but I can't see any reason under the sun why any interest rates anywhere at any time should be over six percent.

Representative CONABLE. Is there any other element that you would like to have controlled besides these, to make what you consider to be a fair structure?

Mr. MEANY. You have interest rates, you have rents. Most rents have been decontrolled. I don't know what the Price Commission reason is, but they seem to decontrol more than they control. But I don't think under the present setup you are going to control prices. You have to have more machinery. You have to have more people. It is as simple as that. I don't know the number of retail establishments in this country but they must run into the hundreds of thousands. I don't think anyone can argue that the only thing that goes into the prices we pay is wages.

In 1959, getting to the housing industry, everybody was upset by high wages in construction. In 1959, 33 percent of the purchase price paid for homes in America, and this covered the entire country—this was the National Association of Homebuilders, which is a private organization, it has nothing to do with unions—33 percent of the cost that the buyer paid for his home represented on-site labor.

Ten years later, in 1969, when he purchased the home, 18 percent of it represented on-site labor. So the on-site labor cost to the purchaser was cut in half. That didn't mean that the home cost less. The home cost a lot more. The breakdown showed that land costs went up. It showed that lumber costs doubled. It showed that the closing costs doubled.

Perhaps the biggest thing is the cost of hiring the money went up, the cost of financing went up. I think you will find out that this is repeated in many, many areas where, while labor contributes to higher prices, and there is no question about that, it does not play a major role of higher prices in many industries. I don't know what has happened to lumber. I see where the lumber people say that they like the way the controls are working, but my indication is that the price of lumber has doubled in the last 18 months.

Representative CONABLE. My time is up, Mr. Meany.

Chairman PROXMIRE. Senator Fulbright.

Senator FULBRIGHT. Mr. Meany, the news from my state is that lumber is almost unavailable for small manufactures at any price. And we are a big producer of lumber.

Mr. Meany, in your statement, you say: It is our considered judgment that this so-called anti-inflation program is both ineffective and unfair. The average consumer and worker, particularly those at the lower rungs of the economic ladder, are bearing the brunt of this mess. The Administration has proved it is incompetent in these areas. It is up to the Congress to restore the confidence of the American people in the American economy.

I cite that merely to lay a groundwork, together with your statement that while you believe prices cannot be controlled without a full fledged government organization, comparable, we will say, to the OPA, which had 200,000, in view of the complexities of the present situation probably requiring more, and you also stated the President is against that.

I have seen very little evidence that there is much prospect of it being enacted without the President's strong support. You mention that the President has great power and that he has overridden, I believe you said, some of the agreements, the Price Board, and so on.

I have a feeling he has done the same thing with the Constitution in a different field.

I wanted to suggest to you that maybe in view of that there might be some other thing that the Congress might do, or if there isn't another approach.

I don't profess to be at all an expert in the details of your area—I am not on that committee and I wouldn't want to engage you in a controversy or even a discussion because you have already given an ample demonstration of your ability—but there is another element that strikes me, that maybe in view of these circumstances we can try to identify the principle cause of our problems.

I think what we have been talking about most is the remedy, that is, trying to deal with a mess, as you call it—and I agree with that, from what I read I certainly agree. I didn't read it for the purpose of disagreeing. I think it is exactly the way you describe it. I would like to suggest another approach. I read a recent statement in the Congressional Record:

"The most positive steps the President could take to strengthen our economy would be to end immediately and completely American involvement in the war in Indochina, cut back military spending on dollar draining military bases in Europe and elsewhere, and instead of letting the so-called peace dividend be consumed by the Pentagon use the funds for such purposes as to provide jobs, repair our decaying cities, build low and middle income housing, make mass transit facilities available, deal effectively with drug and pollution problems, and assure our 25.5 million poor people of a guaranteed annual income. But instead of ending the war once and for all and reducing military expenditures, the President and some of his advisors are busy developing the point that our economic problems are the result of winding down of the war rather than the war itself. George Romney, for example, said recently that if we have peace we are going to have unemployment."

What would be your comment on that? Do you not agree that that is a fundamental cause?

Mr. MEANY. The idea that if we suddenly have peace that all of this money we are

now spending for defense would be used for all of these things that you mention I don't buy at all.

Senator FULBRIGHT. Why not?

Mr. MEANY. Because it just wouldn't be done. We would have the economy boys getting the word we can't spend this money. When I say it wouldn't be done, it is on the record. It is nice to say wouldn't it be wonderful if we could take all of this money and put it in housing. I say yes, it would be wonderful. But it would also be wonderfully surprising to me if that ever happened.

If Congress were to say, "Well, we are going to do all these things if we have the money" that doesn't happen. We have had a lot of social projects that I think we got the money for. What did we get from the White House? We got a veto on a lot of things, things to help the elderly, child care, things that would help education.

We had a stellar performance on the TV tube a short time ago. I listened and said, "Goody, goody, that is great. We are going back. We are going to put in some more money and raise quality education."

When I read the bill he sent over I found there wasn't a nickle in it for additional education. I have no great confidence that this money would be spent the way you say it would be spent.

Senator FULBRIGHT. The reason he gives for the vetoes is the enormous deficit in our budget. He has used that on a number of occasions. Of course, the principal reason is there is the expenditure of these vast amounts in foreign expenditures.

Don't you think there is just as much an opportunity for the Congress to use good judgment in the use of that money as there is to impose a full fledged price control involving 200,000 or 300,000 people, especially over the opposition of the President? Then you would do nothing about either the cause or the cure. That is what it comes down to, if I understand you correctly.

Mr. MEANY. Of course, I have my own opinion about our defense efforts and our foreign stuff.

I hear a lot of criticism. I have yet to have anyone explain how. People say, "Let's get out now." How do we get out?

Senator FULBRIGHT. This has been going on, this war, for nearly ten years. You will recall what the President said in the election, that he had a plan to finish it. That is nearly four years ago.

Mr. MEANY. He had a plan to bring down American involvement and I am not going to say he didn't bring down American involvement. We had 535,000 people there and he has brought that down to 80,000. We lost 14,000 dead in the last year of Lyndon Johnson. He sure has cut that down. I am not going to put myself in the position of making the decisions in that field, which are primarily his under the Constitution. I am inclined to think he is making decisions that he has to make.

Senator FULBRIGHT. I wasn't really asking you that. Would you or would you not agree that this is not just the war in Vietnam. That is estimated by various people at from $7 to $9 billion, itself.

In the overall, they are asking for $83 billion for military affairs. There is a very substantial increase overall, outside of Vietnam. I was not trying to argue about the ongoing question of the wisdom of the war. Under present conditions you have described most effectively and in a most colorful manner the mess, as you call it in your statement—and I don't quarrel with that word—that we find ourselves in. What I am trying to say is in view of that mess and the seriousness of it, and the interest of your people and all people in this country to re-establish not only a more stable economy, with, as you said, a more equitable distribution of what we have, but also to cure some obvious and serious maladjustments outside of that, such as the conditions in the cities, mass transit, housing, et cetera. What comes first? It is a question of priority.

I am not speaking of what Lyndon Johnson did or John Kennedy——

Mr. MEANY. On the question of priority, I will leave that to the President and the Congress. If you are saying wouldn't it be wonderful if we had the money we are shooting overseas to use here domestically, I agree, I think it would be great.

Senator FULBRIGHT. It is not only the money, as such, which is a major part of it, but the direction of our efforts, the attention of the President and the Congress today.

Today, much of the attention of the President and the Congress is given to these other items. The question you are concerned with, and I think rightly so, has a very short shrift. Many items come down low in priorities. You know that at least 60 to 70 percent of the President's attention is devoted to these other matters and he can only give passing attention to the problems we are discussing here this morning.

The question of priorities is not just for Congress. After all, you are one of the most powerful men, as the Chairman said, in this country. I agree with him. In many respects more powerful than any individual member of Congress or anyone else that has to do with this area. You can't just shove it off and say that is Congress' duty. Congress can't do it without the support of you and many other people like you—although I can't think of another one like you.

You have obviously the greatest amount of influence in the political scene.

Mr. MEANY. If you keep that up, I won't be able to get my hat back on my head again.

Senator FULBRIGHT. I am trying to suggest to you that your influence at getting at this is great. You say it would be wonderful. I would like to see you use your influence to bring it about. We don't know whether the Congress would distribute the money in a more equitable way. I think they would, given an opportunity.

Mr. MEANY. You say I am powerful, but I am certainly not too well informed. I get really confused about what our foreign policy is, and I say this very seriously. I have talked to Henry Kissinger, whom I have known for a good many years, and he leaves me completely puzzled at times.

For instance, I still don't know how we got into Pakistan on the side of the murderers. I always like to think when we get into foreign problems we are on the right side. I can't get any explanation from Henry on that. I can't get any explanation that would make sense to anybody, really. I can't.

You are now talking about the whole foreign question. Frankly, I had never thought of this in terms that you put it in this morning, of a term of priorities. I thought we would be able to do both.

Senator FULBRIGHT. So did Lyndon Johnson. That is why we are in the condition we are. Now we are looking for the cure and we are having a great deal of difficulty.

Mr. MEANY. Well, I want to be very frank. I felt that we were on our way out. I felt that until perhaps a month or so ago. It looked like he was reducing the number, that he had a schedule. Knowing him I was quite sure he was going to hit the tube one of these days and reduce it down. By the 7th of November I think we would have been down to zero. I don't think there was any question about his intentions. But now I am not so sure.

Senator FULBRIGHT. Neither am I. My time is up. I hope you will give this some thought.

Chairman PROXMIRE. Congressman Brown.

Representative BROWN. President Meany, I have been pleased to hear your comments and I want you to know that I agree with you about the plumbers and the lawyers, and maybe even about the economists. But I am not sure whether I agree with you or not about what we ought to be doing in this circumstance.

As I understand it, you were originally for controls in the economy to resolve this problem.

Mr. MEANY. I don't think that is a proper statement.

Representative BROWN. Didn't you urge on the Congress——

Mr. MEANY. No, we did not urge controls. We said time and time again if the President of the United States decides that controls are necessary, we will cooperate. I think there is a big difference than saying we were for controls.

Representative BROWN. As I understand, the Congress gave the President the authority——

Mr. MEANY. It gave him that a couple of years back.

Representative BROWN. And the President acted on that authority. Then you state on page eight of your testimony, "We urge the Congress to tighten the substantive provisions of the Act but not to extend the Act's authority beyond the original termination date of April 30, 1972."

Mr. MEANY. That is right.

Representative BROWN. That would seem to be a position against controls.

Mr. MEANY. No. What we were saying was you gave the President the power to use these controls and he didn't use them. He said he wasn't going to use them. Then on August 15 he suddenly decided to use them and we didn't like the way he used them. So what we said to Congress was when you extend the controls, extend them only to April 30, 1972, so you can take another look as to how he is using additional extension.

Representative BROWN. Congress didn't do that. They extended them to April 1973. As I understand from what you told Mr. Conable in his questioning, now what you would like to do is set up this $4 billion bureaucracy between now and April 30, 1973, to control things more tightly, food and other things.

Mr. MEANY. I have not advocated the setting up of a bureaucracy. I say very simply from my experience you will not control prices unless you set up the bureaucracy.

Representative BROWN. I thought you told Mr. Conable that you want food prices——

Mr. MEANY. I want everything controlled that my people have to pay for, yes.

Representative BROWN. So you do want set up——

Mr. MEANY. I want it in the interest of equity. I will tell you, there is another alternative. Take off controls altogether. We will buy that, too. We will get along.

Representative BROWN. Which would you prefer? I am confused about that.

Mr. MEANY. Either one will do. We would like to see prices come down, so give us full controls and we will go along.

Representative BROWN. If we get the food price controls——

Mr. MEANY. You would have no argument about wages, then.

Representative BROWN. —and if we have shortages, would you favor rationing?

Mr. MEANY. If that was necessary, sir, whatever is necessary to give us equity. We don't have equity in this situation.

Representative BROWN. Let's talk a little bit about the equity. I am concerned about some figures I read and I don't understand this part either. If I understand, in current dollars, hourly earnings for nonfarm production workers in Phase II have gone up 9.1 percent. At the same time, the Consumer's Price Index on all items went up 4.9 percent. That is just Phase II. If you take the whole of Phase I and II together the figures on earnings in constant dollars, spendable weekly earnings in constant dollars for nonfarm production workers is 5.9 percent, whereas the Consumer's Price Index on all

items with that tremendous bulge in the food item figure is 3.3 percent.

In terms of those figures what would equity be?

Mr. MEANY. In terms of those figures?

Representative BROWN. Yes. The spendable weekly earnings in constant dollars, August 1971 through February 1972, is 5.9 percent. They have gone up 5.9 percent. The Consumer's Price Index on all items during that same period has gone up 3.5 percent. I don't understand what equity would be on the basis of those figures.

Mr. MEANY. Into the earnings figure, of course, goes your increase in productivity. In other words, you are not going to compare the earnings directly with the prices. In the earnings figure you have to allow for increased productivity.

Representative BROWN. What dollar figure would you compare in terms of wage increases?

Mr. MEANY. Our figure that we presented to the Pay Board I think was 5.5, or something like that.

Representative BROWN. And that is made up of what?

Mr. MEANY. It is made up of the cost of living that is normal. After all, there is a normal cost of living increase. We have never been without it for many years. Plus an offset for productivity.

Representative BROWN. If you use current dollars the same figure escalates on wage rates because it becomes 8.8 percent.

Mr. MEANY. How do you figure that out?

Representative BROWN. The figure I have for nonfarm production workers, spendable weekly income in current dollars, has increased 8.8 percent since August 1971.

Mr. MEANY. Of course, in there was these retroactive increases, and so on.

Representative BROWN. You made, I thought, a very eloquent presentation. I was pleased to hear it because I think it represents a balanced view about the needs of our economy with reference to profits. The profits figures that Mr. Gullander presented to us yesterday, NAM, admittedly, I assume, were biased in his interest as you are in yours, but that is the way the system works. They would indicate that as a percentage of GNP corporate profits last year were 4.4 percent. Back in the '30s they were 3.2.

Mr. MEANY. Why as a percentage of GNP?

Representative BROWN. I thought it would be a fair comparison——

Mr. MEANY. Why not what they made the year before? What is wrong with comparing what they made the year before? This business of the numbers game you can play any way you want. I have seen figures come out of the White House just a short time ago which showed that the annual take-home pay of workers was going to increase by 16 percent in a year. They just took one month. It is something like the show we saw yesterday, where the crime rate in Washington has gone down.

Representative BROWN. Let's take '65 to '71 as a reasonable period. Is that all right?

Mr. MEANY. I don't know whether it is all right. What are you using?

Representative BROWN. The difference between corporate profits between '65 and '71 was a two percent rise. The Gross National Product in that period of time went up 53 percent. During that period of time the compensation to employees in this country went up 63 percent. What are the figures that are desirable? In '71 and '72 we had the lowest percentage of profit return in this country that we have had since 1938.

Mr. MEANY. On the basis of whose figures?

Representative BROWN. On the basis of Federal figures that are presented each year.

Mr. MEANY. I read the Wall Street Journal and I read the figures.

Here is Mr. Joseph Slevin. He is not connected with labor. He is supposed to be a financial writer with the Washington Post. He says, "It now looks as if U.S. corporations will chalk up their first $100 billion year in history." The 100 large corporations went up 76 percent last year.

Representative BROWN. 76 percent compared to the year before.

Mr. MEANY. Yes.

Representative BROWN. The year before was the lowest year since 1938.

Mr. MEANY. The lowest year on what basis?

Representative BROWN. On the basis of the percentage of the GNP.

Mr. MEANY. That don't mean anything to me at all, the GNP percentage. Listen, the GNP has gone up to record heights. We have 5 million people out of work. Welfare roles are going up. Food prices are going up. Rents are going up. And the GNP is going up. Goody, goody for the GNP. But that isn't doing anything for my people.

Representative BROWN. Let me tell you what has happened in terms of percentages.

Mr. MEANY. I will tell you what has happened to my people.

Representative BROWN. May I ask a question, please, Mr. Meany? I have a limited amount of time. In terms of the percentage of return out of our economy of wages for individual employees, in 1930 it was 52 percent, in 1950 it was 54, in 1960 it was 50 percent of the GNP, and in 1971 it is 61 percent. That seems to me to be a reasonable growth of the return that labor receives. I don't know how we can compare these figures to get on some kind of an equal basis. What is the comparison?

Mr. MEANY. You can't compare them unless you get into the question of what we can do with our money.

Representative BROWN. The figures I gave you were in terms of constant dollars.

Mr. MEANY. Do you mean pre-Connally dollars?

Representative BROWN. Constant dollars, based on the growth between August and February, 5.9 percent.

Mr. MEANY. What does that mean at the super market counter?

Representative BROWN. That is the increase in real earnings.

Mr. MEANY. What does that mean?

Representative BROWN. The 5.9 percent increase compares to a 3.3 percent increase in the Consumer's Price Index for all items.

Mr. MEANY. All items? What about all these price increases that we have that we can give you affidavits on, we have the people and so forth, from all over the country? This is the present day problem.

Representative BROWN. I am sorry I don't have a chance to answer that question because my time is up.

Senator JAVITS. I must apologize to the chairman and to Mr. Meany for my absence this morning, but I was attending another committee meeting during this time.

Mr. Chairman, I find that the conflict on the basic facts is so sharp that I think it is my duty as a member of the committee to do my utmost to resolve the bigger question. If, in fact, the points implied by Mr. Gullander and other witnesses that the rate of profit in the American industrial scheme is a reasonable one compared to the rate of wage and salary increases, that places a totally different question before us.

As I understand it, Mr. Meany, it is a fact that you are challenging this wage-price new economic policy on the ground that it is biased in favor of management and capital. Is that correct?

Mr. MEANY. Yes.

Senator JAVITS. Therefore, the fact of these figures becomes the all important question.

Mr. MEANY. What our people have to pay in order to live is important.

Senator JAVITS. There is no question about that.

Mr. MEANY. You bring in figures, corporation figures and profits. You get into an area that I am sure the housewives have difficulty understanding. You get fast write-offs and all this sort of thing, and cash flow and everything else.

Where does it all come in, I don't know. You see, we are very practical. Maybe we are a little bit stupid, but we still insist on saying we pay our prices to the landlord and to the supermarket and to the people who collect interest. We have millions of people who are now paying 7.5 and 8.5 percent interest on their homes, which is something that it took a lot of doing to bring about, but Arthur Burns managed to bring it about.

Senator JAVITS. Mr. Meany, in saying "you", I assume you mean the editorial you. I haven't done anything yet. I am trying to point out to you what is the point of difference. The point of difference is that it is a fact that profits are out of hand and wages are being controlled in such a way as to disadvantage the worker and the housewife.

Your answer to that, I gather, is yes. I heard it very clearly.

Mr. MEANY. Let me try to simplify it.

Senator JAVITS. I have it very simple, Mr. Meany. These minutes run against both of us, so give me a chance to get to my basic point. The point I would like to ask you is this: Isn't it right for us, in trying to come to some judgment about this, to look at both sides of the ledger. In other words, neither side is absolute.

The figures on compensation increases should be as important to us and rank equally with the figures on what you charge to be runaway profits. I would like to know that basic principle.

Mr. MEANY. The basic principle is quite simple. You are controlling wages very effectively. While that is somewhat distasteful, we have said time and time again we will accept that. We accept it now. But we always made a proviso: We would accept it provided there was equal sacrifice throughout the rest of the economy, that all forms of income would be controlled and regulated.

It is quite obvious that other things go into the final price the consumer pays outside of wages. So we are saying as a matter of equity that all forms of income should be controlled. It is just as simple as that. If that includes profits, includes managerial salaries, if it means a reduction for some corporate executive who is getting $800,000 a year, that is too bad.

But as a matter of equity and fair play, just common fair play—well, you say the President has said that the creation of a bureaucracy to control prices is unthinkable. Well, that may be all right, but he has millions of people who are controlling wages and think that they are performing a patriotic service. Every employer in America is an enforcer of the President's wage policy. And still with all that, Senator, we say we will buy that.

Let the Pay Board go on. But we say for God's sake, give us the rest of the deal. Give us the side where we are being hurt. Control the prices. That is what we are saying. What goes into prices? Don't interest rates go into prices? Don't mortgage rates go into prices? Do rents go into prices? Do profits go into prices? Do dividends go into prices? Of course they do. All those things go into prices.

So we say simply even though the President thinks it is unthinkable, you should try to control prices.

Senator JAVITS. I think I understand you very well, Mr. Meany. I was trying to get the point from you if you believe or you said that wages and salaries were under strict control and couldn't be any stricter, but prices are not. So you want the controls on prices as on wages. You say the latter control already exists.

We have two questions to decide: One, are the controls as tight on prices as they are on wages and salaries and; two, is there a

major disproportion being created between the two. Is that it?

Mr. MEANY. Yes, sir.

Senator JAVITS. Thank you so much.

Chairman PROXMIRE. Both you and Leonard Woodcock gave some specific reasons for leaving the Pay Board. Some of them I thought were persuasive. I questioned both Dr. Stein and Judge Boldt on these points. They flatly denied some of your accusations.

I want to give you the chance to reply. Judge Boldt, in the first place, denied that there was any interference with Pay Board operations by the Cost of Living Council.

Mr. MEANY. I don't think the Judge would know. We spent three weeks with that fellow and he never answered a single question. This man has absolutely no experience in labor-management fields. He had one labor-management case where he made a decision and he was reversed by the Supreme Court. For three weeks, Senator, we spoke to him as the Chairman and he looked at us blankly and Arnie Weber answered.

Chairman PROXMIRE. Mr. Meany, as I say, I was the only Senator to vote against him in committee. I opposed him on the floor and got one vote, my own, against him. He was confirmed.

You haven't answered the question. My question is can you detail the instances where the Pay Board was influenced or overruled by the Cost of Living Council?

Mr. MEANY. On the night of November 8, we had a commitment from Mr. Weber who represented the Administration. Mr. Weber, had been an employee of the Executive Branch of the Government since Mr. Nixon became President. He was with the Labor Department. He went over to the White House as an Assistant to George Schultz. He went to the Cost of Living Council when it was created. He was the man who made the decisions. He was the man who made the pronouncements and so on and so forth.

On the night of October 21, he was still the Executive Secretary of the Cost of Living Council, which is an exclusive government operation.

On the morning of the 22nd of October, he was the impartial, neutral member of the Pay Board.

Chairman PROXMIRE. Let me ask you another specific question. Boldt insisted it was the Pay Board that decided the question of defining low wage workers, contrary to the widespread impression that it was the Cost of Living Council?

Mr. MEANY. No, sir. When that question came to the Pay Board, the Pay Board said $1.90 an hour was too low. They sent it back to the Cost of Living Council and the Cost of Living Council in a couple of days came out with its decision, $1.90. The Judge should look that up in the record.

Chairman PROXMIRE. The Judge referred to the demeanor and actions of the public members on the Board and he said that he and other public members of the Board have never prejudged a case before the Board. That statement was flatly contradicted by your testimony about the dock workers settlement. How do you account for that contradiction?

Mr. MEANY. I don't know. I have some witnesses if you want. I have one sitting right here who attended every session. I didn't attend all the sessions. I had other things to do and I was ill for a while. Mr. Goldfinger was there.

Chairman PROXMIRE. Let me ask you another one.

Mr. MEANY. For instance, they brought in the dock workers settlement. It was not brought in for discussion. It had been through the legal department and was in its final legal form and they said, "Here it is and we don't want to waste your time. We will let you know now we have 10 votes."

Chairman PROXMIRE. I asked Judge Boldt whether the White House had leaned on the Pay Board in any respect with regard to the decisions. I asked him whether Peter Flanigan at any time intervened and used his influence, which is very great, with members of the Pay Board.

Judge Boldt said absolutely not, under no circumstances.

Mr. MEANY. I contend that the Judge wouldn't know. All that had to happen was somebody talked to Arnie Weber, most likely John Connally. My guess would be Connally. It was quite obvious that Arnie Weber was making the decisions and Arnie Weber represented the White House. He came out of the White House. That is where he lived. I am sure he wouldn't enlighten the Judge on things like that. I don't think he would disturb the old fellow.

Chairman PROXMIRE. You make the point in your statement that the law authorizing Phase II has many defects. I think that is correct. Even so, as you point out, the Administration has not even complied with the spirit of the law.

You mentioned the decision on low wage workers as one example of the failure to comply with the law. Aren't there some others? For example, the Price Commission certainly has not held hearings on specific cases which I feel the law requires. It was my amendment. I put it in. I know what my intent was. I prevailed. We fought in the committee and lost but we won on the Floor. It was held in conference. They haven't held one single hearing. They have hearings as to whether they ought to have rent or food control but no hearing on a specific increase, which is what we had in mind.

Mr. MEANY. They approved them in bulk.

Chairman PROXMIRE. They approved them all by Grayson and he has never been overruled once by members of the Board and has never held a hearing on one increase.

Mr. MEANY. Looking at the makeup of the Price Commission, in fairness, shouldn't there be someone there representing consumers? The whole Commission has a corporate background.

Chairman PROXMIRE. Let me ask you about that question. You knew, didn't you, when you went on the Board, who the other members of the Board would be?

Mr. MEANY. Yes.

Chairman PROXMIRE. Why did you go on? You knew who these fellows were.

Mr. MEANY. We went on—we had a meeting among ourselves and we went on. We said, "Well, we have to see if we can try to make this go." We made a statement to that effect, that we were going on to try to see if we could make it work. We thought possibly we could make it work.

I think if they had let us alone, we might have made it work.

Chairman PROXMIRE. Mr. Meany, this has been, as I said, one of the best hearings I have been in, but I don't think we have gotten to the kind of specific and constructive suggestions that I think you may have in mind.

Mr. MEANY. There is the suggestion I gave to Senator Javits. Wages are controlled, for God's sake, control prices. That is what I am saying.

Chairman PROXMIRE. How?

Mr. MEANY. That is up to you and the President. That is up to you and the President. The President says it is unthinkable. I think the Congress might have a right to say to the President, "You better think about it in the interest of fairness and justice and decency and fair play to the American people."

Chairman PROXMIRE. Let me ask you this: Would you go back to precisely the kind of system we had in World War II?

Mr. MEANY. If that was what was needed, yes. At least, it was fair.

Chairman PROXMIRE. What is your judgment now? Is it needed or not?

Mr. MEANY. I don't know. You see, all through this I have insisted that the President make the decision, and he on the 15th of August, made this decision. I didn't make it.

Chairman PROXMIRE. Let's get to the area where you and I sharply divide. I have argued that controls should be confined to the big unions and the big business. I say that because the overwhelming majority of our economy is in a competitive situation where the Mom and Pop store couldn't raise prices if they wanted to, but big businesses do. Steel does. One big company does and within 24 hours every big steel company follows suit.

Mr. MEANY. Don't you think we might have some thoughts on that?

Chairman PROXMIRE. That is why I asked you the question. What are they?

Mr. MEANY. Nobody from the Executive Branch asked us on the 15th of August. We weren't consulted on that. You weren't consulted. The Secretary of Labor wasn't consulted.

Chairman PROXMIRE. Now you have a chance to say what your position would be on that. What do you think?

Mr. MEANY. Do you mean if they are going to use that system? I would be delighted to talk to representatives of Congress or the Executive Branch and put whatever thoughts we had into that question. But I certainly am not going to give you my ideas in a vacuum. Are they ready to do this? Is the Executive Branch ready to make a change?

Chairman PROXMIRE. Let me tell you they certainly won't be willing to make a change. I know there is no question they don't agree with you on many things.

Mr. MEANY. Why don't they sit down and talk with me? If I don't agree with a person, I like to talk to them. They don't talk to me and they don't talk to you, either.

Chairman PROXMIRE. This is a congressional committee. We are Members of Congress. We have some voice in these policies. We want to hear you.

Mr. MEANY. We testified when you extended the Act last fall. One of the things we advised was don't give them this blank check. You didn't take that advice. You followed your own inclination.

Chairman PROXMIRE. I took the advice. I voted against the whole bill.

Mr. MEANY. We said don't give them a blank check. Give them an extension until April 30 so they will have to come in and let you know what they are doing. But you gave them an extension to 1973.

Chairman PROXMIRE. I voted against the extension but it was a lonely fight and I lost.

Congressman Conable.

Representative CONABLE. Have the inhibitions on you before this committee prevented you from expressing anything you would further like to express? Is there anything that you would like to say that we haven't let you say?

Chairman PROXMIRE. He is the one witness we will ever have before this committee that wouldn't be bashful.

Mr. MEANY. I gabbed so much I didn't have a chance to read my statement.

Representative CONABLE. I thought you might want a little bit of free time.

Chairman PROXMIRE. Before I yield to Congressman Brown, let me announce that there have been some perfectly enormous increases in salaries between 1970 and 1971. James Kerr, from $120,000 to $214,000; Paul Fontaine, of Bendix, $121,000 to $280,000; Fred Borsch, of General Electric, from $320,000 to $485,000. These are annual salaries.

This may or may not involve any violation of the law because, of course, it is from '70 to '71 and the whole year was involved. We are asking and we are getting Mr. Tim McNamara, Director of the Economic

Analysis, and Mr. Whortney of the Office of Compensation, to come before the committee tomorrow to discuss these with us.

If Mr. Brown would permit on my time, and I don't think I have used all my time, I would like any observations you may have on this, Mr. Meany. It was under the jurisdiction of the Pay Board but I understand it was delegated to a separate Executive Committee, the Committee on Executive Pay.

Mr. MEANY. These large salaries are not disturbing. I don't think they have any great effect. Even a fellow who gets $700,000 a year, if you were to cut him down to $500,000, you would save $250,000, and if you applied that to the price of the product that his company made it might make a difference of a half cent.

In the automobile business, it might reduce the automobile price a half dollar, I don't know.

Chairman PROXMIRE. That is the first time I have been surprised at a response from you.

Mr. MEANY. I haven't finished.

I think, however, that another phase of it is that every worker in this country knows he is under control. Then when he looks at these big fellows, and then looks not only at their salary but the stock options that they have and so on and so forth, and you get the impression more and more that it is not a government for all the people. It is only a government that takes care of certain of the people. It is sort of an insult to the individual.

But as far as the practical effect on prices it would be very, very small.

I heard this morning that the Gallagher Report takes the average of the large corporations of America and said $346,000 is the average pay.

Chairman PROXMIRE. This year around the country the chairman of boards got increases of 12.5 percent to an average of $346,000; presidents got increases of 17.6 percent, to $288,000; vice presidents got increases of 13.3 percent to $242,000.

This is not my description, but the Gallagher Service. They say Hungry Hal Geneen for the second year in a row was the highest paid executive earning $812,000. Of this total, $430,000 represented incentive payments.

Mr. MEANY. I am at a disadvantage in discussing this because I sat on two commissions, two governmental commissions, having to do with executive salaries, salaries of Cabinet officers, salaries of Congressmen, of the Speaker of the House, and so forth, and I recommended very large increases for them.

Chairman PROXMIRE. A recommendation by your organization was that you get a salary increase from $70,000 to $90,000. I don't recall whether you accepted that or not.

Mr. MEANY. I didn't get it. I had to stick with the Pay Board rules. I didn't get the increase. I got an increase of $4,000, I think.

Chairman PROXMIRE. That was within the guidelines.

Mr. MEANY. Yes. Actually, you see, they weren't increasing my salary. They were increasing the salary of the position. Wait a minute. When President Nixon came into the White House, they didn't increase his salary. They didn't increase President Nixon's salary. But they increased the position and they increased it 100 percent, if I remember.

Chairman PROXMIRE. You may be right, but try to tell that to the guy who gets out of work at Allis Chalmers in Milwaukee and earns not $90,000 but $9,000.

Mr. MEANY. Well, of course, he would assume that after they increased his salary I would most likely get elected, and he is right.

Representative BROWN. I don't suppose you heard from any of those guys at Allis Chalmers, did you?

Mr. MEANY. No. They are worried about their own salary. I think I get paid too much, anyway.

Representative BROWN. I think Members of Congress get paid too much but I am glad to know who was responsible for their increase.

Mr. MEANY. That is true. I was on two of those commissions. I even recommended higher wages than they gave.

Representative BROWN. You did?

Mr. MEANY. Yes.

Representative BROWN. What did you recommend?

Mr. MEANY. $50,000, something like that. If it was up to me, you fellows would be getting more money right now.

Representative CONABLE. It wasn't because there was a pattern set, is it?

Mr. MEANY. We were looking at outside executive salaries and trying to make a comparison.

Representative BROWN. Let's get back to some more salary or wage increases. What about the dock workers' wage increases? I don't think you discussed that this morning, although I think you have covered almost everything else. As I recall, that was a settlement for 22 percent.

Mr. MEANY. Twenty percent, of which five and some fraction were fringe benefits.

Representative BROWN. Is it your contention that fringe benefits don't count?

Mr. MEANY. What do you mean don't count?

Representative BROWN. Are you suggesting——

Mr. MEANY. I am not suggesting anything. You are talking.

Representative BROWN. Whenever I get the opportunity.

Mr. MEANY. I was trying to break down the 20 percent. You said 20 percent. It was 20.8.

Representative BROWN. The 20.8 percent increase was knocked down to 14.9. At that time you left the Pay Board.

Mr. MEANY. That is right.

Representative BROWN. Was it over that issue? Were you unhappy with the 14.9?

Mr. MEANY. If we had been consulted, if we felt that we had a hand in reaching that decision, if we felt that our ideas on this were being considered by the Pay Board, I think we might have stayed. This was the decision that they sent through the legal department and laid it on the table and said, "Gentlemen, don't waste time, we have 10 votes." In other words, our further participation would have been degrading.

Representative BROWN. May I ask the question, had you stayed to vote, how would you have voted?

Mr. MEANY. We would have voted for the full increase because they had the full increase coming to them on the question of productivity. If you look in the record of the extension of the legislation, the Pay Board was instructed to take into consideration questions of productivity. Here the employers came in with 150 percent, admitted 150 percent, increase in productivity in 10 years, 33 percent in the last year or so. They came in and they are giving the worker a portion of that, not giving it all to them, but a portion.

On that basis, and on the basis of the congressional intent, they were entitled to all of that.

Representative BROWN. Is it your contention that the productivity increase ought to all go to the wage earner?

Mr. MEANY. No, by no means.

Representative BROWN. How should it be divided?

Mr. MEANY. I think you should try to give some to the consumer.

Representative BROWN. By what method?

Mr. MEANY. That is up to the corporation. But the wage earner only has one place to get his share and that is at the collective bargaining table.

Representative BROWN. What was the productivity increase where there was a 21 percent wage increase to take care of? How much was the productivity increase?

Mr. MEANY. The union claimed 180 percent in the last 10 years and the industry people said it was only a 150 percent increase in productivity.

Representative BROWN. The 21 percent was to cover the 10-year period?

Mr. MEANY. No, the last five-year period.

Representative BROWN. What was the comparable figure for a five-year period?

Mr. MEANY. About 78 percent, I think. It was what they call a catch-up, which is not uncommon in collective bargaining.

Representative BROWN. That is what I wanted to get to. Is the only place where a catch-up is appropriate in wage rates or is it appropriate in prices?

Mr. MEANY. The only place where we need it is at the collective bargaining table, and that is in wage rates. You know, industry has consistently refused to allow us to talk prices. They won't let us talk prices at the bargaining table.

Representative BROWN. Is there any appropriateness in catch-up in prices?

Mr. MEANY. Of course there is.

Representative BROWN. So you would accept some catch-up?

Mr. MEANY. No question about it. But we don't get any chance to have anything to say about it. Industry has consistently said that prices are their business, not ours.

Representative BROWN. Let me ask a question——

Mr. MEANY. I can remember when the auto workers went so far some 10 years ago of saying that they would bargain on the basis of a price reduction for automobiles and take less wages for it. They got an absolute——

Representative BROWN. What was that caused by, foreign imports?

Mr. MEANY. No. This was with GM.

Representative BROWN. Can I ask you about an area that bothers me about controls? If we get into very strict wage and price controls with this bureaucracy that would have to enforce that, the Leon Henderson-OPA version, would it be your contention that people should be frozen into their jobs and not be able to move from one job to another?

Mr. MEANY. Of course not.

Representative BROWN. Then if a man found another job, the only way he was going to get more money was to move from one job to another——

Mr. MEANY. That is what he would do. I would hope that this would still be America. You know what I mean.

Representative BROWN. Then we would develop labor shortages in certain areas where the job rate was lower.

Mr. MEANY. You are really looking for the dark side of the picture.

Representative BROWN. I am trying to look at the realistic side of what controls mean. As I recall, the AFL-CIO was one of the leaders after World War II in saying, "Let's take off controls so we can get meat into the marketplace because we are tired of not being able to buy it as a result of shortages, and we are willing to pay the price." Is that fair?

Mr. MEANY. That is what we said then, yes, that is right. That is true.

Representative BROWN. Now the position has kind of changed and what we really need here is controls because——

Mr. MEANY. Everything we say here is based on the idea that the President of the United States made the decision we wanted controls. We didn't make that decision. He made it.

Representative BROWN. I thought you were recommending controls——

Mr. MEANY. No, we were not. I answered that before, Mr. Brown, that we at no time recommended controls. We said always if the President of the United States feels that the inflation picture calls for controls, and we said that when Lyndon Johnson was President, and we said it three or four times, we

said it every year that Mr. Nixon was President—if the President decides, we will cooperate, provided the controls are across the board and call for equal sacrifice by all segments of our society. That is the simple position we took.

Representative BROWN. You would rather argue about their position than your position?

Mr. MEANY. What do you mean?

Representative BROWN. You would rather them to take the step.

Mr. MEANY. It was my theory that the only one who could call for this was the President.

Representative BROWN. But you are not now calling for stringent controls? I am still confused about that.

Mr. MEANY. I am saying we want stringent controls on prices unless you want to drop the whole business. We say we will take what we have in the wage picture if you control prices. We think you should control prices. You are not controlling prices now. Or we say if you want to drop the whole business and let the forces in the free market take place, we will buy that, too.

Representative BROWN. Either total control or no control?

Mr. MEANY. That is right.

Chairman PROXMIRE. Senator Javits.

Senator JAVITS. Mr. Meany, if you would bear with me, I would like to ask one question, but I would like to lay a basis for it. I would like to ask you about the AFL–CIO's attitude toward what I believe is an impending productivity drive.

As a basis for the question, I would like to read to you a statement from a Washington Post editorial which reads as follows: "We found the most striking evidence of frustration, anger, rebellion and disenchantment which affects such basic questions as productivity, pride in craft, the ability to remain competitive, and a willingness to accept the goals and standards set by both unions and the companies."

That is one statement.

The other is one made a year ago by Frank Polara, Assistant Research Director of your Federation.

"Motivation is an abstract concept that has very little relevance, very little pertinence, very little meaning to the industrial worker in the industrial world today."

Has the AFL–CIO developed an attitude toward an increase in productivity? Does it believe we ought to have some major effort to increase productivity? What are its concrete suggestions?

Mr. MEANY. Very simple. We have never stood in the way of increased productivity. We are for it but we want to get a share of the fruits.

Senator JAVITS. Does the Federation have any proposals or plan which could help us as we dig into this? You will remember we authorized the Productivity Council by statute.

Mr. MEANY. And all we got from the Productivity Council was rhetoric. We were told productivity should be reflected in all elements, including wages. But we found out that that wasn't so.

Senator JAVITS. Mr. Meany——

Mr. MEANY. I can't divorce the Productivity Commission from the Pay Board, the Price Control Board, the Cost of Living Council. They are all run right into the White House and are run by the White House. You can't give me one policy on one and tell me that it is raining over here but the sun is out over here. I don't buy that.

Senator JAVITS. Could we ask your help in getting the AFL–CIO recommendations as to what this Productivity Council ought to do? Would you be good enough to give us that? We can get it later and put it in the record, if it is agreeable with you.

Mr. MEANY. Let me think about that. I have resigned from the Productivity Council and I would feel a little silly telling them what they ought to do.

Senator JAVITS. You would be telling us, not them.

Mr. MEANY. Maybe the Productivity Council should be reorganized so it would reflect the thinking of the people who really produced, the people at the work bench.

Senator JAVITS. You are telling us, not them, and at my request. I would greatly appreciate it if that could be done. I am deeply interested. I think it would be helpful to get labor's viewpoint. Thank you.

Mr. MEANY. All right.

Chairman PROXMIRE. Thank you, Mr. Meany, for not only an excellent presentation but an entertaining and enjoyable morning.

FDA'S RESPONSE TO INSANITARY CONDITIONS IN THE FOOD MANUFACTURING INDUSTRY

Mr. MOSS. Mr. President, I deeply regret that we cannot reproduce photographs in the CONGRESSIONAL RECORD. For if we could, I should like to place in the RECORD a series of nine color photographs included in a GAO report entitled "Dimensions of Insanitary Conditions in the Food Manufacturing Industry."

We are aware that 100 percent sanitary conditions are difficult to achieve. For this reason, the Food and Drug Administration has established a series of "filth tolerances." In effect, these are guidelines for FDA inspectors. Food commodities containing more than the listed tolerance of contamination are deemed adulterated and removed from the market. Many will claim that the levels are too tolerant. I am not a food engineer, and thus cannot make an objective judgment as to whether these levels are excessive. According to the FDA these are levels for unavoidable defects in food and present no health hazard.

Actually, I am skeptical as to whether the presence of 150 insect fragments per subdivision of 225 grams or 250 insect fragments in any one subdivision of 225 grams of chocolate is an unavoidable or natural defect. Nor do I know whether an average of four rodent hairs per subdivision of 225 grams or eight rodent hairs of any one subdivision of 225 grams is a natural or unavoidable defect in chocolate. And I don't know whether 15 percent of asparagus spears infested with six attached asparagus beetle eggs or egg sacks is excessive. I don't know whether two spinach worms of 5-millimeter length present in 12 No. 2 cans of spinach is excessive. But I do know that the Food and Drug Administration is required to provide assurance that food products shipped across State borders be processed under sanitary conditions and are safe, pure, and wholesome to eat.

From the GAO study, I do know that sanitary conditions in the food industry in the United States are deteriorating. I do know that the FDA is unaware of how extensive these insanitary conditions are and cannot provide assurance of consumer protection required by law. And I do know that a serious problem of insanitary conditions exists in the food manufacturing industry and actions must be taken to alleviate these conditions.

I propose a solution to this problem: The enactment of S. 3419, the Consumer Safety Act of 1972, reported by the Committee on Commerce on March 24, 1972. The purpose of S. 3419 is to create a new, independent agency which has undiluted responsibility for preventing consumers from being exposed to unsafe foods, drugs, and other consumer products and to consolidate within the agency various consumer product safety activities now being handled by a number of different Government entities. In order to accomplish this purpose, the bill creates an independent consumer safety agency and transfers to that agency the present food, drug, and product safety activities of the Secretary of Health, Education, and Welfare as well as other Federal agencies.

The GAO report is a chronicle of adultered foods prepared, packed, and marketed under insanitary conditions. The myopia of the food and drug inspection program parallels the myopia of the Food and Drug Administration in fulfilling its single overall objective—consumer protection. According to the GAO study, based upon a random of 97 food manufacturing plants located in six FDA districts including 21 States the following results can be reported—23.7 percent of the establishments inspected had significant insanitary conditions—those conditions having potential for causing product adulteration or having already caused product adulteration—16.5 percent had insanitary conditions—posing a less serious potential for product adulteration.

Twenty-eight and nine-tenths percent had minor insanitary conditions—conditions which would not reasonably be considered as having a potential for adulterating the product—and 30.9 percent were in compliance.

Just listen to some of the major insanitary conditions observed during the inspections—rodent excretion and urine, cockroach and other insect infestation, nonedible materials found in, on, or around raw materials, finished products, and processing equipment, improper use of pesticides in close proximity to food-processing areas, use of insanitary equipment, and dirty and poorly maintained areas over and around food-processing locations.

But, even more shocking, FDA admitted that the conditions would be representative of conditions across the country, except that conditions in three districts would be even worse.

Inadequate financing, insufficient manpower, overburdened staffs, inadequate authority—these are but poor excuses for the performance of the Food and Drug Administration in this critical area of sanitary inspections. If Congress were asked to provide wherewithal for FDA to do the job necessary to protect the American people, I am confident that we would respond in every possible way.

In closing, I should like to read, in its entirety, a recent article which came over the Associated Press wire from Washington, D.C.:

Whenever President Nixon attends an official dinner in the nation's capital, Arnold K. Clark is in the kitchen to protect the President's health.

Clark, 42, is Washington's field service chief of the Bureau of Food and Drugs and part

of his job is checking everything from sauce to silverware at a Presidential banquet.

Clark says:

My job includes making sure that the proper sanitary methods are adopted to assure the protection of the President's health. And my men and I—there are usually four or five of us—are extremely cautious in this regard. And we have available techniques and equipment for analyzing food on the spot for any sort of contaminant.

Passage of the Consumer Safety Act will be an important step toward placing an Arnold Clark in each of our household kitchens.

Mr. President, I ask unanimous consent that the GAO report entitled "Dimensions of Insanitary Conditions in the Food Manufacturing Industry" be printed in the RECORD.

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

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C.

To the President of the Senate and the Speaker of the House of Representatives

This is our report on dimensions of insanitary conditions in the food manufacturing industry. Administration of activities discussed in this report is the responsibility of the Food and Drug Administration, Department of Health, Education, and Welfare.

Our review was made pursuant to the Budget and Accounting Act, 1921 (31 U.S.C. 53), and the Accounting and Auditing Act of 1950 (31 U.S.C. 67).

Copies of this report are being sent to the Director, Office of Management and Budget, and to the Secretary of Health, Education, and Welfare.

ELMER B. STAATS,
Comptroller General of the United States.

DIMENSIONS OF UNSANITARY CONDITIONS IN THE FOOD MANUFACTURING INDUSTRY
(Report to the Congress by the Comptroller General of the United States, April 18, 1972)

DIGEST

Why the revenue was made

The Food and Drug Administration (FDA) is required, by law, to provide assurance that food products shipped across State borders—which includes most of the foods purchased by the American people—are processed under sanitary conditions and are safe, pure, and wholesome to eat.

The General Accounting Office (GAO) wanted to know whether FDA was able to provide this assurance.

FDA describes the food industry in the United States as comprising some 60,000 establishments whose output results in about $110 *billion* in purchases by consumers each year.

FDA's inventory of establishments subject to inspection includes about 32,000 food manufacturing and processing plants. FDA inspects such plants to determine whether their products meet requirements of the Food, Drug, and Cosmetic Act (FD&C Act). FDA's inventory includes also about 28,000 establishments of other types, such as storage facilities and repacking and relabeling plants. It excludes restaurants, retail stores, and meat and poultry slaughtering and processing plants.

To assess sanitary conditions in the food manufacturing industry, GAO requested FDA to inspect 97 food manufacturing and processing plants selected at random from about 4,550 food manufacturing and processing plants in six FDA districts including 21 States. (See pp. 19 and 20.)

GAO auditors accompanied FDA inspectors on their inspections of 95 of the plants.

The 97 plants had annual sales of about $443 million. They manufactured or processed bakery products, candy, fish, flour, carbonated beverages, cheese, ice cream, fruits, vegetables, popcorn, chips, sugar, jams and jellies, macaroni, pizzas, spices, etc.

This report has two basic purposes: (1) to show the dimensions of insanitary conditions in the food manufacturing industry and (2) to suggest ways to improve the FDA's management of the program which is intended to ensure compliance by the industry with standards of sanitation required by the FD&C Act. Conditions believed to exist in the industry have been projected through the use of statistical sampling techniques. Therefore it would not be equitable to single out by name the 97 plants visited from the 4,550 plants which formed the basis for the statistical projection. Accordingly the plants have not been identified in the report.

NOTE. Footnotes at end of each chapter.

FINDINGS AND CONCLUSIONS

Overall findings

During the past 3 years, FDA inspections have indicated that sanitary conditions in the food industry in the United States are deteriorating. FDA did not know how extensive these insanitary conditions were and therefore could not provide the assurance of consumer protection required by the law.

A serious problem of insanitary conditions exists in the food manufacturing industry. Several actions must be taken by FDA to alleviate these conditions.

Existing conditions

Of the 97 plants included in the sample, 39, or about 40 percent, were operating under insanitary conditions. Of these, 23, or about 24 percent, were operating under serious insanitary conditions having potential for causing, or having already caused, product contamination.

Photographs of conditions at some plants, taken during FDA-GAO inspections, and detailed descriptions of some of the inspection results, will be found in chapter 2.

On the basis of the sample, GAO estimated that 1,800, or about 40 percent of the 4,550 plants were operating under insanitary conditions, including 1,000, or about 24 percent, operating under serious insanitary conditions.

FDA officials advised GAO that conditions at plants located in the 21 States would, in their opinion, be representative of conditions at plants nationwide.

Inspection manpower

FDA has not had the money or manpower to identify promptly all the food plants operating under insanitary conditions. During the last 3 years, FDA has sharply reduced its sanitary inspection coverage of food plants in an attempt to cope with more critical problems, such as microbiological contamination and drug hazards.

FDA has a management improvement program under way to develop a system for improving the effectiveness of its field operations. (See p. 31.)

Although it has a responsibility under the FD&C Act, FDA generally does not inspect restaurants and other retail food stores but relies instead on State and local officials for this regulation. (See p. 25.)

According to officials of the Department of Health, Education, and Welfare (HEW), the President, HEW, and FDA have recognized the need to increase and improve the inspection capability of FDA to make an effective impact upon present insanitary conditions of the food manufacturing industry.

Enforcement

In several instances of insanitary conditions found during plant inspections, GAO noted a need for more timely and aggressive enforcement action by FDA. In 14 of 111 enforcement actions reviewed, or 13 percent, the action to correct the problem was inadequate for a variety of reasons. (See p. 35.)

Although judgment is involved in selecting the appropriate actions in each case, criteria or guidelines are needed to assist the FDA districts in making these decisions, particularly for repeated violators.

Causes of conditions

Although responsibility for sanitation rests with the food manufacturers, GAO believes that factors contributing to the poor sanitation conditions in the industry are (1) FDA's limitation in resources to make inspections and (2) lack of timely and aggressive enforcement actions by FDA when poor sanitation conditions are found.

During fiscal year 1972 FDA plans to inspect about 9,400 food establishments and has 210 inspectors to do the job. The planned number of inspections clearly is inadequate to detect all insanitary establishments.

FDA's inventory of food manufacturers for planning inspections and measuring the scope of its plant inspection responsibility was not complete or accurate. For six FDA districts, 22 percent of the plants listed were out of business, 8 percent were misclassified as food manufacturers, and 6 percent were not an FDA inspection responsibility.

FDA officials told GAO that there are food plants in existence which may not be on its inventory because, in the absence of plant registration requirements FDA does not have an effective means of identifying all food plants subject to the FD&C Act. (See p. 19.)

More effective use of consumer complaints, an accurate inventory of food plants subject to inspection, and data indicating the effectiveness of inspections and regulatory actions could contribute to improving sanitary conditions of the food manufacturing industry.

FDA should (1) notify violators officially of sanitation standards violated, (2) request a prompt reply, and (3) monitor cases to promote corrective action. Without these actions, plants may continue to disregard sanitation standards, making reinspections necessary to determine whether corrective actions have been taken. (See p. 40.)

Providing in the law for civil penalties (fines) for violations of the FD&C Act would allow FDA more flexibility in enforcing sanitation standards. (See p. 40.)

Consumer complaints

FDA is devising a computerized system to record consumer complaints to identify industry and product problem areas. The output of the system, in GAO's opinion, should be used also to monitor the disposition of such complaints.

Insanitary products that had reached the consumers might have gone undetected by FDA for some time had not the consumer complained.

RECOMMENDATIONS OR SUGGESTIONS

GAO recommends that the Secretary, HEW, direct FDA, to:

Periodically select and inspect a representative number of food plants to assess industrywide conditions and report its assessments to the Congress.

Periodically evaluate the accuracy of the inventory of food plants to be inspected so that FDA will know the scope of its responsibilities and resources needed for sanitation inspections. FDA should provide this data to the Congress for the same reason.

Establish milestones for implementing its management improvement program for using statistical techniques to identify problem areas, allocate resources, and measure the effectiveness of its regulatory actions.

Monitor the implementation of the improvement program and advise appropriate congressional committees periodically on the

progress being made in, as well as the various levels of resources needed for, implementing the program; and develop an interim plan of action, pending the completion of this program, for consideration by the Congress.

Establish criteria for the districts to use in determining (1) when more aggressive action should be taken against plants that violate good manufacturing practice regulations and (2) what type of action should be taken.

Take a stronger enforcement posture against those plants that show continuing flagrant disregard of the FD&C Act.

Issue written notices in all cases of plants not complying with the FD&C Act and request written responses on actions taken or planned to correct the violations and to ensure continued compliance.

Obtain feedback on the disposition of all cases referred to State or other regulatory bodies for corrective action.

Implement a uniform system for recording consumer complaints to monitor the disposition of complaints at the local level and to provide headquarters' officials with a means of identifying industry and product problems affecting more than one district.

AGENCY ACTIONS AND UNRESOLVED ISSUES

GAO submitted a draft of this report to the Secretary HEW, for comment. The views of FDA and HEW were discussed with GAO and included in the report. HEW concurred in GAO's recommendations and advised that a number of corrective actions had been or would be taken. (See pp. 17, 22, 32, 40, and 44.)

MATTERS FOR CONSIDERATION BY THE CONGRESS

In the light of the insanitary conditions shown to exist in the food manufacturing industry, the Congress should, upon receipt of a more accurate inventory of food plants under FDA's jurisdiction and an interim plan of action, consider the adequacy of FDA's inspectional coverage of food plants with the resources available under its current appropriation.

The Congress should also be aware that FDA relies almost entirely on State and local governments for inspectional coverage of some 500,000 restaurants and retail food stores that receive or ship products interstate. Inspections of these establishments by FDA to the extent necessary to judge whether such reliance is justified, would require the use of inspection resources.

To attain additional flexibility for enforcing the FD&C Act, the Congress should consider amending the law to provide for civil penalties when food sanitation standards are violated.

CHAPTER 1. INTRODUCTION

The programs of the Food and Drug Administration are directed at a single overall objective—consumer protection. FDA's mission is to ensure that food is safe, pure, and wholesome; drugs and therapeutic devices are safe, effective, and properly labeled; and all products are packaged and presented honestly to the public.

The General Accounting Office, to assess the sanitary conditions of the food manufacturing industry, randomly selected 97 food manufacturing plants in six FDA districts including 21 States and requested FDA to inspect these plants accompanied by GAO personnel. (See app. I.)

This report has two basic purposes: (1) to show the dimensions of insanitary conditions in the food manufacturing industry and (2) to suggest ways to improve the FDA's management of the program which is intended to ensure compliance by the industry with standards of sanitation required by the FD&C Act. Conditions believed to exist in the industry have been projected through the use of statistical sampling techniques. Therefore it would not be equitable to single out by name the 97 plants visited from the 4,550 plants which formed the basis for the statistical projection. Accordingly the plants have not been identified in the report.

The Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 301), gives FDA regulatory authority over foods that are received or shipped in interstate commerce. Under the FD&C Act, a food is considered adulterated, and therefore prohibited from interstate commerce, if, among other things, it is:

Composed, in whole or in part, of any filthy, putrid, or decomposed substance or otherwise unfit for food.

Prepared, packed, or held under insanitary conditions, whereby it may have become contaminated with filth or whereby it may have been rendered injurious to health.

Filth includes contaminants, such as rodent urine and excreta, insects, or other objectionable materials, which would not knowingly be eaten. The FD&C Act does not authorize any tolerance for filth or decomposition in foods.

The Secretary of Health, Education, and Welfare issued regulations (21 CFR 128, April 26, 1969) for determining whether food has been prepared, packed, or held under sanitary conditions. Some examples of good manufacturing practices cited in the regulations are:

The design, construction, and use of equipment to preclude the adulteration of food with lubricants, fuel, metal fragments, contaminated water, or any other contaminants.

Effective measures taken to exclude pests from the processing areas and to protect against contamination of foods in or on the premises by animals, birds, and vermin (including, but not limited to, rodents and insects).

FDA describes the food industry in the United States as comprising some 60,000 establishments whose output results in about $110 *billion* in purchases by consumers each year.

FDA's inventory of establishments subject to inspection includes about 32,000 food manufacturing and processing plants. FDA inspects such plants to determine whether their products meet requirements of the FD&C Act. FDA's inventory (which excludes restaurants, retail stores, and meat and poultry slaughtering and processing plants) includes also about 28,000 establishments of other types, such as storage facilities, and repacking and relabeling plants.

For fiscal year 1972, FDA will devote 210 man-years to making about 9,400 inspections of food establishments to determine whether food products are in compliance with the FD&C Act. Meat and poultry plants are under the jurisdiction of the Department of Agriculture.

When adulterated products or insanitary plant conditions that may cause adulteration are found, FDA can initiate one or more of the following legal actions through the Department of Justice.

Prosecute an individual who violates provisions of the FD&C Act.

Enjoin a plant or individual to perform or not perform some act.

Seize any food that is adulterated or misbranded when introduced into, or while in, interstate commerce.

During fiscal year 1970, FDA initiated 33 prosecutions, 23 injunctions, and 267 seizures. For minor infractions, FDA can issue to the violator a written notice or warning to correct the conditions.

Although recall is not specifically provided for under the FD&C Act, FDA permits firms to voluntarily recall products alleged to be in violation of the FD&C Act. During fiscal year 1970, 355 voluntary recalls were instituted. Also it is FDA policy to issue letters on adverse findings to top management of firms when significant insanitary conditions are found. This action does not preclude the use of other legal remedies. Appendix II contains additional comments concerning FDA enforcement alternatives.

FDA is administered by a Commissioner, under the direction of the Assistant Secretary for Health and Scientific Affairs, HEW. Policies and procedures are established and the day-to-day operations are carried out by 17 district offices[1] located throughout the United States. FDA's appropriation for fiscal year 1972 was about $99.7 million.

We have issued several reports[2] to the Congress on the results of sanitation inspections by the Department of Agriculture at meat and poultry plants. This is our first report on FDA's activities in the sanitation area and the first of several reviews wherein the adequacy of resources and legislative authority will be considered in assessing FDA's ability to accomplish its mission.

CHAPTER 2. ASSESSMENT OF SANITARY CONDITIONS IN FOOD MANUFACTURING INDUSTRY

We estimate that 1,800, or 40 percent, of the food manufacturing plants in 21 States were operating under insanitary conditions and that serious potential or actual food adulteration existed in 1,000 of the plants.

During the past 3 years, FDA inspections of food plants have indicated that sanitary conditions in the food industry are worsening. Because FDA selects plants to be inspected primarily on the basis of the inspection history of the plants, its inspections often were limited to the same plants. Therefore it did not know the magnitude, nationwide, of insanitary conditions in food manufacturing plants. We undertook this review in 1971 to make such a determination.

We randomly selected 97 food manufacturing plants located in six FDA districts including 21 States, and we requested FDA to inspect these plants while accompanied by GAO personnel. The 97 food manufacturing plants were selected at random from an adjusted FDA inventory of about 4,550 plants in the six districts. The inventory had been adjusted by us for plants not in operation and for other improper classifications as discussed in chapter 3 of this report. In our opinion, the FDA inspectors did a thorough job and were properly equipped. The FDA inspectors subsequently discussed the results of the inspections with plant management. The results of the inspections were classified by FDA, at our request, on the basis of the following criteria:

Significant insanitary conditions—These conditions are serious in terms of either having potential for causing product adulteration or having already caused product adulteration.

Insanitary conditions—These conditions pose a less serious potential for product adulteration.

Minor insanitary conditions—These conditions would not reasonably be considered as having a potential for adulterating the product.

In compliance—This term is self-explanatory.

The results of the inspections are as follows:

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[1] The district offices are administered by 10 FDA regional offices. In December 1971 district offices were established in Puerto Rico and New Jersey, bringing the total to 19.

[2] "Enforcement of Sanitary, Facility, and Moisture Requirements at Federally Inspected Poultry Plants" (B–163450, Sept. 10, 1969); "Weak Enforcement of Federal Sanitation Standards at Meat Plants by the Consumer and Marketing Service" (B–163450, June 24, 1970); "Consumer and Marketing Service's Enforcement of Federal Sanitation Standards at Poultry Plants Continues to be Weak" (B–163450, Nov. 16, 1971).

	Number	Percent
Significant insanitary conditions	23	23.7
Insanitary conditions	16	16.5
Minor insanitary conditions	28	28.9
In compliance	30	30.9
Total	97	100.0

The 97 selected plants, having annual sales of about $443 million, manufactured or processed bakery products, candy, fish, flour, carbonated beverages, cheese, ice cream, fruits, juices and vegetables, popcorn, chips, sugar, jams and jellies, macaroni, pizzas, spices, etc. The results of the inspections are classified by types of plants in appendix III.

Because the plants inspected were selected randomly, we believe that the conditions found would be representative of the conditions that existed in the food manufacturing plants in the six districts, Inasmuch as about 4,550 food manufacturing plants were operating in these districts at the time of our review, we estimate, at a 95-percent confidence level, that 1,800 [1] plants were operating under insanitary conditions with a potential for adulterating food products and that serious potential or actual adulteration existed at 1,000 [2] of the plants.

Some of the major insanitary conditions observed during the inspections were:

Rodent excreta and urine, cockroach and other insect infestation, and nonedible materials found in, on, or around raw materials, finished products, and processing equipment.

Improper use of pesticides in close proximity to food-processing areas.

Use of insanitary equipment.

Dirty and poorly maintained areas over and around food-processing locations.

FDA officials advised us that the conditions of plants located in the six districts would be representative of all but three of the 17 districts, nationwide, and that the conditions in the three districts would be worse.

EXAMPLES OF INSANITARY CONDITIONS

The types and extent of insanitary conditions varied among the plants inspected. The determination as to whether a plant should be classified as having significant insanitary conditions was a matter of FDA's judgment under the criteria shown on page 10. Set forth below is a description of the significant insanitary conditions found at two plants and the insanitary conditions found at a third plant. Photographs of conditions at five plants, taken during FDA–GAO inspections, are at the end of this chapter.

Plant A is a candy manufacturer that has annual sales of about $3 million and ships its product to all 50 states.

As a result of a consumer complaint of glass in the candy, a partial inspection was made by FDA at this plant 6 months before the FDA–GAO inspection. Because the inspection revealed no serious adverse conditions, the plant was classified as being in compliance. It also had been classified as in compliance on an FDA inspection made 2 months earlier.

Findings of joint FDA–GAO inspection

The more significant insanitary conditions found were:

1. Rodent- and insect-adulterated raw materials.
2. Live insects on in-process raw materials.
3. Numerous roaches in storage and manufacturing areas.
4. Build-up of residue on equipment showing few signs of recent cleaning.
5. Moldy raw material.
6. Building in poor repair with numerous holes, cracks, peeling paint, etc.

Rodent hairs and insect fragments were found subsequently by FDA inspectors in two lots of candy after they were shipped in interstate commerce.

Corrective actions planned or taken

1. The firm destroyed 574 pounds of rodent- and insect-adulterated raw materials and finished goods and 25,000 pounds of moldy chocolate. FDA stated that it would have seized the chocolate if the firm had not agreed to destroy it.
2. The firm recalled certain lots, comprising 7,100 boxes, of candy that the FDA sample analysis showed to contain rodent hair and insect fragments. The recall was published in the national FDA monthly recall list and was publicized on the national wire services, radio, and television and in several newspapers.
3. The firm shut down all operations for about 3 weeks to correct the significant problems identified during the inspection.
4. The firm was cited and charged with shipping an adulterated product in interstate commerce and with adulterating raw materials which had been received in interstate commerce. In view of the wide publicity generated by the recall and the actions the firm was taking to correct the insanitary conditions, however, FDA advised us that they did not plan to pursue prosecution.

Plant B is a bean cannery that has annual sales of about $3 million and ships about 70 percent of its product interstate.

FDA inspected this plant in April 1968 and found it to be in compliance. FDA files contained a report of a State inspection made 10 months before the FDA–GAO inspection which showed the plant to be in compliance. The State inspection was a follow-up to one it had made 3 months earlier which noted several adverse conditions.

Findings of joint FDA–GAO inspection

Some of the more objectionable insanitary conditions noted were:

1. Rodent-infested raw materials.
2. Moldy raw materials.
3. Numerous live roaches and flies in the manufacturing area.
4. Beans spilled on a floor area subject to foot traffic were scooped up and placed back in line for canning.
5. Can-washing equipment, through which open cans were passing, was inoperative and contained live roaches.
6. Building had numerous holes and cracks and was generally not rodent or insect proof.

Corrective actions planned or taken

1. About 5,800 pounds of rodent- and mold-contaminated beans were destroyed.
2. FDA sent a postinspection letter (see definition in app. II, p. 49) to the firm 14 days later and reinspected the plant 30 days after the inspection.
3. The firm was cited as a result of the inspection and charged with adulterating an interstate product and manufacturing under conditions whereby materials received in interstate commerce might become adulterated.
4. A hearing was held by FDA and no further regulatory action was taken because reinspection revealed improvement in plant conditions and a change in ownership of the firm.

Plant C is a fish cannery that has annual sales of about $3 million and ships about 30 percent of its product interstate.

The plant was inspected by FDA in November 1969 and was classified as being in compliance. FDA again inspected the plant in April 1970, and several insanitary conditions were noted.

Findings of joint FDA–GAO inspection

Insanitary conditions observed during the inspection included:

1. Fish being butchered on water-soaked wooden planks that were badly scarred and had a musty odor.
2. Ice-shaving room with flaking and peeling paint, and ice shavings containing dirt particles in contact with butchered fish.
3. Fish stored directly on the floor in an area where employees walked.
4. A push broom was used to sweep off the surface of the butchering table and then was placed on the floor.
5. Openings under warehouse doors that could allow rodent entry. A dead mouse was noted in a bait box adjacent to the doors.

Corrective action planned or taken

1. The insanitary conditions noted were discussed with plant management, which promised corrective action.
2. The plant was scheduled for reinspection.

CONCLUSION

We believe that a serious problem of insanitary conditions exists in the food manufacturing industry, warranting continuous assessment and attention by FDA.

RECOMMENDATION TO THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE

For Congress and HEW to give adequate consideration to the resource needs of FDA, it is necessary to have a current assessment of industrywide sanitary conditions in food plants. Therefore we recommend that the Secretary of HEW direct the Commissioner, FDA, to periodically select and inspect a representative number of food plants to assess industrywide conditions and report its assessments to the Congress.

HEW concurred in our recommendation.

The photographs which follow were taken by FDA inspectors of conditions found during FDA–GAO inspections at five plants.

CHAPTER 3. INVENTORY OF FOOD ESTABLISHMENTS

FDA needs to determine the scope of its plant inspection responsibility to improve its basis for planning inspections of food plants. The major input used by FDA to plan its inspectional coverage of food plants is the establishment inventory—a document which lists food plants subject to regulation by FDA.

FDA requires each district to maintain a detailed inventory of plants subject to the FD&C Act. The plants are classified as manufacturing (processing), warehousing, repacking, etc. Plants that sell products directly to the consumer, such as restaurants and retail stores, although subject to the FD&C Act are generally not included in the inventory [1] as FDA relies on State and local officials to regulate this sector of the food industry. The inventory includes such data as types of products produced, annual sales volume, and results of inspections. Both the headquarters and the districts use the inventory to schedule inspections of food plants.

The inventory of food manufacturers in the six districts included in our review was not complete or accurate. About 22 percent of the plants were out of business, 8 percent were misclassified as food manufacturers, and 6 percent were not an FDA inspection responsibility. FDA officials have advised us that there are food plants in existence which may not be included on the inventory because, in the absence of plant registration

[1] Plus or minus 512 plants.
[2] Plus or minus 402 plants.

[1] The 97 food manufacturing plants in our sample included six retail bakeries and one seafood store that received but did not ship products interstate.

requirements, FDA does not have an effective means of identifying all food plants subject to the FD&C Act.

To randomly select 97 food plants for our assessment of sanitation in the food manufacturing industry, we had to consider a sample size of almost twice that number. A summary of the inaccuracies found in the sample and the estimated impact on the total food manufacturing plant inventory of the six districts is shown below.

	Number of plants in sample	Projected conditions in inventory of 6 districts	Percent of totals
Firms in original sample which could not be used:			
Out of business	52	2,099	22
Not an FDA responsibility	17	556	6
Misclassified as food manufacturer	13	764	8
Total	82	[1] 3,419	
Plants inspected	97	4,567	47
Total	179	7,986	
Seasonal plants not in operation		[2] 1,158	12
Manufacturers of food for nonhuman consumption		[3] 551	5
Total inventory of food manufacturing plants in 6 districts		[3] 9,695	100

[1] Based on a 95-percent confidence level, plus or minus 585 plants.
[2] Based on a 95-percent confidence level, plus or minus 411 plants.
[3] Figures according to FDA inventory.

The inventory data indicating the dollar volume of sales of the plants in our sample was not current. Not having a reliable measure of the size of the food plants in the inventory could result in the selection of plants for which the dollar volume of sales was not representative. FDA has no legal authority to obtain this information and must rely on data volunteered by the firms or their inspectors' best estimates.

An FDA study to evaluate the feasibility of using a sample to determine the quality of a specific product, nationwide, showed that the current inventory could not be used effectively in selecting the population to be sampled. Supplemental information had to be obtained by the districts, and even this data was not always accurate.

FDA has informed the responsible subcommittee of the House and Senate Committee on Appropriation during the first session of the Ninety-second Congress that FDA resources would enable it to inspect the 60,000 or more food establishments in its inventory on the average of once every 5 to 7 years. The unreliability of the inventory listing of food plants limits the accuracy and value of the computation of the average inspection period—every 5 to 7 years—to be used in assessing FDA's resource needs by the Congress and HEW.

CURRENT EFFORTS TO IMPROVE INVENTORY

FDA has historically maintained a file of food establishments from which it has scheduled its inspectional activities. The need for an up-to-date inventory was recognized by FDA as early as 1959. FDA has advised us that, since that time, they have made several attempts to improve the inventory. At the time of our review, however, it was still inaccurate.

FDA has contracted with a private credit organization to obtain data on establishments whose products may be subject to FDA regulatory authority. The data will be reconciled with current FDA inventory records. FDA estimates that a complete and accurate inventory should be available by January 1973 and plans to contract periodically to update the inventory.

In addition, legislative proposals, such as House bill 12478, have been introduced which, if enacted, would require food establishments distributing their products in interstate commerce to register with the Federal Government and to provide information on their locations, the products produced, etc. Such a requirement could provide FDA with a current and accurate inventory of food establishments.

FDA officials advised us that, in their opinion, such legislation was essential to their ultimately having a completely satisfactory and meaningful inventory. We agree.

CONCLUSION

FDA needs a complete and accurate inventory to (1) know which plants it is responsible for inspecting, particularly those which may not have been included in the inventory, (2) better plan its selection of plants to be inspected, and (3) provide appropriate congressional committees with meaningful statistics to relate to the need for resources to carry out the FDA mission. We believe that, even if the current efforts to improve the inventory are fully implemented, FDA periodically should verify the accuracy of the inventory. FDA could use the same selection of plants for such verification that would be required to implement our recommendation that FDA periodically assess overall sanitation in the food manufacturing industry. (See p. 17.)

RECOMMENDATION TO THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE

We recommend that the Secretary, HEW, direct the Commissioner, FDA, to periodically evaluate the accuracy of the inventory so that FDA will know the scope of its responsibilities and resource requirements for sanitation inspections. FDA should provide this data to the Congress so that it may have meaningful information for assessing FDA's resource needs.

HEW concurred in our recommendation and advised us that FDA had already taken steps to improve the scope and accuracy of their inventory. HEW stated that FDA had contracted with a private credit organization to exchange their inventories of firms on a quarterly basis and that this regular and timely consideration of firm births and deaths should provide much more current and dependable information than was available in the past. In addition, FDA has improved its own system of recording inventory information received directly from its field offices by regular monthly updating of that information. HEW stated that it was important, however, to point out that neither by in-house effort nor by contract would the inventory be as complete, or as fully valid, as desired until and unless there was a legislative requirement that all food firms register their establishments and products with the FDA.

CHAPTER 4. INSPECTION RESOURCES

FDA has advised several congressional committees that its inspectional resources are inadequate to inspect food establishments, on the average, more than once every 5 to 7 years.[1] This average does not include the inspecting of restaurants and retail food stores, for which FDA has an inspectional responsibility. In addition, the Congress was advised that there was no accurate measure of the impact that increased inspectional effort would have on reducing the sanitation problem.

We noted that management programs undertaken by FDA to optimize the effectiveness of its resources were long-term programs and would not have an early impact on correcting the insanitary conditions revealed in our review.

INSPECTION COVERAGE

FDA schedules its inspection coverage of food establishments through a priority system which gives greater attention to establishments considered to pose significant danger to health. For example, plants with potential problems related to bacteria and their toxins (microbiological contamination) are monitored more closely than plants classified in the lower priority categories.

Because of resource limitations, FDA has sharply reduced its sanitation inspection coverage of food establishments during the past 3 years. The decision to reduce inspection coverage was not based on a determination that traditional sanitation work was not important but, rather, on a determination that inspectional resources were needed to cope with more critical problems, such as microbiological contamination and drug hazards.

The following analysis of inspection coverage of food establishments by priority category shows that FDA had not inspected 32,723, or 58 percent, of the food establishments in its inventory during the 3-year period ended June 30, 1971.

Priority category	Number of establishments: Total	Number of establishments: Not inspected	Percent not inspected
Microbiological contamination	13,143	5,773	44
Other food health problems [1]	4,723	2,561	54
Sanitation	37,045	23,399	63
Economic [2]	1,458	990	68
Total [3]	56,369	32,723	58

[1] Establishments having potential problems with pesticides, food additives, etc.
[2] Refers to food standards and weight and labeling requirements.
[3] These statistics were obtained from FDA. See ch. 3 for comments on the need to improve the accuracy of the inventory.

The analysis does not include about 500,000 restaurants and retail food stores, which are an FDA responsibility under the FD&C Act if they receive or ship products in interstate commerce. FDA ordinarily does not inventory or plan any inspection coverage of these types of establishments but, instead, relies on State and local officials to regulate this sector of the food industry. As noted in chapter 3, our sample did include six retail bakeries and one seafood store which received but did not ship products interstate. The seven plants had annual sales of about $488,000. The joint FDA–GAO inspections showed that the six bakeries had significant insanitary conditions and the seafood store had minor insanitary conditions.

Concerning the plants covered by the FDA–GAO inspections, we found that 70 percent of the 23 plants with significant insanitary conditions and 44 percent of the 16 plants with insanitary conditions either had not been inspected for 2 years or more or had never been inspected by FDA, as shown below.

[1] This rate is based upon FDA's current inspection resources and an inventory of about 60,000 food establishments, which is inaccurate as discussed in ch. 3.

	Never inspected	Not inspected for 2 years or more	Subtotal	Inspected within last 2 years	Total	Percent not inspected within last 2 years
Plants with significant insanitary conditions	8	8	16	7	23	70
Plants with insanitary conditions		7	7	9	16	44
Total	8	15	23	16	39	95

The annual sales of the 23 plants not inspected for over 2 years or not previously inspected show that the 23 plants include large, as well as small, plants.

Annual Sales (millions):	*Number of plants*
$3 to $5	6
$1 to $2.99	2
$0.1 to $0.99	9
Under $0.1	6
Total	23

STATE AGREEMENTS

To help fill the inspectional void, FDA instituted a policy in 1968 whereby the States were to provide the necessary surveillance over certain food establishments, such as bakeries, food warehouses, etc., depending upon the States' capabilities and willingness to assume the responsibility. State governments have had the authority to inspect all food establishments within their respective States, but there has been a wide variation in the extent of their authority, capability resources, and program emphasis.

An FDA reassessment of this policy in April 1971 showed that the policy was based on assumptions that were incorrect or, at best, inpractical. As a result, in June 1971 the program was revised to provide a work-sharing relationship whereby neither party would relinquish any of its statutory responsibility. The degree of work sharing depends upon the priorities, work loads, resources, and capabilities of each party.

FDA reports that it currently has formal work-sharing agreements with 26 States covering certain specified segments of the food industry. These agreements are designed to ensure that duplicative inspectional coverage is avoided and a better coordination of parallel programs is achieved. Under the revised policy the agreements are being restructured to increase the benefits of work sharing, which includes savings in time and manpower due to increased efficiency, elimination of duplication, and improved application of available compliance tools. In some cases gaps in coverage have been identified and appropriate adjustments made.

When announcing the revised program, however, the Commissioner indicated that all the State and Federal resources available would be inadequate to meet the growing responsibilities for monitoring food-related activities.

PLANNED INSPECTION COVERAGE

Unforeseen problems have reduced planned inspectional coverage in the past, and such problems could affect planned inspectional coverage in the future. FDA estimates that the recent problem of identifying botulin in canned soup will reduce fiscal year 1972 food establishment inspections by 2,300. Inspections of many food plants were actually suspended for this reason during fiscal year 1972 because inspectors were needed to locate and remove botulin-contaminated products from the market. A comparable situation arose in fiscal year 1971 when the problems of mercury in tuna fish and microbiological contamination of drugs resulted in an estimated reduction of 2,800 food and drug inspections.

FDA plans to inspect about 9,400 food establishments in fiscal year 1972. The planned number of inspections is clearly inadequate to detect all insanitary establishments, considering (1) our estimate that 1,800 food manufacturing plants in the six FDA districts reviewed had insanitary conditions (2) the fact that the location of these plants is unknown, and (3) FDA's opinion that conditions at plants located in the six districts would be representative of conditions at plants, nationwide.

FDA's planned inspection coverage in fiscal year 1972 is based on the utilization of 210 inspector man-years to inspect domestic food establishments. We estimate that, even if FDA were to allocate all its available inspector man-years for this purpose—including those currently devoted to drugs, product safety, and imports—FDA would be able to inspect food establishments in its inventory only once every 1.7 years.

FDA AND HEW ASSESSMENT OF ADEQUACY OF INSPECTION COVERAGE

FDA district officials have stated that sanitary conditions have worsened in recent years, and it was the consensus of officials in the six districts covered by our review that present resources and frequency of inspections are inadequate to cope with the problem.

The districts had different opinions on what constituted adequate inspection frequency. One district believed that all plants should be inspected once every 2 years; three believed that an annual inspection was the desired goal for plants with potential sanitation problems and that some of the plants should be inspected more or less frequently, depending on the conditions found; and another believed that semiannual inspections were desirable. One district believed that plants should be inspected more frequently but did not specify a time interval.

According to district officials, sanitary conditions usually worsen whenever plants are not inspected for 2 or 3 years and their experience indicates that insanitation is a continuing problem which tends to creep back into plants unless positive pressure is maintained on the industry.

In September 1971 the FDA Commissioner advised the Chairman, Subcommittee on Public Health and Environment, House Committee on Interstate and Foreign Commerce, that, to improve its food inspection capability, FDA needed, among other things, to undertake regular and more frequent inspections and to have the extra capability to react promptly to unforeseen crises. During this testimony and earlier testimony provided in August 1971, the Commissioner indicated that he would furnish the Subcommittee with information about FDA resource needs for its food activities.

In November 1971 the Secretary, HEW, forwarded to the Subcommittee a hypothetical level of increased inspection coverage which would require 3,403 additional employees and cost about $94.7 million above FDA's fiscal year 1971 food program. The increased program, among other things, would provide for annual inspection by FDA of 40,000 food establishments and for the analysis of 85,000 products collected from retail shelves. The program also would provide for 1,549 inspectors, which is about a sevenfold increase over the man-years planned for inspection of food establishments in fiscal year 1972.

The Secretary advised the Subcommittee Chairman that the proposal did not represent an FDA, HEW, or Administraion commitment to seek appropriations for, or to fund, this program at the indicated levels, primarily because there was no accurate measure of the extent to which the risk of contamination could be reduced if the projected increase in the level of inspections were implemented. HEW officials advised us that the need to dramatically increase the resources available to FDA to make an effective impact upon the insanitary conditions of the food manufacturing industry had been recognized by the President, HEW, and FDA.

FDA EFFORTS TO MEASURE AND IMPROVE EFFECTIVENESS OF OPERATIONS

Our review showed that FDA had been aware of its need fo data to justify additional staff and for planning and controlling its operations since at least 1959. A consultant's study of FDA's field operations at that time showed that there was a need to:

Establish objectives for levels of compliance by industries and by geographic areas to enable FDA to achieve more uniform protection for consumers throughout the nation.

Determine the frequency of inspections necessary to achieve compliance objectives.

In 1966 FDA contracted with another consulting firm for a detailed review of FDA operations. The principal objective of the study was to develop an improved management system for continuous planning control and evaluation of FDA's field operations.

Following is a summary of the major recommendations of the study concluded in 1968, which were directed at problems recognized as early as 1959 that continued to exist at the conclusion of our review.

1. Develop effective product-sampling plans to maximize the chance that all manufacturers are adequately sampled.

2. Develop a list of observable conditions (key indicators) during inspections to

a. find out which observable conditions are the best predictors of product condition,

b. use for estimating the probability of product defect of an industry, and

c. use for classifying an establishment in terms of its tendency toward producing defective products.

3. Measure the effect of FDA actions on consumer protection through the "measure-act-measure" concept. This program is an attempt to assess the impact that alternative FDA actions have on improving industry conditions such as making plant inspections, issuing warning letters, or sponsoring industry training workshops.

These recommendations have been included in an overall FDA management improvement program called Project IDEA, which also considers other means of improving the effectiveness of field operations.

Our review of this management improvement program indicates that it will involve substantial data gathering, refinements, revisions, frequent evaluations, and, more importantly, a long period for full implementation. An FDA official advised us that a plan for full implementation of this program had not yet been developed and confirmed our view that implementation would be a long-term project.

As of December 1971, one food product had been sampled and analyzed; key indicators had been developed for two products and another was in process; and two studies were under way and a third was completed, to measure alternative acts in three segments of the food industry, i.e., the effectiveness of using citations, postinspection letters, and industry training workshops at candy plants, dry-storage warehouses, and grain elevators.

CONCLUSIONS

FDA's inspectional resources are inadequate to promptly identify all establishments

operating under insanitary conditions, and FDA does not know what impact an increased inspectional effort would have on reducing the sanitation problem.

FDA is attempting to maximize the use of State resources, but this program is not likely to have an immediate impact on the insanitary conditions shown in this report.

FDA does have a management improvement program under way to develop a system to (1) identify with more confidence food establishments that require intensified regulatory efforts and those that require only spot checks, (2) identify and focus on key indicators of product quality in various types of establishments, and (3) measure the effectiveness of using specific regulatory actions. We believe that precise resource requirements cannot be established by FDA until such a management system is implemented.

In view of the insanitary conditions that exist in the food manufacturing industry, we believe that the studies by FDA that are under way should be completed as soon as possible. Additional resources would be necessary to achieve significant improvement in sanitation more promptly.

RECOMMENDATIONS TO THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE

We recommend that the Secretary, HEW, direct the Commissioner, FDA, to:

Establish milestones for implementing its management improvement program and for using statistical techniques to identify problem areas, allocate resources, and measure the effectiveness of its regulatory actions.

Monitor the implementation of this program and periodically advise appropriate congressional committees on the progress being made in, as well as the various levels of resources needed for, implementing the program and develop an interim plan of action, pending the completion of this program, for consideration by the Congress.

HEW concurred in our recommendations and advised us that it planned to undertake an interim plan of action which would have impact upon the insanitary conditions of the food manufacturing industry. HEW stated that this plan was reflected in the Budget of the United States for fiscal year 1973 which proposed a major increase in dollar and manpower resources for FDA to expand its food inspection program.

MATTERS FOR CONSIDERATION BY THE CONGRESS

In light of the insanitary conditions that exist in the food manufacturing industry, the Congress, upon receipt of a more accurate inventory of food plants under FDA's jurisdiction and the interim plan of action, should consider the adequacy of FDA's inspectional coverage of food manufacturing plants, with the resources available under its current appropriation.

The Congress should also be aware that FDA relies almost entirely on State and local governments for inspectional coverage of some 500,000 restaurants and retail food stores that receive or ship products interstate. Inspections of these establishments by FDA to the extent necessary to judge whether such reliance is justified would require the use of inspection resources.

CHAPTER 5. FOLLOW-UP ACTIONS

FDA follow-up actions to food plant inspections should be improved to ensure that insanitary conditions are promptly corrected. Our review showed a need for more timely and aggressive enforcement actions by FDA to effect corrections of insanitary conditions without the use of scarce resources to reinspect plants in an attempt to correct insanitary conditions.

Under section 402(a)(4) of the FD&C Act a food is deemed to be adulterated if it is prepared, packed, or held under insanitary conditions where it may have become contaminated with filth or may have been rendered injurious to health

When adulterated products or insanitary plant conditions which may cause adulteration are found, FDA, depending upon the seriousness of the conditions, can schedule the plants for reinspection; can issue the plants postinspection letters (either warnings or adverse findings letters); or can initiate regulatory actions to seize the products, enjoin the plants to perform or not perform some acts, or cite and prosecute the responsible persons.

The criminal penalties for convicted violators are not more than 1 year in prison or $1,000 fine or both for the first offense and not more than 3 years or $10,000 or both for second and subsequent convictions for each separate charge.

In some cases, violative plants are referred to State and local officials for corrective action. The follow-up action taken by FDA depends on the seriousness of the insanitary condition, the availability of resources, and the likelihood of voluntary corrective action.

To review FDA follow-up actions, we randomly selected 72 plants that had been inspected by FDA during the period July through December 1970 and had been classified as being out of compliance with the FD&C Act. We selected also 39 plants which had insanitary conditions noted during inspections performed as part of our review.

In our opinion, enforcement actions were inadequate in 14, about 13 percent, of the 111 plants inspected, for one or more of the following reasons.

1. Five plants that historically had shown a disregard for compliance with the FD&C Act were continually reinspected rather than subjected to more aggressive enforcement action, such as product seizure or citation of responsible individuals with the intent to prosecute.

2. Six plants were not issued postinspection letters, and, in the remaining eight cases where letters were issued, replies were not requested in seven cases because FDA policy did not require it.

3. Four problem plants were not promptly reinspected. Scheduled reinspections were from 5 to 14 months overdue.

4. Four plants were referred to State officials for follow-up action, and FDA was unaware of the corrective action taken by the plants or States. At the time of our review, 6 to 16 months after the FDA inspections, the States had not reinspected three of these plants. The fourth plant was not reinspected for 9 months.

5. Three plants were processing potentially adulterated products, and no action was taken to prevent shipment of the product in interstate commerce.

Examples of inadequate enforcement measures for two plants are described below:

Plant D is a macaroni and noodle manufacturing plant that has annual sales of about $600,000 and ships about 30 percent of its product in interstate commerce.

As summarized below, FDA made eight inspections of this plant during the 46-month period ended October 1971. Seven inspections revealed insect activity, one of which resulted in the plant's voluntarily destroying 14,352 pounds of insect-infested spaghetti. The other inspection revealed minor rodent activity.

Date, conditions found, and follow-up action

December 1967: Limited insect activity in regrind sifter and drying equipment. Reinspect in August 1968.

August 1968: Insect activity throughout plant and in much of the equipment. Limited rodent evidence found. Firm voluntarily destroyed 14,352 pounds of insect-infested spaghetti. Careless use of insecticide. Factory samples showed rodent and insect filth although a sample of the product that was shipped interstate was not contaminated. Reinspect in December 1968.

January 1969: A number of improvements made. No insect activity. Minor rodent evidence which may have been there since the previous inspection. Reinspect in August 1969.

September 1969: Limited insect activity in the flour-handling equipment. In adequate design and cleaning of equipment. Several small paint chips found in flour tanks. Samples collected for salmonella were negative. Residues of insecticides were found in egg noodle sample. Reinspect in April 1970. Postinspection letter issued and reply received.

April 1970: Active insect population in static material throughout plant equipment (dryers). No product or raw material contamination could be established during the inspection. However, residues of insecticides and fragments of insects and a rodent hair were found in a sample of the product shipped interstate. Reinspect in September 1970.

July 1970: Some limited live and dead insect activity in the plant. No pesticide residues were found in sample. Reinspect in June 1971.

May 1971: Regrind sifter contained live adult beetles and larvae which could enter the direct flow of flour to the mixing machines. Factory sample contaminated. A sample of the product shipped interstate was not contaminated. Reinspect in September 1971.

October 1971: Insect activity found in equipment. A sample of the product shipped interstate contained bettle and rodent hair fragments. Reinspect in May 1972.

All but one of the eight inspections revealed some degree of insect activity. The May 1971 inspection disclosed live adult beetles and larvae in the manufacturing equipment which could directly contaminate raw materials, and an analysis of a sample collected at the plant showed contamination. FDA officials advised us that regulatory action was not taken against this firm because evidence of contamination was not found in the sample collected after shipment in interstate commerce.

The most recent inspection of this plant in October 1971 again showed insect activity in processing equipment, which could cause contamination. A sample collected after shipment in interstate commerce showed beetle fragments and rodent hair fragments. Another sample collected in November 1971 as a follow-up to a consumer complaint alleging live insects in several products disclosed numerous dark-colored specks that may have been insects or other foreign materials. A laboratory analysis showed that some sort of contamination was occurring during the manufacturing process.

An FDA official advised us that, in his opinion, this plant had been a borderline case and that inspectional evidence obtained had not been strong enough to sustain regulatory action under section 402(a)(4) of the FD&C Act, i.e., processing food under insanitary conditions whereby it may have been contaminated with filth. He further stated that regulatory action would have been taken had the samples collected after shipment shown contamination that could be related to the inspectional findings.

Headquarters' officials advised us that there were no specific criteria setting forth the conditions under which more aggressive regulatory action should be taken and that a need existed for such criteria. In our opinion, when a plant has repeatedly violated the sanitation standards of the good manufacturing practices regulation, FDA should use one of the more aggressive enforcement alternatives available to it rather than continue to reinspect the plant.

Plant E is a manufacturer of food specialty items that has annual sales of about $700,000.

An August 1970 inspection showed swollen cans of chili paste and pickled peppers, live moths and other insects in products, and

mold on the outside and inside of a 100-pound bag of rice. The plant planned to return the swollen cans to its suppliers, destroyed four lots of insect-infested products, and returned the moldy rice to the supplier who destroyed it.

FDA did not send a postinspection letter reporting these insanitary conditions to top management for corrective action. Without such a letter and a reply from the firm, FDA had no knowledge of whether the firm had corrected its insect problem or had returned or destroyed the swollen cans. A reinspection scheduled for May 1971 had not been made as of January 1972. FDA officials advised us that the scheduled reinspection was not made due to the low priority assigned to this case.

FDA headquarters' officials have advised us that, by not issuing postinspection letters and receiving written response, FDA does not have any feedback on the effectiveness of its plant inspections without making reinspections.

CONCLUSIONS

FDA has several enforcement alternatives available when violations of sanitation standards are found during plant inspections. Although judgment is involved in selecting the appropriate actions in each case, criteria or guidelines should be established to assist the districts in making these decisions.

We believe that FDA should notify violators officially of sanitation standards violated, request a prompt reply, and monitor the case to ensure prompt corrective action. Without such actions, it is necessary to make reinspections to determine whether corrective actions have been taken and, in some instances, failure to take action may contribute to a plant's continued disregard of sanitation standards.

We believe that more aggressive regulatory action should be instituted when the reinspection of a plant historically shows a disregard for the sanitation standards of the good manufacturing practices regulation. Enforcement alternatives provided under law include criminal penalties, injunctions, and letters of warning. In our opinion, the difference between the rather severe consequence of criminal penalties or injunctions, which FDA states that it is reluctant to initiate, and the relatively inconsequential letter of warning indicates that intermediate enforcement powers may be desirable to provide an effective means to obtain timely corrective action.

For instance, providing in the law for civil penalties (fines) for violations of the FD&C Act, in our opinion, would allow FDA more flexibility in enforcing sanitation standards.

RECOMMENDATIONS TO THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE

We recommend that the Secretary, HEW, direct the Commissioner, FDA, to:

Establish criteria for the districts to use in determining when more aggressive action should be taken against plants that violate good manufacturing practice regulations and the type of action to be taken.

Take a stronger enforcement posture against those plants that show historical and flagrant disregard of the FD&C Act.

Issue written notices in all cases of plants' not complying with the FD&C Act and request written responses on actions taken or planned to correct the violations and to ensure continued compliance.

Obtain feedback on the disposition of all cases referred to State or other regulatory bodies for corrective action.

HEW concurred in our recommendations and advised us that criteria to determine when more aggressive action was to be used against violators of sanitation standards of the good manufacturing practices regulation were under development by FDA.

HEW advised us that FDA must continue to balance carefully the cost-to-benefit ratio in the expenditure of its resources to attain the greatest improvement in industry conditions. A decision on the part of FDA to pursue a course of action through the courts does not automatically end its involvement in that case. The costs to FDA in supporting actions of the Department of Justice frequently far exceed those necessary to follow some alternative course of action and, therefore, become an important factor in their decisionmaking process.

HEW advised us that FDA was reluctant to initiate legal actions when unsatisfactory plant conditions were not corroborated by examination of the plant's finished products. HEW stated that this reluctance was due not only to the cost consideration but also to FDA's interpretation of the results of judicial actions in this area. Also, HEW said that, because such insanitary plant conditions could not be ignored, reinspection had been used to promote voluntary correction by industry management. HEW said that, with respect to our recommendation for a stronger enforcement posture, it was reviewing its policies in this regard.

MATTERS FOR CONSIDERATION BY THE CONGRESS

To attain additional flexibility for enforcing the FD&C Act, the Congress should consider amending the law to provide for civil penalties when food sanitation standards are violated.

CHAPTER 6. CONSUMER COMPLAINTS

FDA district offices need a uniform system for recording the receipt and disposition of consumer complaints. The system should provide a means of monitoring corrective actions taken on a local basis and should provide for the collection of data to allow headquarters' officials to identify industry and product problems affecting more than one district.

Several district offices have reported an increase in recent years in both the number of consumer complaints and in the number of insanitary plants and adulterated products identified during inspections made as a result of complaints. Our review showed that insanitary products were reaching the consumer and would have gone undetected by FDA for some time had not the consumer complained. This situation is illustrated below.

After receipt of three consumer complaints, including the alleged presence of foreign material in the firm's candy and illness after eating the candy, FDA inspected the plant in April 1971 and found rodent-contaminated nuts. Laboratory analysis of candy samples collected during the inspection revealed rodent hairs, urine, and metal fragments. About 30,000 pounds of nuts and 37,000 pounds of candy were destroyed as a result of this inspection. The plant was previously inspected in November 1969 and was scheduled for reinspection in November 1970. Due to higher priority work, however, the scheduled reinspection was not accomplished, and it was not until after the receipt of the three complaints in December 1970 and February and March 1971 that the plant was reinspected.

Five of the six districts had no formal system for recording the receipt and disposition of consumer complaints and did not maintain summary records of consumer complaints. As a result, there was no record of the volume of consumer complaints received by districts or of whether the complaints had been investigated. This situation is particularly distressing considering the fact that the overall mission of FDA is consumer protection.

Also procedures varied among districts as to whether complaints warranted follow-ups. In one district, if the reviewing official considered the complaint unwarranted, it was ignored and no record of its receipt was made.

In another district some consumer complaints referred by FDA to a local county agency for action were not monitored to ensure adequate disposition of the complaints. County officials advised us that they had no record of receiving these complaints. We found that there was no control to monitor the disposition of complaints deferred for follow-up during future inspections.

An FDA survey in August 1971 showed that consumer complaints were handled differently from district to district and that only three of 17 districts were using a system whereby consumer complaint information was retrievable. As a result, summary information relating to the number, nature, and frequency of consumer complaints on a particular firm or product was not available to FDA.

FDA is devising a computerized system which will record consumer complaint data to identify industry and product problem areas. The output of the system, in our opinion, should be used also to monitor the disposition of complaints.

RECOMMENDATION TO THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE

We recommend that the Secretary, HEW, direct the Commissioner, FDA, to implement a uniform system for recording consumer complaints, which should be used to monitor the disposition of complaints at the local level and to provide headquarter's officials with a means of identifying industry and product problems affecting more than one district.

HEW concurred in our recommendation and advised us that FDA was developing a uniform system for monitoring the disposition of complaints and for providing industry and product problem trends on a national basis.

CHAPTER 7.—SCOPE OF REVIEW

We accompanied FDA inspectors on the inspection of 95 of 97 randomly selected food manufacturing plants subject to the regulatory authority of FDA. The inspections were made in six FDA districts, which included 21 States, during the period May through August 1971.

We reviewed records and interviewed agency officials at FDA headquarters and at six district offices—Boston, Dallas, Kansas City, Los Angeles, New Orleans, and Seattle. Pertinent policies, procedures and practices were examined, as were the laws and regulations governing food sanitation practices.

We also reviewed independent consultant studies of FDA field activities and contacted a number of State agencies reponsible for food inspection activities.

APPENDIX II

ENFORCEMENT ALTERNATIVES AVAILABLE TO THE FOOD AND DRUG ADMINISTRATION

CRIMINAL PENALTIES

Section 301 of the FD&C Act sets forth those actions which are prohibited under the law. Section 303 provides that any person who violates a provision of section 301 be imprisoned for not more than 1 year or fined not more than $1,000, or both. For second and subsequent convictions, the imprisonment and fine are increased to no more than 3 years or $10,000, or both.

The penalties have not been revised since the FD&C Act was passed in 1938. To keep pace with changes in the value of the dollar, FDA submitted a legislative proposal to HEW for fiscal year 1972 that would increase the fine to $5,000 for first violations and $25,000 for second violations.

Citation

Section 305 of the FD&C Act provides that, before any violation of the FD&C Act is reported for institution of a criminal proceeding, the person against whom such proceeding is contemplated be given appropriate

notice and an opportunity to present his views, either orally or in writing, with regard to such contemplated proceeding. To comply with this provision a Notice of Hearing, often referred to as a citation, is mailed to the alleged violator(s) and a date for response designated.

INJUNCTION

Section 302 of the FD&C Act provides for injunction against violations of Section 301. An injunction enjoins the firm or individual from performing or not performing some act.

SEIZURE

Section 304 of the FD&C Act provides that seizure proceeds may be initiated against any food, drug, device, or cosmetic that is adulterated or misbranded when introduced into or while in interstate commerce.

POSTINSPECTION LETTERS

Warning letter

Section 306 of the FD&C Act, under the caption "Report of Minor Violations" states that:

"Nothing in this Act shall be construed as requiring the Secretary to report for prosecution, or for the institution of libel or injunction proceedings, minor violations of this Act whenever he believes that the public interest will be adequately served by a suitable written notice or warning."

Adverse findings letter

In 1968 FDA headquarters instructed its district offices to furnish a report to a firm whenever significant adverse conditions were observed during an inspection, regardless of whether regulatory action was contemplated. The letter is not considered to be a section 306 warning letter, and a firm generally is not asked for a reply.

Recall

A recall is described as voluntary action by a firm to remove from the market those products that present a threat to the safety or well-being of the consumer. Although such action is not provided for in the FD&C Act, FDA policy statements indicate that, over the years, recalls have been the most effective method of removing from the marketplace all units of products found to be in violation of section 301 of the FD&C Act.

APPENDIX III

ANALYSIS OF 97 FOOD PLANTS INSPECTED BY FDA-GAO

Description of products [1]	Total plants	Out of compliance: Significant insanitary conditions	Out of compliance: Insanitary conditions	Out of compliance: Minor insanitary conditions	In compliance
Bakery products	23	10	2	5	6
Carbonated beverages and waters	17	1	3	4	9
Fish and fish products	11	2	3	6	----
Cheese, ice cream, eggs, and related products	11	3	2	3	3
Specialty items and prepared foods—chips, popcorn, cheese pizzas, prepared sandwiches, tortillas, and taco shells	8	----	2	5	1
Candy, sugar, molasses, and honey	6	1	1	1	3
Processed vegetables, potatoes, beans, pickles, vegetable salads	5	1	1	----	3
Food extracts, flavors, sauces, spices, teas, and dressings	6	1	1	1	3
Flour, macaroni, and noodle products	5	2	1	1	1
Canned fruits and juices	3	1	----	1	1
Jams, jellies, nuts, and nut products	2	1	----	1	----
Total	97	23	16	28	30
Approximate annual sales [2] (total in millions)	443	43	43	91	266

[1] Each plant manufactures at least 1 of the indicated products.

[2] Annual dollar volume of sales of plants inspected ranged from $1,500 to $85,000,000.

PRINCIPAL OFFICIALS OF THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE RESPONSIBLE FOR ADMINISTRATION OF ACTIVITIES DISCUSSED IN THIS REPORT

	Tenure of office: From—	To—
Secretary of Health, Education, and Welfare:		
Elliot L. Richardson	June 1970	Present.
Robert H. Finch	January 1969	June 1970.
Wilbur J. Cohen	March 1968	January 1969.
John W. Gardner	August 1965	March 1968.
Assistant Secretary (Health and Scientific Affairs):[1]		
Merlin K. Duval, Jr.	July 1971	Present.
Rober O. Egeberg	July 1969	July 1971.
Philip R. Lee	November 1965	February 1969.
Commissioner, Food and Drug Administration:		
Charles C. Edwards	February 1970	Present.
Herbert L. Ley, Jr.	July 1968	December 1969.
James L. Goddard	January 1966	June 1968.

[1] In March 1968, the Assistant Secretary was given direct authority over the Public Health Service and the Food and Drug Administration and the functions of the two organizations were realined.

THE CASE FOR NONCONTROL OF FARM PRODUCT PRICES

Mr. DOMINICK. Mr. President, recently Mr. Lloyd Sommerville, the very able president of the Colorado Farm Bureau and a long time friend of mine, appeared before the Price Commission to present the case for noncontrolling the prices of farm products.

In his sincere and ably organized presentation he pointed out that today consumers spend less than 16 percent of their disposable income on food compared to 23 percent only 20 years ago; that farm meat prices vary according to supply and demand and are now at approximately the same level as they were in other heavy demand years; that "farm food" price controls did not work in World War II or Korea and simply provided the leverage for black markets and improper distribution; and that "farm food" prices should not be considered as any part of the reasons for inflation.

Mr. President, the blame for inflation was placed by his testimony exactly where it should be—namely on dubious fiscal and monetary policies for the past decade and the irresponsibility of Congress in its apparent determination to outdo anyone in deficit financing. I ask unanimous consent that his testimony be placed in the RECORD.

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

STATEMENT OF THE AMERICAN FARM BUREAU FEDERATION TO THE PRICE COMMISSION

(Presented by Lloyd Sommerville, president, Colorado Farm Bureau and member, AFBF, executive committee)

We appreciate the opportunity to present Farm Bureau's views with respect to food prices.

Farm Bureau is a general farm organization with more than 2 million member families who belong to more than 2,800 county units in 49 states and Puerto Rico.

We recognize that food prices—particularly meat prices—are a matter of concern to the government and the general public because food is a sizeable item in the average consumer's budget. It should, however, be recognized that consumers are getting their food today for a smaller percentage of their take-home pay than at any previous time in history.

Twenty years ago consumers spent 23 percent of their disposable income for food. This year, it is estimated that less than 16 percent of disposable income will be spent for food although the quality of the average diet and the amount of service included with purchased food have increased substantially in the past 20 years.

The public should realize that farm prices tend to move up and down in cycles in contrast to some other prices and wages which seem to move only in an upward direction. Much of the increase in food prices in recent years has been due to increased marketing costs. Farm prices of food products are up only 6 percent from twenty years ago; wholesale food prices are up 20 percent; and retail food prices are up 43 percent. Farmers receive only 38 cents of each dollar consumers spend for farm-produced food in comparison with 49 cents twenty years ago.

We believe it would be a serious mistake from the standpoint of consumers and the government, as well as food producers, to extend the coverage of the price control program in an effort to hold down food prices. Our view is based on our knowledge of the food industry and our recollection of what happened when the government attempted to control meat prices during World War II and the Korean War.

We would like to stress the following points:

(1) Livestock and meat prices are not excessive when viewed from a perspective which takes account of past prices, increased costs, and the cyclical nature of the livestock industry.

Current hog prices reflect a reduction in production which has resulted from the distress-level prices of late 1970 and early 1971. The low prices of that period reflected the overproduction which had been stimulated by relatively higher prices in the late 1960s. The farm price of hogs increased from $16.90 per cwt. in March, 1971, to $23.30 in March, 1972, but this is not unusual. Under similar conditions the price of hogs increased from

$16.40 per cwt. in March, 1965, to $24.00 in March, 1966.

The average price of choice steers sold out of first hands for slaughter at Omaha in February, 1972, was $36.38 per cwt. By way of comparison, the comparable figure for February, 1952—twenty years earlier—was $33.65. Prices of choice steers have declined in recent weeks. The average price of choice steers sold out of first hands for slaughter at Omaha in the week ended March 23, 1972, was $34.68 per cwt., or $1.70 per cwt. less than the February average.

Farmers, including livestock producers, have been confronted with steadily increasing costs in recent years. The index of prices farmers pay—including wages, interest, and taxes—rose from 318 (1910–14=100) in March, 1965, to 386 in March, 1970, and 423 in March, 1972.

Retail meat prices include substantial marketing costs which have been increasing in recent years. Unit labor costs in the marketing of farm-food products rose from an index of 100 in 1960 to 109 in 1965 and 142 in 1970. The farm-to-retail price spread of the market basket of farm foods increased $126, or 20.3 percent, from 1965 to 1970. Few have complained about the increases in wages, at each stage of processing and distribution, which have increased the retail cost of meat.

(2) Experience during World War II and the Korean period clearly shows that controls don't work in the livestock and meat industry. The inevitable effects of attempting to control meat prices will be less production, black markets, and distorted distribution patterns.

Price controls thwart increases in production which can normally be expected to correct, in a relatively short time, any temporary shortage of meat that may develop. The ease with which unscrupulous operators can go into the meat packing business is well known. Such action leads to black markets which distort distribution and deprive consumers of the protection provided by federal and state meat inspection.

(3) Price controls on meat would not serve the interests of consumers. The current demand for meat reflects increased consumer purchasing power plus individual preferences rather than an actual shortage of production. Beef supplies per capita are twice as large as 20 years ago. Red meat consumption this year is expected to average close to the 192 pounds consumed in 1971. Large supplies of poultry, eggs, and dairy products are also available. Price controls on meat would do nothing to reduce demand and would adversely affect future supplies.

(4) More supplies are on the way. The number of cattle and calves on feed in 39 feeding states in January, 1972, was over 8 percent higher than a year earlier. While the March, 1972, Pig Crop Report indicates that farmers in 10 Corn Belt states intend to reduce hog production 7 percent during the March-May farrowing season, the current level of hog prices and the large 1971 corn crop can be expected to bring an early turnaround in production plans.

(5) Food prices are not the cause of inflation. The inflationary pressures which stimulated the President's August, 1971, decision to—among other things—invoke price controls are primarily the result of excessive deficit spending on the part of the federal government and expansion of the money supply of the Federal Reserve Board.

The announcement of controls may have a helpful psychological effect, and there may be instances in which wage and price controls could dampen inflationary pressures—particularly in those industries which have excessive market power—i.e., where (1) prices are administered and (2) wage levels are determined by government-sanctioned monopoly groups.

Agriculture, on the other hand, is a highly competitive industry. Farmers and ranchers do not have excessive market power.

In your efforts to hold the line on prices, the members of this Commission face a most difficult—if not impossible—task as long as the fiscal and monetary policies of our federal government remain clearly inflationary.

Because the American Farm Bureau Federation seeks to act responsibly in dealing with important policy matters of this kind, our Board of Directors has made line-by-line recommendations to the Appropriations Committees of both the House of Representatives and the Senate for reductions in appropriations for fiscal 1973. These recommendations call for reductions of $21,937 million in new spending authority and $14,908 million in expenditures.

We are shocked and distressed at the apparent lack of responsibility on the part of both the Executive Branch of government and the Congress with respect to deficit financing.

We sense that part of the fiscal irresponsibility now being demonstrated by the Congress is traceable to a belief on the part of many members that they can avoid the political consequences of inflation by placing responsibility for price increases on the wage and price control activities of this Commission and the Pay Board.

We call attention to this attitude because we do not intend to permit he Congress and the Executive Branch of the government to go unchallenged in their efforts to slip, slide, and duck on the issue of what causes inflation.

While we appreciate the sincerity of the members of this Commission, it is our opinion that, in the long run, all prices—including food prices and the prices of farm production items—will move inexorably upward unless and until the federal government returns to responsible fiscal and monetary policies.

In summary, current meat prices are not excessive when viewed from historical perspective or in terms of consumer income and producer costs. Meat production and meat prices move in cycles which are self-adjusting. Controls would disrupt the operation of these cycles and lead to black markets. It would, therefore, be a serious mistake for the government to attempt to extend controls to raw agricultural products.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

NATIONAL COASTAL ZONE MANAGEMENT ACT OF 1972

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, the Chair lays before the Senate the unfinished business, S. 3507, which the clerk will please read by title.

The assistant legislative clerk read the bill by title, as follows:

A bill (S. 3507) to establish a national policy and develop a national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's coastal zones, and for other purposes.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, in view of the fact that the unfinished business is not expected to take too long today, and in view of the additional fact that as of this moment there is no other business cleared for action today, I ask unanimous consent that the Pastore rule with respect to germaneness be lifted for not to exceed 15 minutes and that the distinguished Senator from Vermont (Mr. AIKEN) be now recognized for not to exceed 15 minutes to speak out of order, while Senators who are interested in the unfinished business are coming to the floor from the committee meetings in which they are officially occupied.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered, and the Senator from Vermont is recognized for 15 minutes.

FULL CIRCLE IN VIETNAM

Mr. AIKEN. Mr. President, we have now come full circle in Vietnam.

It was in February 1965 that the then Secretary of Defense, Robert McNamara, telephoned me and other Senators to say that President Johnson was dispatching additional marines to Danang to protect the lives of the 20,000 Americans already in the area.

In April of 1972, 7 years later, Secretary of Defense Laird came before the Foreign Relations Committee to tell us that President Nixon had authorized the bombing of Hanoi and Haiphong to protect the lives of the 85,000 or so American troops still left in Vietnam out of the 543,000 who were there in the spring of 1969.

The telephone call I received in February of 1965 was a private call.

President Johnson did not use the protection of American lives as the primary reason for his action.

Instead, he cited the aggression of North Vietnamese armies against South Vietnam, and proceeded in the following months to export to that country all the paraphernalia needed for a full-scale, European-type war.

When Secretary Laird came before us the other day, he quite correctly said that the North Vietnamese had launched a full-scale, European-type invasion on South Vietnam.

However, the United States is not now assuming responsibility for throwing back that invasion; the United States is withdrawing, using its air power to cover what some may characterize a planned Dunkirk.

No nation, interested above all in maintaining the credibility of its armed forces as the major instrument for keeping the peace in the world, would ever set out knowingly on an adventure that had the result of creating in an avowed enemy a modern military capability that he otherwise would never have had.

It may be madness, but it happened.

It happened because men in power in this country made grievous mistakes, which, once made, could not be corrected in any short time or by any easy means.

How does a great nation, like ours, correct the mistakes of its leaders?

Does it confess its sins to all the world?

Does it ask forgiveness?

Individuals can do that, and who among us can conceive of a life where the possibility of forgiveness did not exist?

But nations cannot or will not ask forgiveness.

The mechanism for forgiveness that works in nations is what we call turning over a new leaf, or changing our course or policy.

President Nixon came to the White House on the promise that he would turn over a new leaf in foreign policy.

I feel he has done that.

I further feel that the South Vietnamese will win the battle in which they are now engaged.

And, if perchance, I am right, a lot of the President's critics are going to look rather foolish.

I spoke out very early against the fallacy of exporting a European-type war to Vietnam.

But I never went along with those who persist in seeing greater legitimacy and morality in North Vietnam than in South Vietnam.

I said as early as October of 1966 that:

> The size of the U.S. commitment (in Viet-Nam) already clearly is suffocating any serious possibility of self-determination in South Viet Nam for the simple reason that the whole defense of that country is now totally dependent on the U.S. armed presence.

It is this situation that President Nixon has corrected.

He has restored legitimacy to the Government of South Vietnam.

This was the only honorable course the President could take.

That Government, South Vietnam, responded by arming its own citizenry, over 1 million strong, the one act that makes a mockery out of all charges that the government in Saigon is somehow not now legitimate.

If now the South Vietnamese choose to fight for their homes and land at a terrible cost in blood, this should be no cause for moral outrage here.

I sometimes wonder if some of the President's critics have really learned anything at all from this tragedy, for they still speak as though it were the moral duty of the United States to reengineer Vietnamese society, if not by massive intervention, as some insist, then by total withdrawal and total renunciation of U.S. responsibility, as others advocate.

We entered Vietnam with the idea that our arimes and our bureaucracies could create there a model, freedom-loving society.

Some seem to think now that all that stands in the way of achieving that noble purpose is the removal of the U.S. presence, which they now see as the very source of malignancy.

What gives real impetus to this hysteria now is the spectacle of bombs dropping on Hanoi and Haiphong, on a country that may have acquired modern military might, thanks to our example, but has not acquired the other essential elements of modern society.

And there are those who insist that these bombs are falling on us here in the United States, just as surely as on the people of Vietnam.

I opposed the bombing of North Vietnam from 1966–68 and I do not advocate bombing now.

It did not work to end the war then.

It will not be the crucial factor in ending the war now.

The President will make a very serious mistake if he fails to understand that a great many Americans feel this way, too.

The ambiguities of the use of airpower in North Vietnam demand of our leaders the most careful kind of humility.

I hope that the President will reflect, too, on the fact that many of his most excited critics today will be his most necessary supporters tomorrow when we will have to bind up the wounds of this unjustified war.

Vietnam will not go away.

We are going to have responsibilities in that part of the world for possibly the rest of this century.

Those responsibilities will cost money.

Any President will have to have understanding and support from among the many who today are pretending, even though they know better, that Vietnam can be made to just go away.

If the South Vietnamese win this battle, or at least escape with their armies and government intact—as I hope and believe they will—the great danger will be that others will see in the present use of our naval and airpower a pattern for future strategic policy.

That is why I urge the President to understand that many loyal citizens feel that those bombs that are falling on North Vietnam are falling on us, too.

I have consistently supported President Nixon's actions in Vietnam since he took office.

Indeed great progress has been made in extricating us from our dilemma during the past 3 years.

But I have differed at times not only with his decisions but with the words he has used to justify those decisions.

I did so at the time of the Cambodian incursion, an action I was willing to accept as a temporary and localized expedient, but which was presented to the American people in terms that added to the flames of dissent here at home.

Words like "defeat" and "victory" do not enhance the prospects for an early peace.

I likewise differed with the President over the Mansfield and Cooper-Church amendments, which merely gave congressional expression to his avowed intention to withdraw our military forces from Vietnam and avoid creating a military presence in Cambodia.

In my political judgment the President did himself unnecessary harm trying to defeat those amendments.

On the other hand, I have always opposed efforts to legislate here in the Congress a specific date for ending our involvement in Vietnam, even if tied to the release of our prisoners.

It is not just that such legislation in the field of foreign policy is of dubious legality.

I am not about to be a party to a vote of no confidence in the President of the United States regardless of his party affiliation and such specific legislation brooks no other interpretation.

Nor would I undertake to discredit my own country, a country whose benefits to the world exceed the mistakes it has made a hundredfold.

The most important judgment passed on President Nixon's policies will be passed by the American people next November 7.

I trust that circumstances prevailing then will insure his reelection.

If the South Vietnamese must have this kind of support; if there is, in fact, some connection between the bombing and the safety of our own forces, the President must nonetheless accept the fact that this kind of use of airpower is profoundly distasteful to a great many Americans.

If it has to be used to correct past mistakes, so be it, but if it ever comes to be thought of as a chosen means of expressing American foreign policy interests, then no President can hope to hold public esteem for long.

We have indeed come full circle in Vietnam.

We entered on the wings of an illusion, the illusion that we could reengineer Vietnamese society with the use of our Armed Forces.

We must not leave on the wings of an equally false illusion, namely that all that prevents peace and harmony in that country is a malignant U.S. presence.

I do not see this as a time for moral outrage, but rather a time for humility and rededication.

We have made it a matter of national honor to help those who, very legitimately, have decided to fight and die for their land, their homes and their beliefs.

At the same time we are finally withdrawing from our own misguided intervention.

We have no other course than the one the President is following.

We have already withdrawn 86 percent of our military personnel from that unfortunate country in the past 3 years.

Our air strength in Vietnam today is about one-third of what it was when President Nixon took office.

And until the all out resumption of the war by the North Vietnamese, reinforced by modern invasion weapons of war from Russia and vocal encouragement from other countries, it appeared that our withdrawal from Vietnam could have been virtually completed by midsummer.

I still believe that if the North Vietnamese do not get too much encouragement to intensify and prolong the war, our withdrawal may be completed at an early date and our attention can then be focused on the problems of reconstruction and healing the wounds caused by this ill-conceived war.

Mr. President, I yield the floor.

NATIONAL COASTAL ZONE MANAGEMENT ACT OF 1972

The Senate continued with the consideration of the bill (S. 3507) to establish a national policy and develop a national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's coastal zones, and for other purposes.

Mr. ROBERT C. BYRD. 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. ROBERT C. BYRD. 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. What is the pleasure of the Senate?

Mr. HOLLINGS. Mr. President, I ask that the Senate proceed with the consideration of S. 3507.

The ACTING PRESIDENT pro tempore. That bill has been laid before the Senate, and is the pending business.

Mr. EAGLETON. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. EAGLETON. If at a later time, prior to offering my amendment, I should desire to move that this bill be referred to the Committee on Public Works, would I have the right to make such a motion, if I do not do so at this particular time?

The ACTING PRESIDENT pro tempore. Such a motion may be made at any time prior to the vote on the bill.

Mr. EAGLETON. I thank the Chair.

PRIVILEGE OF THE FLOOR

Mr. HOLLINGS. Mr. President, I ask unanimous consent that two members of my staff, Mary Jo Manning and John Hussey, be granted the privilege of the floor during the consideration of this measure.

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

Mr. HOLLINGS. Mr. President, it is with a great deal of pleasure that the Committee on Commerce recommends unanimously the approval of S. 3507, the National Coastal Zone Management Act of 1972. This bill will provide the Federal assistance necessary to help States and local governments plan and operate coastal zone management programs. The aim is to allow the wise and orderly development and growth within this critical area so as to protect the vital waters of our coastlines and Great Lakes.

This bill has been before the Senate for 2 years, first introduced by Senator WARREN G. MAGNUSON of Washington. I might say that it was the wisdom and leadership of the distinguished chairman of the Committee on Commerce which gave impetus to the creation of this concept. During the 89th Congress, there was created the National Commission on Marine Science, Engineering, and Resources. This blue ribbon panel of experts—often described as the Stratton Commission—produced the landmark report known as "Our Nation and the Sea." Part of this overall report was the section on "Management of the Coastal Zone."

Senator MAGNUSON introduced the bill, S. 2802, which incorporated the recommendations of the Commission. Subsequently, the Committee on Commerce has conducted 11 days of hearings over the space of 2 years on the various coastal zone proposals. The Subcommittee on Oceans and Atmosphere, which I am privileged to chair, has compiled a remarkable record of testimony in favor of coastal zone management. And last September, the committee ordered its bill, S. 582, reported to the floor. However, during the last year, many Members of the Senate as well as the administration have become convinced that the United States needs a broad-based policy of land use management. There were some who felt that certain provisions within S. 582 were in conflict with the proposed land use policy legislation now pending before the Committee on Interior and Insular Affairs. Additionally, it was felt that many municipalities in coastal States have done an outstanding job of area management, and that S. 582 did not give them the opportunity to participate fully in management programs. Finally, there was concern about conflicts between existing Federal, State, and local matters within the coastal zone. Was too much authority being exercised by the Secretary of Commerce without the opportunity for full hearings and mediation for all parties involved?

Mr. President, these were substantial concerns, and the Committee on Commerce recognized that S. 582 did contain several shortcomings as a result of developments which altered some of the circumstances under which the bill was drawn.

Therefore, on March 14, at my request, S. 582 was recommitted to the Committee on Commerce. For the past month, we have worked over the entire bill in order to accommodate it to present needs and circumstances. This, in brief, is what we have done:

First. The committee has created a bill which will dovetail with the proposed land use legislation. Our definition of the geographic boundaries of the coastal zone itself has been tightened.

Second. We have attempted to make full provision for cooperation and coordination between States, local governments, areawide agencies, and interstate agencies. All of these factions must work together in both the planning and the managing phase of the program. Additionally, States can delegate to local governments some or all of the responsibility under this act.

Third. Finally, we have created a National Coastal Resources Board to handle disputes within the management program area. The board can coordinate programs of various Federal agencies. It can mediate differences between any Federal agency and a coastal State at the development stage of a program. And finally, the board can provide a forum for appeals by any areawide planning entity or unit of local government from any decision or action of the Secretary or the management agency of the State or local area.

Having done this, Mr. President, the Committee on Commerce, on April 11, unanimously ordered that an original bill be reported to the floor. This bill is S. 3507, which is before the Senate today.

So what is the program we propose? Essentially, it is this: A means to avoid crisis in the coastal areas of our Nation. We know the States have the will to avoid this crisis of growth and the subsequent despoilation of our valuable coastal waters. But at present, neither the States nor the local government have the financial means to tackle this difficult job. S. 3507 solves this problem by providing Federal grants-in-aid to create and operate management programs within the coastal zone.

The bill I propose today is aimed at saving the waters of our coasts and the land whose use has a direct, significant, and adverse impact upon that water. We all know that the coastal water and our delicate estuaries are the breeding grounds of life in the sea. Yet we use the land of the coastal zone with little or no concern for how this use will affect the water. For the most part, everyone is complaining about the situation, but few are doing anything about it. S. 3507 does something about it. In other words, we are talking about providing orderly, sound growth in a narrow strip of land and water of our coastal States, Great Lakes, States, and our territories. The management program authority may extend inland only so far as to allow control over the use of that land which, as I have said, directly affects the water. So it can be seen that we do not envision huge blocks of inland territory being carved into management program areas. The coastal zone bill would extend coverage basically to beaches, salt marshes, sounds, harbors, bays, and lagoons, and the adjacent lands—but not territory so large as to encroach upon land use management. The waters of this zone, again, are our primary target of concern. In disputed cases, these waters are those which contain a measurable tidal influence.

In the United States today, we are facing a population explosion—and it is being felt with the most impact in the coastal States and in coastal municipalities. The rate of increase for costal areas is more rapid than for inland areas, and this press of population has led to extensive degradation of our estuaries and marshlands. From 1922 through 1954, more than 25 percent of the salt marshes of this country were destroyed by fill, dikes, drainage, or by construction of walls. From 1954 to 1964, the destruction has continued at an even more rapid pace. Approximately 10 percent has been lost to development.

We know that the land area available for expanding populations will not change. There are only 88,600 miles of shoreline on our Atlantic, Pacific, and Arctic coastlines, and another 11,000 miles along the Great Lakes. Already, 53 percent of our population live within 50 miles of the coast. The overwhelming testimony was that by the year 2000, it may well be 80 percent, or 225 million citizens.

I referred earlier to the Stratton Commission. That group's report, "Our Nation and the Sea," calls the coast the most valuable geographic feature of the United States—the most biologically productive region of all. America looks to the coastlines not only for recreation, but for resources as well. The report makes an urgent plea for adequate management of the coastal zone now, before it is too late.

We hope we have created, in S. 3507, an answer to this plea for help. We know that the mechanism this bill envisions may not be perfect, but nothing is per-

fect. It may not solve every problem—but few Government solutions can handle everything. It may not make everybody happy—because there are a lot of folks who do not care about the result of rapid development. All they want is a profit. This kind of thinking can no longer be tolerated in America—if America wants any kind of a decent environment for its citizens in the decade ahead. The coastal zone bill will help us build and preserve that kind of America—a place where those of us who support this measure today can take some pride in the years ahead. I urge all my colleagues to join in voting for the bill, for good government, for progressive government, and for protection of our most vital resources in S. 3507.

Mr. President, I ask unanimous consent that the names of the cosponsors of the pending bill be shown in the RECORD here.

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

LIST OF COSPONSORS

Senator Ernest F. Hollings.
Senator Warren G. Magnuson.
Senator Lloyd Bentsen.
Senator Clifford P. Case.
Senator Marlow W. Cook.
Senator Sam J. Ervin.
Senator David Gambrell.
Senator Edward J. Gurney.
Senator Philip A. Hart.
Senator Vance Hartke.
Senator Hubert H. Humphrey.
Senator Daniel Inouye.
Senator B. Everett Jordan.
Senator Gale W. McGee.
Senator George McGovern.
Senator Thomas J. McIntyre.
Senator Joseph M. Montoya.
Senator Bob Packwood.
Senator John O. Pastore.
Senator Abraham Ribicoff.
Senator William B. Spong.
Senator Ted Stevens.
Senator Harrison A. Williams.
Senator Alan Cranston.
Senator John V. Tunney.
Senator J. Glenn Beall.

Mr. HOLLINGS. Mr. President, I yield to the distinguished ranking minority member of the committee, the Senator from Alaska (Mr. STEVENS).

Senator STEVENS has been of invaluable help. He starts with a primary interest in the matter, because the coastline of Alaska comprises practically half the coastline of the United States, and he obviously has a firsthand knowledge as well. He joined me in all these hearings of the Commerce Subcommittee on Oceans and Atmosphere. He is a member of the Committee on Interior and Insular Affairs. He has served in the Department of the Interior, in the executive branch of Government. He has worked with me in trying to reconcile differences and concerns not only with the administration, but also with the Committee on Interior and Insular Affairs, the Committee on Public Works, and other public concerns.

I am glad to yield to Senator STEVENS.

Mr. STEVENS. Mr. President, as a member of the Committee on Commerce and as the ranking minority member of the Subcommittee on Oceans and Atmosphere of that committee, I would like to commend my distinguished friend and colleague from South Carolina (Mr. HOLLINGS), the chairman of our subcommittee, for his leadership on this legislation. Over the past two Congresses he has conducted many days of hearings and worked through many executive sessions to see this bill become a reality. With successful conideration here today and with the action that appears imminent in the House, I feel confident that we will soon have a law to provide the necessary Federal leadership in this area.

Yet, even though we have been without a congressionally mandated program, the needs of our coastal zones have not been unnoticed. The 1969 Report of the Commission on Marine Science, Engineering, and Resources, entitled "Our National and the Sea"—the so-called "Stratton Commission Report"—discussed at length the special values of our coastal areas and the need for a proper program of coastal zone management:

In that report is the following comment:

Rapidly intensifying use of coastal areas already has outrun the capabilities of local governments to plan their orderly development and to resolve conflicts. The division of responsibilities among the several levels of government is unclear, and the knowledge and procedures for formulating sound decisions are lacking.

The key to more effective use of our coastland is the introduction of a management system permitting conscious and informed choices among development alternatives, providing for proper planning, and encouraging recognition of the long-term importance of maintaining the quality of this productive region in order to ensure both its enjoyment and the sound utilization of its resources. The benefits and the problems of achieving rational management are apparent. The present Federal, State, and local machinery is inadequate. Something must be done.

It was in response to this void in adequate machinery that the Committee on Commerce began, during the 91st Congress, to consider legislation which would help to protect and manage our biologically productive and commercially invaluable coastal areas. I am pleased to recognize the contributions of the present administration in this area, and note that much of the bill we consider here today is patterned after the bill, S. 3183, introduced at the request of the administration during the 91st Congress. This administration proposal was developed as a result of the National Estuarine Study by the Department of the Interior, performed pursuant to Public Law 90-454, also reported by the Committee on Commerce.

Despite the administration's prior recommendations in this area, however, I should note, in fairness, that it does not support separate legislation for the coastal zone such as that contained in the bill, S. 3507. However, this does not reflect any change in the administration's position over the need for effective programs. Rather, it has chosen a broader approach with its proposal for a national land use policy as contained in the bill, S. 992. In this connection, on May 5, 1971, the Honorable Russell Train, Chairman of the Council on Environmental Quality—and former Under Secretary of the Interior—appeared before the subcommittee and stated in part the following:

Since the development of the coastal zone legislation the administration has moved forward to consider the broader realm of land use generally, including the coastal zone. And the legislation which the President submitted to the Congress on the 8th of February as part of his environmental message calls for a new, very innovative national land use policy which includes and embraces the coastal zone as part of a broader approach to what the administration sees as a very high priority national need; namely, more effective land use as it affects environmental quality all across the country, both in the coastal zone and within the interior portions of the United States.

Notwithstanding this valid observation concerning the needs of the interior portions of our country, the needs of our coastal zones are such that to delay passage of the National Coastal Zone Management Act of 1972 to await enactment of a more inclusive bill would be unwise at best. It is in the coastal zone that the need for effective control has been most clearly demonstrated. It is in the coastal zone that one can readily recognize the resource of our lands is limited, that it is facing a host of competing demands, that development has been disorderly and in many cases tragic, and that unless management programs are developed, the demands of burgeoning populations and sprawling urban systems will completely choke them off. It is of more than passing interest to me to note that the State of Alaska lays claim to a coastline which is equal to more than half of that boasted by what we call the "Lower 48", and that the passage of such legislation at this point in our development is of the utmost importance.

The need for Federal financial assistance, as well as Federal requirements for cooperation at all levels and the establishment of criteria for the development of adequate management plans, has been demonstrated by the relative inability of most States and localities to proceed without it. As stated by Mr. John Asplund, chairman of the Greater Anchorage Area Borough, Anchorage, Alaska, when he appeared before the subcommittee on May 6, 1971, on behalf of the National Association of Counties:

We at the county level know that we have made many mistakes and allowed economic and other factors to override the requirements for more logical coastal management. But, the State and Federal Governments must also assume part of the blame for not taking a greater interest in coastline reservation, for not providing the necessary broad guidance, and for not providing either financial or technical support. The time, we believe, has come to correct these past failures and take a positive approach toward coastline management and preservation.

I, too, join the distinguished chairman of the committee, the Senator from South Carolina (Mr. HOLLINGS) in believing that the time has come. S. 3507 moves toward this goal by providing the financial assistance necessary for the development and implementation of coastal zone management programs. It furnishes to States and localities the guidance and

criteria necessary for them to manage these areas wisely. It is my hope that the Congress will recognize the adequacy of its response and the need which it promises to fulfill, and grant it favorable consideration.

Mr. President, at an appropriate time, I should like to discuss with the chairman of the subcommittee an amendment which would insure that where there are no statewide programs and plans consistent with this act, if a local political subdivision of a State with areawide powers does have a workable plan, the Secretary of Commerce will be able to cooperate with that areawide government. But I leave it to the Senator from South Carolina to determine when it would be an appropriate time to discuss this amendment which I have suggested.

I thank the chairman and will assist in any way I can in connection with this matter.

Mr. HOLLINGS. Is that the amendment relative to the matter of the Secretary's having the authority to go ahead should a particular area of a State itself default in actually promulgating a plan authorizing the Secretary to work with the local government or political subdivision and approve one submitted by it—is that the amendment?

Mr. STEVENS. Yes; that is the intent of the amendment. I have provided the chairman of the subcommittee with a copy of it. It would add a subsection "i"—let me check first, to make sure.

Mr. HOLLINGS. Could we not go on later with that amendment, if the distinguished Senator will permit it, as the Senator from Virginia has concern and the Senator from Missouri also has concern about active consideration at this time of this particular bill. I think perhaps we should go into their concerns first, and then when we began to call up amendments—we are not in a rush here this morning—we can call it up.

Mr. STEVENS. I will be happy to cooperate in every way I can. I just wanted to call the attention of the chairman to the fact that I hope we can consider the concept which would give the local political subdivision with areawide powers, the power to proceed with plans already made if the State has no plan.

Mr. SPONG. Mr. President, the objective of the proposed National Coastal Zone Management Act is to achieve a partnership between man and nature in which man's varied needs are in harmony with nature's processes and resources.

Specifically, the bill now pending would encourage the States to develop programs to protect their coastal resources by authorizing Federal assistance for the preparation and implementation of management programs. At the outset of my remarks, I would emphasize the assertion in the committee report on this measure that—

> There is no attempt to diminish state authority through federal preemption. The intent of this legislation is to enhance state authority by encouraging and assisting the states to assume planning and regulatory powers over their coastal zone.

Mr. President, that is as it should be—although the success of coastal zone management programs will be dependent on the cooperation of Federal, State, regional, and local agencies. I wish to commend the distinguished chairman of our Subcommittee on Oceans and Atmosphere for initiating the effort to have the bill recommitted.

Reconsideration of the measure resulted in two definite improvements. First, the inland scope of the coastal zone has been changed so as to limit the legislation to the area of greatest environmental concern. Second, the measure now requires broader participation of local governments, interstate, and regional groups in the preparation and operation of management programs.

A review of the testimony clearly demonstrates the need for this legislation. Much more than esthetics is involved in the protection and preservation of our coastal and estuarine waters and marshlands. The many varied types of natural vegetation which are found in the coastal zone provide a constant food source for fish and fowl alike.

It is estimated that three-quarters of our commerical seafoods—fish, claims, oysters, shrimp, crabs, and lobsters—are nurtured in our coastal areas. In addition, these waters and shorelands provide shelter and food for birds and wildlife, and act as a buffer against storms and other natural disasters.

It is in our own economic interest to protect these areas from the ever-increasing pressures of development and misuse. It has been estimated that in the period 1922 through 1954 more than one-fourth of the country's salt marshes were destroyed by filling, diking, or other forms of development. From 1954 to 1964 an additional 10 percent of the remaining salt marshes between Maine and Delaware was destroyed.

In Chesapeake Bay, an area of immediate concern to me, shoreline erosion caused by development has directly affected waterborne commerce, farmers, and fishermen. Deposits of silt have reduced water depths 2.5 feet over a 32-square-mile area at the north end of the bay. Roughly one-half of the oyster grounds in the upper bay have been destroyed or shifted downstream by sedimentation.

In order to encourage the coastal States to protect shorelands and estuarine waters, the bill authorizes the Secretary to make grants of up to two-thirds of the cost of developing management programs. The measure provides that management programs must specify the boundaries of the coastal zone, identify the permissible land and water uses within the zone so as to preclude uses having an adverse impact, and specify how control will be exerted over land and water uses within the coastal zone.

When a management program has been developed and approved, the bill authorizes grants of two-thirds of the cost of administering the program.

Finally, the bill authorizes grants of up to 50 percent of the cost of acquisition, development, and operation of estuarine sanctuaries. These provisions contemplate the creation of field laboratories for the collection of data and the study of natural processes occurring in estuaries. Such research should be of material assistance in establishing a rational basis for the intelligent management of coastal and estuarine zones.

Mr. President, I would be remiss if I failed to thank the committee, and especially the distinguished Senator from South Carolina (Mr. HOLLINGS) for accepting the suggestion I offered during the committee's consideration of the bill to require State certification of activities requiring a Federal license or permit.

This provision parallels a requirement in the Federal Water Pollution Control Act that applicants needing a Federal license or permit must obtain a certificate from the State water pollution control agency that there is reasonable assurance that the activity in question will not violate applicable water quality standards. It seems entirely reasonable to have a comparable provision in this legislation to guard against development that is inconsistent with a coastal zone management program.

It has been a pleasure to have been actively involved in the development of this bill. Its enactment would serve to protect and restore the vast resources of the coastal zone, an objective that is deserving of the highest national priority.

Mr. President, I again commend the Senator from South Carolina (Mr. HOLLINGS) not only for working initially on this bill, but also for having it recommitted and for bringing it back to the floor today in which I consider to be a much better form than when the bill was initially introduced.

Mr. BOGGS. Mr. President, I wish to express my support for S. 3507, the National Coastal Zone Management Act of 1972. This legislation provides significant benefits for every coastal State. It offers these States an opportunity to develop a legal framework "to preserve, protect, develop, and, where possible, to restore the resources of the Nation's coastal zone for this and succeeding generations."

The Committee on Public Works, on which I have the honor to serve, authorized a study of pollution in the estuarine areas at the time the committee reported the Clean Water Restoration Act of 1966. The Department of the Interior conducted an exhaustive 3-year examination of this question. In 1969 it submitted its three-volume report, "The National Estuarine Pollution Study," together with proposed legislation.

It was my honor in the 91st Congress to introduce S. 3183, which was the recommended legislation that grew out of that study. S. 3183 was originally referred to the Committee on Public Works. In an effort to give the Committee on Commerce the opportunity to consider the Interior Department's proposal in concert with the other important coastal zone proposals, we recommended that S. 3183 be re-referred to the Committee on Commerce.

S. 3183 contained important features to enable the coastal States to give greater attention to the management of their coastal and estuarine zones.

S. 3183 sought to accomplish two goals. First, it declared that there is a national interest in the effective management and protection of the coastal and estuarine zones. The bill set out a "national

policy to encourage and assist the coastal States to exercise effectively their responsibilities over the Nation's estuarine and coastal zones through development and implementation of comprehensive management programs to achieve effective use of the coastal zone through a balance between development and protection of the natural environment."

Second, the bill sets up a system of matching grants to assist State agencies in achieving more effective management of the coastal and estuarine zone. The legislation authorizes development and operating grants for coastal zone management programs. This would have fostered rational and effective management of our precious coastal and estuarine zone area, encouraging State permit authority in the estuarine areas and conformity between local zoning and the State management plan.

While no Senate action was taken during the 91st Congress on this legislation, the distinguished Senator from South Carolina (Mr. HOLLINGS), last year introduced new legislation incorporating many of the provisions of S. 3183, as well as other coastal zone bills before his subcommittee. The new legislation was S. 582.

I was pleased and honored to cosponsor that bill, which also contained many provisions similar to the legislation considered today. As a sponsor of S. 3183, I would like to discuss these differences, which are actually quite minor in view of the significance of the overall legislation.

This new legislation offers several changes from S. 3183, which I introduced in the 91st Congress. First, it raises the Federal contribution to 66⅔ percent in the form of a grant, instead of the 50 percent in S. 3183. And the new bill sets no dollar limit on grants, other than a maximum grant of 10 percent of the funds appropriated to any one State.

New features of this legislation, of course, are the creation of the National Coastal Resources Board, to be headed by the Vice President, and authority to purchase estuarine sanctuaries as national field laboratories.

Also, this bill requires review of any Federal permit that would be undertaken in an area covered by an approved coastal zone management plan so that the permit will be carried out "in a manner consistent with the State's approved management program."

In its declaration of policy, this legislation seeks "to preserve, protect, develop, and where possible to restore the resources of the Nation's coastal zone for this and succeeding generations." May I point out that such a goal has largely been achieved in my own State. I am proud of that accomplishment.

In an effort to meet this challenge of our coastal zones' needs, Gov. Russell W. Peterson and the Delaware Legislature wrote legislation that established strict controls over development along the coastal zone of the entire State. This was the Delaware Coastal Zone Act of 1971. This law has been hailed by many conservation groups as among the most significant steps toward environmental excellence ever taken by a State.

Largely as a result of this legislation, Governor Peterson of Delaware was recently honored as 1971 conservationist of the year by the National Wildlife Federation. This distinguished award was made to the Governor for his "outstanding contributions to the wise use and management of the Nation's natural resources."

This great honor is one that Governor Peterson richly deserved, for he has demonstrated tremendous knowledge and understanding of the environmental challenge our Nation faces.

The Saturday Review magazine recently carried an extensive interview on this subject with Governor Peterson. I think the interview is a most interesting one and very timely, particularly in view of the Senate's consideration of this legislation today. Therefore, Mr. President, I ask unanimous consent that the text of the interview, "Showdown on Delaware Bay," be printed at the conclusion of my remarks.

Mr. President, I wish to close my remarks by reiterating my support for S. 3507. It is important legislation. It is legislation that is necessary if our Nation is to utilize our coastal and estuarine areas in the best possible manner.

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

SHOWDOWN ON DELAWARE BAY

(An interview with Gov. Russell W. Peterson by Sally Lindsay)

A drama is unfolding in Delaware that on one level involves a straightforward conflict over land and water use but on another reflects the current debate over national priorities. At stake is the future of Delaware Bay and the state's coastal areas. Heightening the conflict is the arrival of the era of supertankers and an accident of geography.

Delaware, the country's second smallest state, is best known as the home of the Du Pont family and as a favored location for business incorporation—some 70,000 United States companies are chartered there. Furthermore, Delaware has a priceless natural asset that has made the state the object of not entirely welcome notice: its bay.

Delaware Bay is one of three spots along the entire United States Atlantic Coast with water deep enough to accommodate supertankers of 250,000 to 350,000 dead-weight tons. Now going into service, these vessels have drafts of sixty-five to eighty-five feet. The other deepwater sites are Long Island Sound off Montauk, New York, and Machiasport, Maine. Deep water plus open land and ready access to the major population centers of the Middle Atlantic States have combined to make the lower Delaware Bay region irresistible to entrepreneurs relying on the use of supertankers.

The state thus attracted nationwide attention when its Republican Governor, Russell W. Peterson, signed the Delaware Coastal Zone Act of 1971 that barred heavy manufacturing industry from locating in a two-mile-wide strip along the state's 115-mile coastline. The first state law of its kind, it specifically banned oil refineries, petrochemical complexes, and basic steel and paper mills. In addition, the act prohibited the construction in the bay of marine terminals for the transshipment of liquid and solid bulk materials. Welcomed under a permit system, however, were such "nonpolluting" enterprises as automobile assembly plants, and garment, jewelry, and leather-goods factories.

"The coastal areas of Delaware are the most critical areas for the future of the state in terms of the quality of life," the act proclaims. "It is therefore the declared public policy of the state of Delaware to control the location, extent, and type of industrial development in Delaware's coastal areas. In so doing, the state can better protect the natural environment of its bay and coastal areas and safeguard their use primarily for recreation and tourism."

The law's immediate effect was to block several hundred million dollars worth of planned projects.

Shortly after Peterson took office in January 1969, Shell Oil Company, which began buying coastal property in 1961 and today owns a 5,800-acre site near Smyrna at the head of the bay, announced long-deferred plans to build a $200-million refinery on its land, with an associate petrochemical plant to follow. At present, Shell has eight refineries in the United States, but none on the East Coast, one of its major markets.

The Delaware Bay Transportation Company, a consortium of thirteen of the nation's leading oil companies, Shell among them, proposed in 1970 the construction of a freestanding 3,200-foot-long dock six-and-a-half miles out in the bay to berth supertankers bringing crude oil to the region. Two forty-eight-inch pipelines would run the crude oil to the shore. There, on 1,800 acres of coastal land that the consortium bought in 1958 near the mouth of the bay, it would build a storage tank farm from which onshore pipelines would feed the petroleum to existing refineries.

A Texas-based company specializing in the transportation of solid bulk materials, Zapata Norness, Inc., had another proposal for a transfer facility in the bay: a 300-acre terminal where millions of tons of domestic coal headed for world markets would be stored in fifty-five to sixty-five-foot piles for transshipment from self-unloading barges to giant deep-draft carriers. The Zapata project included subsequent plans to expand the terminal to 500 acres and to add the handling of iron ore for export.

Concern about the impact of these large-scale proposals on the undeveloped lower-bay area caused Peterson to "blow the whistle." By executive order, he slapped a one-year moratorium on all construction along the river and bay and appointed a task force to develop a master plan for the future use of the state's coastal areas. The provisions of the 1971 Coastal Zone Act essentially embody the recommendations made by the Governor's task force.

The basic question raised in Delaware was this: Should a natural asset be exploited simply because it's there?

Delaware's bay frontage, where Shell and the oil consortium hoped to build, is today a stretch of tidal wetlands, salt marshes, woodlands, and shallow estuaries, dotted with wildlife preserves. The state's ocean-front contains a succession of state parks and beaches cut by an inlet leading to small protected coastal bays. The wetlands provide food for fish and birds. The beaches, parks, and bays provide recreation for Delawareans and tourists. Both shore lines are endangered by the threat of oil spills from existing heavy water traffic.

Delaware already has one of the largest oil refineries in America, the 140,000-barrel-per-day Getty facility, situated about three miles north of the Chesapeake and Delaware Canal. Six additional refineries line the Delaware River near Marcus Hook, Pennsylvania, just over the Delaware state border; four are in Pennsylvania, two across the river in New Jersey. About 70 per cent of all the oil coming to the East Coast moves through Delaware Bay and Delaware River. About 175 tankers of up to 50,000-ton capacity ply the river each month to make direct oil-refinery deliveries.

Delaware already has a steel mill near Marcus Hook. The prospect of supplies of coal, iron ore, and petroleum concentrated

along a single stretch of the bay area would, it was feared, inevitably lead to the development of additional steel mills and other heavy industry in the area, introducing unacceptable quantities of pollutants into the air and water.

During the six weeks the coastal zone bill was debated before becoming law last June 28, it was vigorously fought by an impressive lineup: the Delaware Chamber of Commerce; the state Building and Construction Trades Council; Shell; Getty (also a member of the oil consortium); the eleven other consortium oil companies; Zapata Norness; and the United States departments of Commerce and Treasury. Arguments against the bill invoked the importance of economic growth, the need to fill the projected energy requirements of the East Coast, the promise of jobs and tax revenues, and the ubiquitous "national interest."

"All of us . . . are caught at a critical point in time," said a Shell vice president at a hearing before committees of the Delaware legislature. "On the one hand, we have the crisis of the environment. And that is a very real thing. On the other hand, we have a growing energy crisis. That, too, is very real. These two crises have the potential for meeting on a collision course. It is my belief that such a collision does not have to occur."

The crux of Shell's argument was that industries should not be banned by class, but rather each industrial proposal should be considered on its individual merits. Shell asserted it could build a clean refinery that would not endanger the environment. To prove its point, the company invited members of the task force and the legislative committees considering the bill to visit two of its existing refineries: the Norco installation near New Orleans, nominated in 1971 for a Louisiana Wildlife Federation conservation award, and the Anacortes facility on Fidalgo Island, Washington, in Puget Sound.

Austin Heller, a task-force member and secretary of the Delaware Department of Natural Resources and Environmental Control, visited those refineries. "They were quite well maintained," he says, "but were not pollution-free by any means." The technology to build a pollution-free refinery, he states, "is not yet here."

Borrowing "a little federal muscle," Zapata Norness enlisted support from the Commerce and Treasury departments to fight the ban on its proposed offshore terminal. "Unless the United States is able to receive these [oceangoing] bulk carriers, our ability to compete will be seriously damaged," wrote a Treasury Department assistant secretary in a letter to the Delaware House of Representatives urging defeat of the zoning bill.

"It is important that a terminal be built . . . to retain United States control and flexibility, promote U.S. flagshipping, and to maintain for U.S. industry the capability to ship and receive goods at the lowest possible cost," wrote the Commerce Department's assistant secretary for maritime affairs in another letter asking rejection of the bill.

Supporting the bill were conservationists, environmentalists, and concerned Delawareans. "It's our coastline," proclaimed a mailing piece issued by a citizens' group. "Coastal zoning will save it for us and our children."

In the middle of the different merits of the debate stood the Governor, pledged to promote the state's economic well-being but equally determined to keep the bay and adjoining areas free from the proposed industrial complex.

Despite his stand, Peterson is not anti-industry, as some have charged. In fact, he comes from industry, having spent twenty-seven years at the Du Pont company as a research chemist and division manager before a mounting interest in community affairs, specifically prison reform, led him into politics. But he does believe that certain industries belong in certain areas. "We can and must be selective," he says.

Passage of the Delaware Coastal Zone Act ended the first chapter in the debate over the future of the bay. But no one considers the issue closed. At the request of the Delaware legislature, the Governor has appointed a twelve-man committee to study oil transport in the bay and river and recommend ways to decrease the danger of spills. The committee will work with the United States Department of Commerce, which is making a feasibility study of offshore transfer terminals in sea water outside state limits. Many officials in the state government expect that efforts will be made to challenge the zoning law in court or amend it to remove the ban on offshore islands. In the meantime, Peterson has initiated a move on the county level to back-zone Shell's property from its present category of heavy industry, fought for in a bitter struggle when the land was first optioned twelve years ago, to its original category of farming and general use. And a bill patterned on the Delaware act has been introduced in the New Jersey Assembly to bar heavy industry and offshore transfer facilities from the Jersey side of the bay and lower Delaware River.

Always eager to talk about the zoning act he fathered and the environmental questions it raises, Governor Peterson recently agreed to an interview in his office on the second floor of Legislative Hall in Dover, the state capital.

Sally Lindsay: I believe you have the distinction if being the only Governor in the United States who has a Ph.D. in chemistry. Have you used your science background in your job as Governor? Governor Russell W. Peterson: Yes, I've found it useful in talking about energy, about atomic energy, about fossil-fuel plants, and about the biology of the bay and the wetlands. But, more importantly, scientific training is a discipline where you look for the facts, put up certain propositions, and then test them to see if they make sense. You get trained in how to go about solving problems. And I'm convinced the longer I'm Governor, that exactly the same approach is needed in this office. It's really what applies in management in many fields. Most of my career in the Du Pont company, the last ten years anyway, was in management, and I think the background and experience were helpful. There are some other areas—being acquainted with the political forces at work, for example—that my background didn't provide. So I got clobbered a few times.

Do you think that in the future some form of scientific training might become a prerequisite for high elective office? I think that what's primarily needed is a good general education. I would not recommend that everybody running for office get a Ph.D. in chemistry. But I certainly think that anyone who is going to be a leader in the community ought to have an appreciation of the many scientific and technological factors that are involved. I don't want to be disrespectful to lawyers but I think we have a disproportionate number of them in Congress and in Governors' offices around the country. Their training is very valuable in their area, but other areas are equally important. I think a well-rounded education would be best for someone who wants a job like mine.

Your statement in connection with the Delaware coastal zoning bill that "jobs are important but so is the quality of our environment" has been widely quoted. Was the real issue, as you saw it, jobs versus environmental protection? No. It wasn't a question of either jobs or maintaining our natural environment. It was a question of whether to use the same piece of land for recreation and tourisms or for one of the most rapid industrial explosions anyplace in the world. The nub of the argument was whether we should make blanket rules outlawing certain industries, like refineries, in certain areas, or whether the decision on zoning should be based on guidelines and the merits of the individual case. We say that you cannot have heavy industry in certain areas; you cannot have certain installations along the coastline. They are incompatible with other valuable uses of the land. All you need to do is drive north from Wilmington to Philadelphia up around the Marcus Hook [Pennsylvania] area, and you see a collection of storage tanks, pipes, towers, and waste-treatment lagoons. Even if you assume that this section is completely free from pollution, the question arises: "Is this compatible with the kind of environment we've built in Delaware, the kind of recreational open country we have here?" And obviously the answer is no. We have a unique setup here, a relatvely unspoiled countryside. It's an asset to millions of people, not just Delawareans. In fact, tens of thousands of people from Washington and Baltimore and Philadelphia come here every year to use it, enjoy the hunting, the fishing, the swimming, the boating, the sunbathing close to the ocean. It's a tremendous asset. I therefore look upon Delaware as having a responsibility to the region—to hang on to what we have here.

At the time you made the decision to promote that bill did you consider that a political risk was involved? Oh, absolutely. Most of the reaction that I got in this office for the first few months was against me. From the state Chamber of Commerce and the oil companies directly, law firms that represent the oil companies, farmers who had sold land to the oil companies and who hoped to profit from the increased value of the land they still have, developers. They went right through to the very end fighting. It took the general public months before they began to tune in on the significance of this. Then I got more and more support for the bill. But my training and background are not such that I would weigh things on the basis of the number of votes that I thought a decision would bring.

How were you able to withstand the combined pressure of all those highly organized interest groups when the bill was under discussion? We were just persistent. Fortunately, we had a majority of the votes in both houses. They did a lot of talking and a lot of arguing about it. After the bill got through the House, we had a major problem in the Senate. There was a whole bunch of attempts to amend it. But each amendment was voted down, some of the critical ones by just one vote. The bill finally went through with a few votes to spare. But the pressure will be on for a long time to come. For many, many years. One of the people in the oil companes has been quoted as saying, "We will be around here a lot longer than Peterson will." [Delaware Governors are limited to two four-year terms.]

Former Secretary of Commerce Maurice H. Stans is reported to have said, "You are interfering with the prosperity and security of America." How did he become involved, and what was your response to that statement of his? I don't remember his using precisely those words. He did ask about my loyalty to our region and to our country. He stressed that we needed to have energy in America, we needed to have petroleum coming in, we needed to have a good merchant marine. And therefore we needed ports that could take the big, new, deep-draft vessels. I told him yes, I agreed that some of those things were important. But it was equally important to have some of the open environment we have in Delaware. That was vital to the people. And we ought to put that on the scales along with these other factors to decide which was going to get priority.

Were you able to get him to change his mind when you met with him in Washington? No. When I first went to see him, he wanted to convince me to drop the entire idea of excluding refineries, basic steel mills, and basic pulp mills. I made it clear that the whole objective was to be sure we didn't have those enterprises in this area. That was the

whole purpose of the bill. When I left he said, "Let me ask one thing of you; don't exclude the offshore [coal and iron ore] unloading stations." I told him that I would think about it. And I did. And I decided that we ought to exclude those things, too.

Can you imagine a time within the next four years when you might change your mind about offshore oil terminals and a pipeline running to refineries on the coast? Right now I can't. But I'm willing to listen. We have a committee studying how we can move oil that goes up our bay and river more safely. The practice now is for large and medium-sized vessels to come a few miles into the mouth of the bay to get into some deep water and away from the rough seas. They then partially unload onto barges. When the tanker's draft is small enough, the lightened tanker and the barges move up the bay and river to the refineries. That's a hazardous operation. Any day we might have a major oil spill and we're worried about it. I'm sure the committee will consider such things as an offshore unloading station with a pipeline. They also will consider what, in my opinion, might be a reasonable solution—that is, to have a boom [a floating ring] around the area so that until the transfer onto barges is completed the entire procedure is enclosed. Then if a spill occurs, it can be cleaned up before the vessels move out. And traffic might be restricted only to barges moving up the bay and river. They move under the control of a tug and can be manipulated and handled much more safely. That's just one of several possibilities that could avoid a pipeline running up the river and bay.

How would you propose that the country meet its energy demands as projected for the next decade? I think moving to nuclear plants is the way to do it. Nuclear power plants will be the most economical ones and, in my opinion, the ones that will contribute the least pollution—less pollution, at least, than using fuel oil.

The problem of getting rid of the radioactive waste products has not been solved yet, has it? The magnitude of that problem, in my opinion, is less than the problem of the sulfur dioxide and sulfur trioxide that is coming out of the stacks now in our present fossil-fueled power plants. Much of the radioactive waste can be reprocessed and some of the material reused. I believe that putting nuclear plants off the coast, as the Public Service Commission of New Jersey is now investigating, has a lot of merit. Thermal pollution is one of the key problems. A lot of heat is generated in a nuclear plant and a lot of water is needed to cool it. If you go out several miles off the coast where there is a tremendous quantity of water moving back and forth, thermal pollution should be an insignificant problem. Then all you need to run to the shore is an electric cable.

Does the state of Delaware at the moment have any control over reckless development of its coastal area for the purposes of tourism and recreation? Do you have any way of seeing that your coast doesn't become a solid line of motels and hot-dog stands? We certainly don't want that to happen. Local zoning has the responsibility for that. So far they've done a pretty good job in Delaware compared to some of the other states. The local Chambers of Commerce are very, very diligent in setting up their own guidelines to be sure they don't ruin a good thing. But we have no state authority to stop somebody from putting up a hot-dog stand where it shouldn't be.

In your opinion, is there some cutoff point in population growth and industrial development of any kind beyond which Delaware should not go? I don't have any quantitative target but I have a qualitative concern. It is that we should not endeavor to win some record for building up the population of Delaware. I think that much of what makes our state attractive is dependent upon our not having too many people living here. I think it's important that we provide jobs and opportunities for our own growing population. However, we're not living in a little world all by ourselves. If we have attractive opportunities here people from outside are going to want to move to Delaware, as they have been doing. But I think it would be dead wrong to have some objective of getting the maximum number of industrial establishments here in order to build up our population.

Would you go as far as the Governor of Oregon who said, "I'd like to have you visit, but please don't come to stay"? I wouldn't go quite that far, no.

Oil refineries and steel and paper mills have to go somewhere. Where would you put them? Well, let's talk about oil refineries. I think that existing refineries could markedly increase their capacity. I had the assignment at Du Pont of increasing the capacity of major plants. It's done repeatedly. People say, we can't increase any more than we've already done. Then someone says do it, and it gets done. We have already allocated a certain amount of space to the operation of refineries, and the challenge ought to be to use that space much more effectively instead of messing up some other land around our country. We need to give high priority to some of the other aspects of living, such as enjoying the beaches and the hunting and the fishing and the open spaces. If we give enough priority to those aspects of life, you can bet we'll find alternate solutions to these other problems. I think it's very important that all over America—all over the world, for that matter—people start drawing lines around choice pieces of real estate and say, look, this is off limits for certain kinds of operations.

If the new industrial plants that will be needed are forced to locate in places where it's uneconomic to operate, everything will cost more. Do you think the public is ready and willing to pay more for such things as electric power? I think absolutely that the public is willing and able to pay more to gain this recreational opportunity.

Do you see a way to reconcile growth and environmental protection? Yes. I think population growth in the world—in America—is one of the major problems that leads to fouling up our environment. I believe that a reasonable control over the population is in order. That's why I've been a strong proponent of Planned Parenthood. The tremendous explosion of population in any one area is bound to cause problems with the environment. Take this Delaware coastal zone. If a hundred times more people came to enjoy the hunting, the fishing, the swimming, and the boating here, it would not be a very attractive spot.

How long do you think as highly attractive a piece of real estate as Delaware can protect itself against the persistent incursions of industry? Well, look what's happened in New York City. Central Park is still there. You have a tremendous pressure for building space. Higher and higher office buildings go up all around the park, but still there's a hunk of land right there in the center of the city that people have decided to hang on to.

Do you anticipate a time when the United States might have a national policy concerning land use and energy growth? That's a possibility. We already have a national policy on the interstate arteries of transportation, the highways, the airways, and the waterways. I hope, though, that we don't get to the point where the federal government starts dictating where private enterprise can and should be located in a state or a county. But there can be some legitimate arguments in favor of federal government involvement in this area.

What, in your opinion, can the average citizen who has no political clout do to protect the environment in this country? If you have enough citizens who are determined to protect the environment, and we do have, they can organize so that they do have political clout. One thing that has been driven home to me in the three years I've been Governor is that our democratic process does work. When people really get exercised about something, their representatives respond. If a substantial number of people believe in cleaning up our environment, and if they work at it, they will be heard.

Mr. EAGLETON. 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. HOLLINGS. 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. HOLLINGS. Mr. President, pending the arrival of the distinguished Senator from Alaska in the Chamber in connection with his amendment, I wish to insert in the RECORD a few comments relative to the concerns that were expressed by members of other jurisdictional committees, specifically the Committee on Banking, Housing, and Urban Affairs, the Committee on Public Works, and the Committee on Interior and Insular Affairs.

With respect to matters of municipalities and regional development, the overall approach of this particular bill is conformance with the land use bill submitted by the administration and sponsored by the distinguished Senator from Washington (Mr. JACKSON). We have tried our very best to dovetail, should the land use bill be enacted by this Congress, so that the coastal zone bill would be hand in glove with it.

Additionally, with respect to the urban spiral in housing, we have not tried to preempt the committee having jurisdiction in that regard. As a former member of the Committee on Banking, Housing, and Urban Affairs I assure my colleagues that this bill would give appropriate recognition to our housing and community development needs, as well as the needs of our coastal zones.

I believe the legislative history of the measure clearly indicates we intend that the Coastal Zone Act be administered in a way to reflect the concerns of HUD and other public agencies which have planning and development missions.

The statutory language indicates that the bill aims to protect our critical coastal marine areas, and would restrict its jurisdiction inland. The report accompanying the bill specifically states that the coastal zone—Extends inland only to the extent necessary to allow the management program to control shorelands whose use have a direct and significant impact upon the coastal water.

In any event, I would anticipate that the officials carrying out this act would work cooperatively with other officials of Federal, State, and local governments in expanding social opportunities and in enhancing the quality of life.

The fact is that the bill was encompassed in S. 582. Pending the hearing last year, and also reported with approval by the Committee on Commerce, it stayed

on the calendar for some time. It was felt that the definition of "coastal zone" went too far inland.

We thought we had reconciled the concern with the 7-mile limitation. I had to agree this went into too many things. It was a matter of interest to the Committee on Banking, Housing, and Urban Affairs. I had a discussion with the distinguished chairman, the Senator from Alabama (Mr. SPARKMAN) on the point. The bill is designed not to have any conflict there.

The cities themselves approved, in a general sense, the particular measure in the original hearings. The mayor of the city of Newport Beach, Calif., came forward and said it was not permissive for participation and did not encompass in its approach the use of local governments. So we went back through the bill and included in every respect the terminology "local government" so that wherever possible there be no misunderstanding.

On page 9, section 305, subsection (g) it is now stated:

(g) With the approval of the Secretary the coastal State may allocate to a local government, . . .

On page 11, under subsection 306:

"(1) The coastal State has developed and adopted a management program for its coastal zone in accordance with rules and regulations promulgated by the Secretary, which shall be in accordance with the objectives of this Act, after notice, and with the opportunity of full participation by relevant Federal agencies, coastal State agencies, local governments, regional organizations, port authorities, and other interested parties, public and private, which is adequate to carry out the purposes of this title.

Again we included the reference to local governments.

On page 12, section 306, subsection (d), at about line 20, it is stated:

(d) Prior to granting approval of the management program, the Secretary shall find that the coastal State, acting through its chosen agency or agencies (including local governments), . . .

So, in fact, as stated—and this would later become law—the city government can be the entity designated by the Governor himself as the coastal zone management agency.

In addition to that, Mr. President, we provided certain flexibility in the bill with respect to whether or not it could be a State group, a local group, or some already established group, to act as the coastal authority. We had testimony with respect to the State of New York that the New York Port Authority was probably the best agency within the State of New York; it had complete authority with respect to coastal zone problems, development, pollution, the Corps of Engineers, water quality, navigation, and almost everything else; and it could be that it would be the State-designated agency.

Mr. President, at this time I yield to the Senator from Rhode Island.

Mr. PELL. Mr. President, I thank the distinguished Senator from South Carolina for yielding.

At this point I send to the desk an amendment on behalf of the Senator from Massachusetts (Mr. KENNEDY), for himself, the Senator from Wisconsin (Mr. NELSON), the Senator from New Hampshire (Mr. MCINTYRE) the Senator from New Jersey (Mr. WILLIAMS), the Senator from South Carolina (Mr. HOLLINGS) and myself.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. PELL. 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, ordered to be printed in the RECORD, is as follows:

On page 26, after line 19, insert the following:

SEC. 316. (c) The Administrator of the National Oceanic and Atomspheric Administration of the Department of Commerce, after consultation with the Secretary of the Interior, shall enter into appropriate arrangements with the National Academy of Sciences to undertake a full investigation of the environmental hazards attendant on offshore oil drilling on the Atlantic Outer Continental Shelf. Such study should take into consideration the recreational, marine resources, ecological, esthetic, and research values which might be imparted by the proposed drilling, as well as alternatives to such drilling in meeting the Nation's energy needs. A report shall be made to the Congress, to the Administrator, and to the Secretary by July 1, 1973.

There are authorized to be appropriated for the fiscal year in which this Act is enacted and for the next fiscal year thereafter such sums as may be necessary to carry out this section, but the sums appropriated may not exceed $500,000.

Mr. PELL. Mr. President, this amendment authorizes a study by the National Academy of Sciences as to the risks of offshore oil drilling on the outer Continental Shelf.

The Administrator of NOAA, after consultation with the Secretary of the Interior, would be authorized to make arrangements with the National Academy for the study with a due date back for a report of July 1, 1973.

The cost is $500,000; and it does not call for a moratorium, it calls for a study.

Mr. HOLLINGS. Mr. President, I heard the distinguished Senator from Massachusetts at one time urge that the National Oceanic and Atmospheric Administration conduct a study. This is a NOAA bill. I understand the Senator has consulted with other Senators and they agree that NOAA should arrange with the National Academy of Sciences for this study.

Mr. PELL. This would be the thinking of those who press the amendment; yes.

Mr. HOLLINGS. I say to the Senator from Rhode Island I would like to go along with the amendment. I think we would, if given a little time for Senators who are members of the Committee on Interior and Insular Affairs to consider it. I think some of the Senator's cosponsors are members, but I have just been informed that members have not considered it specifically. If the Senator will complete his remarks I believe I can more intelligently comment, and if need be, we can request a quorum and see if the matter can be worked out.

Mr. PELL. Absolutely. I realize that the committee did not take any action on this matter earlier, since it had closed the hearings on the bill, but I share, and so do the other cosponsors, the concern of the Senator from Massachusetts (Mr. KENNEDY) that an independent study of the potential risks of offshore oil drilling on the Atlantic Continental Shelf should be available to the Congress.

The National Academy of Sciences is a prestigious and competent organization which will enable the Congress to consider the proposals for offshore oil drilling with full knowledge of the potential risks involved.

The study would take into consideration the recreational, marine resources, ecological, esthetic, and research values which might be impaired by the proposed drilling, as well as alternatives to such drilling.

The magnitude of the possible effects of offshore oil drilling cannot be underestimated. For that reason, it is essential that we have the results of independent analyses of the potential impact of such drilling before it is begun.

While a few of us here would also like to see a moratorium, this is not what we are pressing for at this time. We are pressing the idea of this study, and we hope that our friends on the Committee on Interior and Insular Affairs may also accept this idea as perhaps a middle ground for the moment.

I would ask unanimous consent that the statement by Senator KENNEDY, and correspondence from east coast Governors and knowledgeable scientists, be included in the RECORD at this time. Senator KENNEDY originally introduced this amendment in December and the revised version is being introduced today to correspond to the bill S. 3507 reported by the Commerce Committee.

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

STATEMENT BY SENATOR KENNEDY

I am introducing an amendment to the Coastal Zone Management bill S. 3507 reported by the Commerce Committee to provide for a year-long study by the National Academy of Sciences of the environmental risks, the risks to fishing and the risks to recreational areas of offshore oil drilling on the Atlantic outer continental shelf. The $500,000 study also would explore alternatives to offshore oil drilling in meeting the nation's energy needs.

Mr. President, this is an amendment similar to the one I introduced in December 1971, to the earlier version of this same measure.

The amendment would authorize the Administrator of the National Oceanic and Atmospheric Administration of the Department of Commerce, after consultation with the Secretary of the Interior, to finance a detailed National Academy of Sciences study of this subject.

In this way, the Congress and the nation could be sure that any action taken by the government with regard to offshore drilling in the Atlantic will follow an independent analysis of the possible risks from such a venture.

Currently, the Secretary of the Interior has indicated that internal studies of environmental and other risks related to offshore drilling are underway within the Department. And he notes that public hearings on the matter will be held.

However, it seems clear that a fully independent study by competent scientists will further the public knowledge on this matter.

In that regard, let me repeat the statement of the U.S. representative at a recent United Nations conference. His opening words were: "Subsea mineral exploitation inevitably carries the potential to create hazards to other uses of the sea and to damage other marine resources."

The extent of that risk should be fully evaluated before the nation even considers the possibility of extending the dangers of oil drilling to the Atlantic Continental Shelf, adjacent to the heavily populated eastern seaboard of this country.

The potential dangers not only to the beaches of Atlantic coast states but to the rich fishing grounds off our New England shores requires the utmost caution in any endeavor of this nature.

We already have seen the horror of a Santa Barbara oil blowout. We cannot afford a similar catastrophe off Boston or New York or Charleston.

For that reason, I believe an independent inquiry by the National Academy, which previously has indicated its competence and willingness to undertake such a study, is essential. In addition, I would note that while Secretary of Interior Morton has not requested funds for such a study he stated at a Congressional briefing that he personally would favor such an inquiry.

In addition, I would note that correspondence from several East Coast Governors as well as from prestigious university and scientific institutes, indicates virtually unanimous support for such a study.

(I ask unanimous consent to attach at the conclusion of my remarks correspondence on this matter).

The need for an independent evaluation which would be available to the Congress, to the NOAA administrator and to the Secretary of the Interior is made even more evident by our recent experience with solely governmental studies.

Too often, competent and relevant studies which could help the Congress to draft intelligent public policies have been withheld because the conclusions conflict with the official Administration posture.

We have seen that occur with regard to studies on the SST. We have seen it occur with the U.S. Geological Survey and Council of Environmental Quality comments on the Amchitka underground nuclear test. And we have seen it occur most recently in another area when the Labor Department buried a scathing indictment of its Rural Manpower Service.

Even when the most capable government scientists and professional employees are involved in a study, the Congress cannot be assured that it will benefit because the conclusions of those investigations may never see the light of day.

When this becomes a matter of routine, then we must obtain independent analyses which will provide us with the necessary data for rational decision-making.

For these reasons, I believe the Congress must acquire sufficient information upon which to judge Interior Department assertions concerning both the need for and the danger of Atlantic Coast offshore drilling.

Therefore, I am offering this amendment and urge its adoption.

COLLEGE OF CHARLESTON,
GRICE MARINE BIOLOGICAL LABORATORY,
Charleston, S.C., February 10, 1972.

Senator EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: This is in reference to your letter of January 14, 1972, concerning the leasing of oil-drilling rights on the Atlantic continental shelf. I applaud your concern for the welfare of the marine environment and hope that similar interest will be generated among other members of Congress.

The varied habitats of the continental shelf support large populations of commercially important organisms. Large numbers of Americans are dependent upon these organisms either directly or indirectly for their subsistence. Any drastic upset, such as an oil spill, of the delicate balances and interdependencies of this marine ecosystem would endanger the biological productivity of an extensive area and could possibly wreak havoc on coastal property. Due to the nature of the currents, the results of an oil spill in the western Atlantic would be shared by many nations. Ocean pollution in any form is a world-wide problem.

I feel that offshore drilling is potentially dangerous to the marine environment. We should have learned from the Santa Barbara and tanker disasters that we must find ways to protect the marine environment. Protection, not compensation for damage done, should be the policy. Alternate sources of oil with fewer dangers of environmental degradation are available and should be utilized, even if more expensive. One may put a monetary value on a single year's shrimp harvest, but no one can do more than estimate the dollar value of the entire western Atlantic marine environment. I urge caution and restraint in any offshore oil leasing. The good of the nation, and indeed that of all nations, must not be sacrificed for the gain of a few.

Once again, I applaud your concern, and I hope that I shall be able to commend your actions on this and similar problems in the future.

Yours very turly,
WILLIAM D. ANDERSON, Jr.,
Associate Professor.

STATE OF MARYLAND,
EXECUTIVE DEPARTMENT,
Annapolis, Md., December 14, 1971.

The Honorable EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: Thank you for your letter of November 22, 1971 expressing your concern about the possibility of offshore oil drilling in the Atlantic Ocean.

On that same date, I addressed a letter to Secretary of the Interior, Rogers C. B. Morton, in response to the telegram you mentioned. I advised Secretary Morton that the State of Maryland is vitally concerned about the plans for the outer continental shelf and informed him that I would be glad to meet at a mutually convenient time for the purpose of exchanging information leading to an appropriate course of action.

When I meet with the Secretary, I will try to impress upon him the need for competent and independent environmental studies as you suggest.

Sincerely,
MARVIN MANDEL, *Governor.*

STATE OF NORTH CAROLINA,
GOVERNOR'S OFFICE,
Raleigh, N.C., December 16, 1971.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SENATOR KENNEDY: Thank you very much for your letter of November 22 calling my attention to the need for further studies relating to environmental protection associated with exploration for oil off the Atlantic Continental Shelf.

I am attaching a copy of my letter to the Secretary of the Interior responding to his telegram of November 4 informing me of his Department's plans regarding off-shore oil drilling in the Atlantic and inviting me to attend a meeting to discuss this subject. You will note that I recognize both our needs for additional proven oil reserves and for the need to protect our environment while exploring for these reserves. North Carolina's ocean-oriented coastal tourist industry and our commercial fishing industry could hardly afford the massive damage that might be associated with poorly-planned oil exploration.

Accordingly, I am pleased to join you in urging that the National Academy of Sciences and the Environmental Protection Agency carry out independent studies of off-shore oil drilling, with particular emphasis on the specific conditions that pertain off the Atlantic coast of the United States. I can readily see that oil exploration in an environment characterized by frequent storms and common high energy waves will be much different from that undertaken in the Gulf of Mexico.

The need for environmental protection measures during oil exploration was recognized in a bill considered by our legislature last spring and which I backed. Unfortunately, this bill was not passed. Please rest assured that if such studies are carried out, North Carolina will participate in them to the maximum extent that she is able.

May I express my thanks for your concern for our State's environment.

Cordially,
ROBERT W. SCOTT.

STATE OF NORTH CAROLINA,
GOVERNOR'S OFFICE,
Raleigh, N.C., December 16, 1971.

The Honorable ROGERS C. B. MORTON,
Secretary of Interior,
Washington, D.C.

DEAR MR. MORTON: I appreciate your telegram of November 4 concerning your proposal for a meeting of Governors of East Coast states for the purpose of discussing the sale of leases for oil exploration off the east coast of the United States.

Please be advised that I would be most happy to attend a meeting to discuss this important subject. My mind is open concerning the matter of exploration for oil off the Atlantic Continental Shelf. I realize, on the one hand, our nation's tremendous needs for proven energy reserves and, on the other hand, I understand fully the potential environmental damage that can result from uncontrolled and careless exploration and exploitation.

North Carolina will most certainly want to be represented at any meeting where a discussion of oil exploration off the Atlantic Continental Shelf is held. I urge that the subject matter of such a meeting be expanded to include the development of plans for adequate measures to protect environmental quality during such exploration and during any subsequent commercial exploitation of reserves.

Cordially,
ROBERT W. SCOTT.

STATE OF DELAWARE,
EXECUTIVE DEPARTMENT,
Dover, Del., December 22, 1971.

The Honorable EDWARD M. KENNEDY,
U.S. Senator,
United States Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: I appreciate receiving a letter of November 22 expressing your concern about offshore oil drilling in the Atlantic. We are especially sensitive to any activity along the eastern seaboard which might seriously impair the quality of the ocean environment.

I have appointed Austin N. Heller, Secretary for the Department of Natural Resources and Environmental Control as a representative to the Department of the Interior in matters concerning offshore oil drilling in the Atlantic. Thereby, I shall be kept apprised of any study to be undertaken and any decision to be reached with respect to offshore oil drilling in the Atlantic.

We in Delaware, have taken a special precaution to protect our coastal zone. Earlier this year we passed a landmark piece of legislation, H. R. 300. I am attaching a copy for your information. Prior to the passage of this act, I had convened a task force on marine and coastal affairs headed by Dr. James M. Wakelin, Jr., a renowned oceanographer. A preliminary report dealing with the coastal zone and its management has been completed. I have also attached a copy of that report for your guidance. We expect to issue sometime in 1972, a more detailed report from that study group. I shall be pleased to forward a copy of that report to you.

We have taken another step in our State to protect the offshore that lies within our jurisdiction. In 1972, we passed a regulation dealing with oil and mineral exploration. I believe you will find this comprehensive document of interest to you. I have also attached a copy of this regulation for you.

I share your concern for adequate environmental studies before a permit is issued for offshore oil drilling in the Atlantic. I am convinced that such studies will, in fact, be carried out. We shall keep an ever mindful eye on this very important issue.

Sincerely,

RUSSELL W. PETERSON, *Governor.*

STATE OF NEW JERSEY,
DEPARTMENT OF ENVIRONMENTAL PROTECTION,
Trenton, N.J., December 28, 1971.

Hon. EDWARD M. KENNEDY,
U.S. Senator, U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: Governor Cahill has noted and referred to our attention your letter of November 22 concerning the tentative plans of the Department of Interior to permit off-shore oil drilling along the Atlantic Seaboard.

For many years the State Geologist has been advising oil companies and others interested in exploring for oil as to State regulations, probable areas for exploration and general geological conditions. The evidence so far accumulated strongly suggests that oil will not be found within the territorial three mile limit of New Jersey.

Some states are claiming jurisdiction beyond the three mile limit and New Jersey is in agreement with other maritime states that if any state is granted off-shore jurisdiction beyond the three mile limit New Jersey wishes to be given equal rights.

Comparison of conditions off the New Jersey coast within or beyond the three mile limit to conditions resulting in the Santa Barbara oil spill area are based on a lack of knowledge concerning the off-shore geology. Off the New Jersey coast, faults and related geologic structure found off the California coast do not occur. A far greater danger to New Jersey beaches are oil spills from the super takers. The volume of oil from a single tanker accident will considerably exceed any potential spill from an off-shore drilling platform.

New Jersey has statutory powers to control or even prohibit off-shore drilling sufficient to protect our beaches. In particular, we also have authority to force a clean up of an oil spill whether from a tanker or off-shore drilling.

At the present time we feel that it would be premature to take a position on off-shore drilling until we have had adequate time to conduct our own investigations and evaluated the many governmental and independent studies that I am sure will be undertaken before the granting of oil leases is permitted by the Secretary of Interior. This Department would favor as much investigation by any agency to factually and unemotionally determine the environmental risks entailed by off-shore drilling.

Very truly yours,

CHARLES M. PIKE, *Director.*

COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
Harrisburg, Pa., December 9, 1971.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR TED: Appreciate your recent letter regarding the request of the Department of the Interior for my comments on their tentative plans to permit off-shore oil drilling in the Atlantic.

I share the same concerns you do and feel that the present program of the Department of the Interior may have to be extended considerably in order to protect the environment.

Your suggestion for independent studies of the hazards of off-shore drilling is a sound one which will receive my support.

Sincerely,

MILTON J. SHAPP, *Governor.*

SKIDAWAY INSTITUTE OF OCEANOGRAPHY,
UNIVERSITY SYSTEM OF GEORGIA,
Savannah, Ga., February 2, 1972.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: The following is in answer to your letter of January 14, 1972, requesting comment on the potential environmental hazard of *offshore drilling in the Atlantic.*

As a matter of background, it should be pointed out that the entire cost of Georgia and parts of South Carolina and Florida are characterized by extensive salt marshes. These are protected from the ocean by barrier islands. An average tidal amplitude of 7 ft. causes approximately 20 percent of the volume within the marshes to flush with each tidal cycle. Back and forth sloshing causes the remaining 80 percent of the water to move back and forth resulting in considerable dispersion of floating debris. Marshes are the spawning grounds of major offshore fisheries and are, or can be made, major producers of shell fish and shrimp. These fisheries depend, to a great extent, on the invertebrate fauna of the marshes for food. Significant quantities of organic matter produced within marshes is added annually to continental shelf areas and helps maintain fisheries there. In addition, since much of the South Carolina and Georgia coastlines are low lying, the marshes impose a physical barrier to wave action from the open sea and help buffer the effects of hurricanes and storms which may otherwise cause more extensive coastal flooding.

We are, unfortunately, not in a position to say what the effect of a major oil spill would be on the coastal marsh system. Based on data of British scientists, it is unlikely that there would be a major effect on the marsh grass per se, unless the oil were heavily concentrated and came ashore as a block. In most regions this type of a spill is visible and the effects have serious aesthetic and monetary consequences directly related to the spoilage of beaches, anchorages, etc.

Most of the Georgia coastline is not scrutinized daily and major spills might go unnoticed for some time. The effect of oil on marine life is not clear, and the data contradictory. Mass mortalities of shell fish were demonstrated in the W. Falmouth, Ma., spill but not in the Canta Barbara blowout. In the latter, the most serious visible mortality was to sea birds. The W. Falmouth area is more directly comparable to the Georgia coastline than Santa Barbara since the coastal waters are shallow, not exceeding 200 ft. until 80 miles offshore. The chances of oil mixing vertically to the bottom in these areas is greater than in the deeper waters off California and thus a more direct effect on wildlife on the continental shelf might be expected.

Once oil reaches the marshes one can expect that major mortalities would occur to shellfish and shrimp and that most of the smaller invertebrate fauna of the marshes would be eliminated. The effect of a single injection of oil to this environment would be greatly amplified because tidal action in semi-restricted waters would distribute the oil over a much larger area than would occur on an open shoreline. If the spill reached shore on an above average high tide (spring tides), it would remain intact until comparable high tides occurred many months later. Additionally, I can conceive of no way that oil could be dispersed or collected once it reached the marsh. Unquestionably, it would have to be intercepted offshore before it reached this environment. The time it would take for the environment to recover after a spill would be variable depending on the tidal and wind conditions at the time of occurrence. We are not in a position to estimate what this time might be. It is an area of badly needed research.

We feel strongly that your recommendation that the Academy of Science initiate studies preceding oil leasing action is a solid one. Yet, at this point in time, I doubt that the group could do more than guess, as I have above, on the environmental impact of a major oil disaster.

Sincerely,

DAVID MENZEL, *Director.*

COMMONWEALTH OF VIRGINIA,
VIRGINIA INSTITUTE OF MARINE SCIENCE,
Wachapreague, Va., January 20, 1972.

Senator EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SIR: I received your letter of January 14 regarding environmental risks attendant to offshore oil drilling in the Atlantic. Needless to say, the past performance of the oil industry has given good reason for expecting catastrophic problems to the local environment. This obviously should not be. An oil well, working properly, without fire, spills, blowouts, etc., should cause relatively little damage to the environment. I am inclined to think that good tough legislation, with teeth, could force the oil companies to use techniques that would prevent problems. If a company knew that a fine would be assessed for every square acre of oil pollution per day, plus the cost of clean up, I believe they would take special pains to prevent spills and blowouts. The oil companies should realize their responsibilities to maintain a clean environment. The costs of failure should be so great that no short-cut methods could be considered.

Provided proper legislation and safeguards are in force, I would rather see oil wells off our Atlantic coast instead of an oil line across Alaska.

I am in favor of a two year moratorium on establishment of marine sanctuaries. This is well worthwhile. I wonder if perhaps a study on conservation of fossil fuels might be just as important. It is unfortunate that a tax could not be imposed that would increase with increased use of oil; for instance, a tax of 7¢ per gallon for the first 1000 gallons and double with each succeeding 1000 gallon unit.

Thank you for your letter. I hope this information is of some value.

Sincerely,

MICHAEL CASTAGNA,
Scientist in Charge.

ENVIRONMENTAL DEFENSE FUND,
East Setauket, N.Y., January 21, 1972.

Senator EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: Thank you for your letter of January 14th in which you discussed the Interior Department's plans to lease oil drilling rights along the Atlantic coastline.

Although the Environmental Defense Fund

is not yet involved in legal action to oppose such exploitation of offshore oil resources, we are certainly not in favor of the plan. With the almost daily news items announcing oil spills, beach contamination, and wildlife mortality due to floating oil, we believe that much improvement in the technology for producing and transporting petroleum products is necessary before the Atlantic shoreline should be exposed to the considerable risks inherent in offshore oil drilling.

I believe the Natural Resources Defense Council in New York City is very much concerned with the offshore oil drilling problem, and I suggest that you might wish to contact them as well as our own organization in this connection.

We certainly are in favor of the efforts you are making to protect the Atlantic shoreline ecosystem from the threat of oil contamination, and will greatly appreciate being kept informed of future developments in which you are involved.

With many thanks for your interest,

Very sincerely,

DENNIS PULESTON,
Chairman, Board of Trustees.

AMERICAN LITTORAL SOCIETY,
Highlands, N.J., February 29, 1972.

Senator EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: We are happy to submit comments on Atlantic Coast offshore drilling as requested in your letter of January 14 to John Storr, who has asked me to answer in his stead.

Our organization is not convinced that American companies can extract oil from offshore without routine oil spills and periodic drastic spills and blowouts. Nor are we convinced that companies care to conform to federal laws for offshore drilling (see the storm choke fiasco in the Gulf).

We are concerned because east coast marine resources are much more fragile and more susceptible to spills than the west coast resources. The east coast is a thin ribbon of marsh and estuary, dotted with inlets. Oil on rocks and beaches causes nowhere near the environmental damage that oil in the Chesapeake or Pamlico Sound would cause. See Blumer's work at Woods Hole, where a marsh two years after a spill has not recovered its productivity.

We are not convinced that "national defense" demands the exploitation of east coast continental shelf oil deposits now. The big push for deepwater ports and deep draft tankers in Maine, New Jersey, and Maryland/Virginia is also backed by the national defense argument. I don't think it makes sense.

Sincerely,

D. W. BENNETT,
Conservation Director.

STATE OF MAINE,
DEPARTMENT OF SEA AND SHORE FISHERIES,
Augusta, Maine, February 4, 1972.

The Honorable EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: Thank you for the opportunity to discuss the proposed leasing of oil drilling rights on the Atlantic Coast. As you may know, we have had some rather disastrous oil spills in Maine in fairly recent years; and with the oil handling facilities at South Portland and at Searsport in Penobscot Bay, the coastal waters are almost chronically subject to spills of varying magnitudes.

We have worked cooperatively in evaluating results of these spills with EPA, FDA, Maine institutions and agencies, and WHOI. Results of some of this research point up very clearly the disastrous effects of oil spills even though they are listed as small or less than moderate.

On the basis of periodic surveys of Long Cove, Searsport, following the March 1971 oil spill, it has been determined that approximately 5,400 bushels of clams had died from the oil contamination by November 2, 1971. Mortalities are still in progress. The surviving population, as of November 2, was estimated to be 17,732 bushels—down from a pre-spill standing crop of more than 23,000 bushels. Oil-associated mortalities represent 23 percent of the March population.

Six percent of the oil-contaminated clams collected from this area on July 7 and August 3, 1971, for histopathological examination contained gonadal tumors. All sampling stations on the west side of the cove were positive in both months. On the east side only the most northerly station was positive, and then only in August.

Tumor incidence decreased from 27 percent near the source of the contamination at the head of the cove to zero at the most distant station on the northern end of Sears Island.

Although affected clams at the same stations declined from 17 percent in August, the extent of the area affected has increased. Since clam mortality has been progressive, it can be assumed that some clams with tumors at the time of the July sampling may have died before August collections were made, and that the rate of tumor development may also have declined in those areas which were affected initially.

A preliminary report on a third histopathological sample collected in January 1972 indicates that tumors are now developing in other soft parts of the clam. With oil residues in the sediments of Long Cove, the probability of any reproduction surviving in the area becomes increasingly unlikely. If the cover becomes suitable for clam survival at some future time, it will require at least five additional years to produce a commercial crop. Therefore, the monetary loss becomes an annual loss rather than a single short-term occurrence.

Direct monetary loss to fishermen at current prices has been $43,000. Using the average CF of 3.4 for mixed processed and wholesale products, the loss becomes nearly $150,000. The fact that for public health reasons the surviving population cannot be used for self-cleansing, the producer loss for the entire population becomes $185,000; and the primary wholesale or value-added loss brings the total to $625,000.

It is of interest that the Searsport spill was reported by the Coast Guard to be "less than moderate and not more than 1½ barrels." Obviously it was a much greater spill than that. This lack of competence in estimating spills is a serious handicap in the evaluation of the effects.

The November 1963 loss of from 20,000 to 25,000 barrels of crude in a daylight grounding of a tanker at the entrance of Casco Bay, Maine, resulted in some forty miles of shoreline being grossly contaminated, including five lobster pounds that were loaded nearly to capacity with lobsters. At the time, we estimated it would cost between $4 and $7 million to clean effectively the area contaminated. This sum, of course, was not spent, and the residues of the oil are still visible in at least one of the lobster pounds.

In view of the obvious short-term benefits of oil and the need for intelligent research into alternative sources of energy, it would be most disastrous to destroy a potential of marine, food and drug, and aquacultural development.

Sincerely yours,

ROBERT L. DOW,
Marine Research Director.

INSTITUTE OF OCEANOGRAPHY AND MARINE BIOLOGY,
Oyster Bay, N.Y., February 19, 1972.

Senator EDWARD M. KENNEDY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR KENNEDY: This Institute is *opposed* to off-shore drilling on the Atlantic seaboard.

Very truly yours,

WALTER E. TOLLES, Ph.D., *Director.*

TOWN OF SWAMPSCOTT,
OFFICE OF THE BOARD OF SELECTMEN,
Swampscott, Mass., February 10, 1972.

Senator EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: The Swampscott Board of Selectmen, at its meeting held February 3, 1972, voted unanimously to respectfully request you to vigorously oppose any legislation that would permit the drilling of oil off the New England Coast.

Very truly yours,

_____ _____,
_____ _____,
_____ _____,
Board of Selectmen.

TOWN OF ROCKPORT,
BOARD OF SELECTMEN,
Rockport, Mass., March 13, 1972.

The Honorable EDWARD M. KENNEDY,
Senate Chamber,
Washington, D.C.

DEAR SENATOR KENNEDY: The Rockport Board of Selectmen voted unanimously in favor of being recorded as opposed to any legislation that would permit drilling for oil off the New England coast. Your support would be appreciated.

Very truly yours,

NICOLA A. BARLETTA,
Chairman, Board of Selectmen.

CITY OF SALEM, MASSACHUSETTS,
OFFICE OF THE CITY CLERK,
Salem, Mass., March 3, 1972.

Senator EDWARD M. KENNEDY,
Senate Office Building,
Washington, D.C.

DEAR SIR: At a regular meeting of the Salem City Council held in the Council Chamber on Thursday, February 24, 1972, it was voted to oppose any legislation that would permit the drilling for oil off the New England Coast.

This action was approved by Mayor Samuel E. Zoll on March 2nd.

Very truly yours,

AUGUSTINE J. TOOMEY,
City Clerk.

Mr. HOLLINGS. 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. PELL. 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. ROBERT C. BYRD. Mr. President, I ask that the aisles be cleared and that staff members not talking with Senators take seats, so that we may have order in the Senate.

The PRESIDING OFFICER. The Senate will be in order.

Mr. PELL. Mr. President, I ask unanimous consent that I be permitted to modify the amendment I have offered to

the Senate in two regards: First, to delete the phrase "as well as alternatives to such drilling in meeting the Nation's energy needs," which appears in section (c), the penultimate paragraph.

The PRESIDING OFFICER. The Senator has the right to modify his amendment without unanimous consent.

Mr. PELL. I thank the Chair. I so modify the amendment, and in addition I modify it by adding the phrase "after consultation with the Secretary of the Interior and with the Administrator of the Environmental Protection Agency."

I hope that with these modifications, this amendment, offered in behalf of a group of Senators including, incidentally, the Senator from Delaware (Mr. BOGGS), who has asked that his name be added as a cosponsor——

The PRESIDING OFFICER. If the Senator will send his modifications to the desk, the amendment will be so modified.

The amendment, as modified, is as follows:

On page 26, after line 19, insert the following:

SEC. 316. (c) The Administrator of the National Oceanic and Atmospheric Administration of the Department of Commerce, after consultation with the Secretary of the Interior and the Administrator of the Environmental Protection Agency shall enter into appropriate arrangements with the National Academy of Sciences to undertake a full investigation of the environmental hazards attendant on offshore oil drilling on the Atlantic Outer Continental Shelf. Such study should take into consideration the recreational, marine resources, ecological, esthetic, and research values which might be impaired by the proposed drilling. A report shall be made to the Congress, to the Administrator, and to the Secretary by July 1, 1973.

(d) There are authorized to be appropriated for the fiscal year in which this Act is enacted and for the next fiscal year thereafter such sums as may be necessary to carry out this section, but the sums appropriated may not exceed $500,000.

Mr. PELL. I hope the amendment as so modified will be acceptable to the manager of the bill and to my fellow Senators.

Mr. BOGGS. Mr. President, will the Senator yield briefly?

Mr. PELL. I yield to the Senator from Delaware.

Mr. BOGGS. As the Senator has so kindly pointed out, I have asked to be listed as a cosponsor of the amendment, and I have a brief statement at this time in support of the amendment.

Mr. President, I wish to support the amendment offered in behalf of the distinguished Senator from Massachusetts (Mr. KENNEDY). I would point out that it follows very closely the lines of S. 2892, which I introduced on November 22, 1971. That bill is cosponsored by Senators ROTH, BEALL, BROOKE, BUCKLEY, CASE, MUSKIE, and PELL.

S. 2892 authorized a detailed environmental study by three agencies, each with great expertise in matters relating to offshore oil drilling and its potential environmental effects.

The agencies involved would be the Interior Department, the National Oceanic and Atmospheric Administration, and the Environmental Protection Agency. I believe such a three-agency study would be effective and utilize the best resources of the Federal Government.

In addition, my bill would also declare a moratorium on oceanic mineral exploration for the period of the study, which is up to 2 years, as well as for a period of 1 year after submission of the study to the Congress. Such an extra 1-year moratorium would assure the public sufficient time to evaluate the study and seek possible legislative changes, if such might be necessary.

While Senator KENNEDY's amendment is somewhat different from my bill, the intent of the two provisions appears to me to be identical.

Thus, I wish to express my support for the Senator's amendment and express my belief that it is needed to protect our valuable coastal areas.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. PELL. I yield.

Mr. STEVENS. Mr. President, I am not going to belabor this issue, but it does seem to me that the impact of the amendment is to add to the total framework of the laws that we have already passed for environmental protection.

We passed a National Environmental Protection Act, and we set up an elaborate procedure—and Alaskans know just how elaborate that procedure is—for anyone who wants to propose to develop the energy resources of this country.

As I understand, the amendment says "which might be impaired by the proposed drilling."

I do not know that anyone has proposed to drill. To my knowledge, no portion of American industry has to date said, "We want to drill here on the Eastern Shore." But I think the time has come when some people had better start looking at their hole card. They have said we cannot build our Alaska pipeline; they have said they cannot drill on the Louisiana offshore lands; and now we have an independent study of the Atlantic Outer Continental Shelf, which is not even covered by this bill. This bill covers the territorial seas; it does not cover the Outer Continental Shelf. But this says someone has proposed that they ought to examine the feasibility of the Outer Continental Shelf of the Atlantic Coast to determine whether there is any energy there.

I can understand the fears that have come about as a result of the accidents off of California, and the fears of the people in Louisiana; but somewhere they have got to make up their minds that we have to find energy, American energy to meet American needs. This seems to me to be going in the wrong direction, because it adds to the functions of the Administrator of the EPA, it adds to the Council on Environmental Quality, it adds to the National Oceanic and Atmospheric Administration, and it adds to the existing duties of the Secretary of the Interior, and presumes every one of them are prejudiced. I cannot buy that at all. I cannot buy that they are prejudiced.

If there is some way, I say respectfully to the Senator from Rhode Island, that we can incorporate this into the framework of the National Academy of Sciences so that they can conduct an investigation of the total potential of the Outer Continental Shelf in the Atlantic, and not just look at the hazards attendant to the drilling, I will not object. I think they ought to be looking into the total concept of the Outer Continental Shelf. This is a negative thing, as far as I can see. I say that most respectfully to the Senator from Rhode Island.

Mr. PELL. Mr. President, if the Senator will yield there, I thought it was the wish of the Senator from Alaska and those who share his views that we delete the phrase in the amendment "as well as alternatives to such drilling in meeting the Nation's energy needs," because the original amendment which I offered did just what the Senator has suggested. It was wider in scope, however, I thought it was disagreeable to him. If he would prefer that we widen it, I would withdraw my modification.

Mr. STEVENS. I thank the Senator for his suggestion. However, that is not my point. It was suggested, I believe, by members of the Interior and Insular Affairs Committee. I understand what they are saying, because if we get into those alternatives, this study is not going to be conducted solely off the Atlantic coast but also off the Pacific coast, off the gulf coast, and everywhere else.

I am saying that if a Senator wants the National Academy of Sciences to undertake the investigation of the environment, including the environmental problems related to the concept of offshore drilling on the Outer Continental Shelf, I should think the National Academy of Sciences also ought to be in the position of telling us if there is any way to mitigate the hazards that might come about, and if there is any way to drill safely in the Atlantic Outer Continental Shelf. Why should we adopt an amendment which presumes that it could not be done without creating a hazard to the Atlantic Outer Continental Shelf?

I know that there are problems in connection with drilling offshore. Every time I travel home, I fly over platforms in the Cook Inlet. Those platforms are pumping oil to be sent to the industrial establishment of this country, basically. If we pump oil from our Cook Inlet, which is full of salmon, and we have taken the attendant risks of energy production for the good of the Nation, then I think the people on the Atlantic coast have to look at this, also. Where is the oil going to come from? They have to look at it from the positive point of view of whether we can get oil out of the Atlantic Outer Continental Shelf safely. Are there methods by which we can extract it without creating unwarranted hazards to the people on the Atlantic coast?

This assumes that someone should make a full investigation of the environmental hazards attendant to this study. What about the positive side? Does the Senator not think that the National Academy of Sciences could say what could be done to overcome the hazards?

Mr. PELL. If the Senator from Alaska would like to modify the amendment by inserting that phrase, it would be acceptable, or he may prefer the amendment as originally submitted.

Last Friday, in Boston, I had the honor of addressing a thousand people

interested in the marine and fishing industry, fishery resources, from all over the country. Those on the Atlantic coast had very real worries about the impact of offshore oil drilling, and it was brought up time and again in the course of the discussion.

The amendment simply proposes a study by an independent group. Such a study could do a great deal to help settle the fears in the minds of many people in my part of the country.

Mr. STEVENS. I appreciate that concern. My State is the richest State in terms of fishery resources. We have the constant problem in terms of difficulties in developing other resources at the same time we examine the energy resources off shore.

The courts have said that this Nation cannot develop the Louisiana offshore leases at this time. The California development is stalled. At the present time we have been stalled in the development of Alaska's oil and gas resources. Yet, we have declining energy resources throughout the interior of the United States.

Naturally, anyone in the position of looking at this energy deficit—which is not just creeping but which is overcoming us almost at the speed of a rocket—is looking at the Atlantic Outer Continental Shelf and saying, "Is it possible that there are oil and gas resources that could be recovered without undue risk to the United States?" If the Senator wants to study it from the positive point of view, in terms of whether or not oil and gas resources are there and can be recovered safely, I am in agreement.

Mr. PELL. I assure the Senator from Alaska that we, too, have needs for power in the Northeast. We find ourselves crucified by the oil import quota system now, which prevents us from purchasing inexpensive foreign fuel oil. We have a stake in trying to get cheap power. We have the most expensive power in the country because of the crucifixion of our part of the country on the cross of oil import quotas.

I hope that, just as the Senator from Alaska wanted a study concerning his area, the Senator from Alaska could agree, as a matter of comity, that this study be made for our part of the country.

Mr. STEVENS. I assure the Senator that I do not have any objection if he wants to have a study made. I think the National Academy of Sciences should be directed also to include in its study recommendations as to how to overcome such hazards, if they find there are any.

Mr. PELL. Such a modification of the amendment would be acceptable to the proponents of the amendment, if the Senator would care to offer it.

Mr. STEVENS. I suggest to the Senator from Rhode Island that he add to the end of the first sentence the words "and shall include recommendations to eliminate such environmental hazards, if any." That would meet my objection.

Mr. PELL. That modification would be acceptable to us, if the Senator would care to offer it.

Mr. STEVENS. I offer such a modification.

Mr. PELL. I can modify the amendment, and I modify it accordingly.

The PRESIDING OFFICER. The Senator has the right to modify the amendment.

Mr. STEVENS. I send the modification to the desk.

I say to the Senator from Rhode Island that, as far as the import quota is concerned, we are most aware of the concern of the east coast about the import quotas and their effect on the east coast.

I point out to the Senator from Rhode Island that if we could proceed with our Alaska pipeline and add 3 million barrels a day to the supply of American oil reaching American markets, it would automatically displace 3 million barrels a day that presently are going into the markets on the west coast and in the Midwest, and under the present import system there would be an additional supply of oil so far as the east coast is concerned. But I am becoming most concerned that the people who look at each segment of the country, whether it be Louisiana, California, or the Atlantic Outer Continental Shelf, just look at their own backyard and say, "Do not drill here, but give us some energy and give it to us quickly." We have an energy shortage, while at the same time we try to develop the oil shale reserves of Colorado and Wyoming, and we cannot do it due to environmental concerns. We cannot even build a pipeline across the State of Alaska.

We have been waiting for 2 years.

I think it is time that we started questioning the addition of more environmental barriers to the decisionmaking process of where the oil and gas supplies for our country are going to come from.

I am not going to oppose the amendment, and I appreciate his courtesy in modifying it to meet my objection. I say to the Senator from Rhode Island, respectfully, that even without this amendment, the Administrator of the Environmental Protection Agency would have studied offshore drilling. The Council on Environmental Quality would have studied offshore drilling. The Secretary of Interior would have had to have an environmental impact hearing, a total hearing—and the thousand people to whom the Senator referred could express their views. But someone would have to make a decision on a proposed project. There is no proposed project at the present time, and the National Academy of Sciences is going to be investigating the potential without anyone being willing to commit himself and say, "If we are going to do it, this is the way we want to do it."

I thank the Senator from Rhode Island for his courtesy.

The PRESIDING OFFICER. Does the Senator from Rhode Island desire the modification of the amendment stated?

Mr. PELL. Yes. I ask that my amendment be modified in line with the suggestion of the Senator from Alaska.

The amendment, as further modified, reads as follows:

On page 26, after line 19, insert the following:

SEC. 316. (c) The Administrator of the National Oceanic and Atmospheric Administration of the Department of Commerce, after consultation with the Secretary of the Interior and the Administrator of the Environmental Protection Agency, shall enter into appropriate arrangements with the National Academy of Sciences to undertake a full investigation of the environmental hazards attendant on offshore oil drilling on the Atlantic Outer Continental Shelf. Such study should take into consideration the recreational, marine resources, ecological, esthetic, and research values which might be impaired by the proposed drilling and shall include recommendations to eliminate such environmental hazards, if any. A report shall be made to the Congress, to the Administrator, and to the Secretary by July 1, 1973.

There are authorized to be appropriated for the fiscal year in which this Act is enacted and for the next fiscal year thereafter such sums as may be necessary to carry out this section, but the sums appropriated may not exceed $500,000.

Mr. HOLLINGS. Mr. President, I would support the amendment as modified.

While the matter of the study by the National Academy of Sciences is a new approach, the matter of study generally, relative to oil exploration on the Continental Shelf, is not new. This subject came up with respect to sanctuaries and oil pollution in the National Water Quality Control Act which is in conference. We are talking about a half-million-dollar study. The Committee on Interior and Insular Affairs expended $400,000 to $500,000 in doing that. It made its own study and held its own hearings at that particular time. The Secretary of the Interior reported in the press that he had no intention to grant any lease rights within the next 2-year period pending his study and intimating at that time a private study. Whatever the results would be, they would be submitted to Congress, particularly to the Senate by the Committee on Interior and Insular Affairs. If the study by the National Academy of Sciences arranged by the National Oceanic and Atmospheric Administration of the Department of Commerce in conjunction with the Interior Department and the Environmental Protection Agency would be of help, I would support it. It would certainly give more support and more credibility to the ultimate proposals on this all-important score and, therefore, I would go along with the amendment, with those comments.

Mr. MOSS. Mr. President, will the Senator from South Carolina yield?

Mr. HOLLINGS. I yield.

Mr. MOSS. Mr. President, I would be pleased to support the amendment. When the Senator from Rhode Island (Mr. PELL) was discussing the original wording it was necessary, I thought, to point out that the line included therein, which called upon the study to suggest alternatives to such drilling in meeting the necessary energy needs, was duplicative of work already being done in the National Fuels and Energy Study being conducted by the Committee on Interior and Insular Affairs pursuant to Senate Resolution 45. Moreover, since the State coastal zone management programs relate only to the territorial sea, we should, therefore, be very careful of a study which extends beyond the territorial sea to encompass the Continental Shelf. I agree that the amendment, as modified, and the additional language which has since been added, merely asks for rec-

ommendations as to how to preserve the environmental quality of the coastal zone and the nearby ocean areas. I have no objection to that. Everyone else seems to be in the act studying the environment, so it would be fine to have this study made by the National Academy of Sciences.

Mr. HOLLINGS. Mr. President, I move adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ROBERT C. BYRD. May I ask the distinguished manager of the bill whether it is his intention to ask for the yeas and nays on final passage of the bill?

Mr. HOLLINGS. Mr. President, I ask for the yeas and nays just on final passage.

The yeas and nays were ordered.

Mr. BOGGS. Mr. President, the bill, S. 3507, represents the fruits of a cooperative effort involving the Commerce and Public Works Committees. I think the members of the committees and the respective staffs are to be complimented for working together in bringing this matter to the Senate.

Upon giving S. 3507 its final review, the Committee on Public Works has recommended three very short, but important, amendments to keep the coastal zone bill in harmony with other pollution control legislation which had its origin in the Public Works Committee. These amendments have been discussed with the staff of the Commerce Committee and Senator HOLLINGS and it is my understanding they are acceptable.

I think it is appropriate to give a brief description of each of these amendments and their purpose.

As stated in S. 3507 the purpose of the coastal zone management plan is primarily to regulate land and water uses in the interests of environmental quality. Pursuant to the Federal Water Pollution Control Act, the States, working together with the Federal Government, develop and implement programs necessary to achieve water quality objectives. In order to avoid confusion it is necessary to define water uses in the context of S. 3507 so that the program which will be developed by the Secretary of Commerce and State agencies will in no way conflict or overlap with the program administered by the Environmental Protection Agency in concert with State governments. The amendment proposed would define "water use" to make it clear that the coastal zone management bill in no way alters the requirements established pursuant to the Federal Water Pollution Control Act but rather that such requirements are incorporated into the coastal zone program. The scope of the Federal Water Pollution Control Act and the Coastal Zone Management Act are therefore defined and made compatible and complementary.

Another amendment is also necessary to make clear the relationship of the Coastal Zone Management Act and other environmental protection acts, specifically the Federal Water Pollution Control Act and the Clean Air Act. It is essential to avoid ambiguity on the question whether the Coastal Zone Management Act can, in any way, be interpreted as superseding or otherwise affecting requirements established pursuant to the Federal air and water pollution control acts.

In both the Clean Air Act and the Federal Water Pollution Control Act authority is granted for effluent and emission controls and land use regulations necessary to control air and water pollution. These measures must be adhered to and enforced. Taken together, the amendments that we offer would achieve this result.

The bill, S. 3507, would establish a Federal Board to assist in coordinating the activities of various agencies of the Federal Government in meeting the objectives of coastal zone management. Perhaps through oversight the Administrator of the Environmental Protection Agency is not made a member of that Board. The third amendment, which I offer for the Public Works Committee, would add statutory membership for the Administrator of the Environmental Protection Agency.

In our judgment, it is absolutely essential that the Administrator of the Environmental Protection Agency, the primary official for environmental quality in the executive branch, be included in any activity dealing with environmental quality, especially environmental quality relating to land and water use. Among other things, this addition would make meaningful the preservation of authority under the Clean Air Act and the Federal Water Pollution Control Act as proposed in the other amendments. At the same time it would result in close coordination in implementing the objectives of pollution control and the objectives of the Coastal Zone Management Act.

Mr. President, I send the three technical amendments to the desk and ask that their reading be dispensed with.

The PRESIDING OFFICER (Mr. EAGLETON). Without objection, it is so ordered; and the amendments will be printed in the RECORD at this point.

The texts of the three amendments are as follows:

On page 24 between lines 17 and 18 insert the following new subsection:

"(e) Notwithstanding any other provision of this Act nothing in this Act shall in any way affect any requirement (1) established by the Federal Water Pollution Control Act, as amended, or the Clean Air Act, as amended, or (2) established by the Federal government or by any State or local government pursuant to such Acts. Such requirements shall be incorporated in any program developed pursuant to this Act and shall be the water pollution control and air pollution control requirements applicable to such program.

On page 17 between lines 22 and 23 insert the following new paragraph:

"(10) The Administrator of the Environmental Protection Agency.

On page 7 between lines 6 and 7 insert the following new subsection:

"(h) 'water use' means activities which are conducted in or on the water; but does not mean or include the establishment of any water quality standard or criteria or the regulation of the discharge or runoff of water pollutants except as such standards or criteria or regulations shall be incorporated in any program as provided by Sec. 314(e).

Mr. BOGGS. Mr. President, I understand that these amendments will be accepted by the distinguished floor manager of the bill.

Mr. HOLLINGS. Mr. President, substantially, the three amendments include on the one hand the Administrator of the Environmental Protection Agency on the National Coastal Resources Board, and then spells out that, notwithstanding any other provision of the act, the provisions of the Water Pollution Control Act or the Clean Air Act shall govern. We are not trying in this particular measure to set any standards. As the third amendment says, we are not trying to spell out any criteria or regulations as encompassed in this one act. In fact, we have tried to protect the Federal Water Pollution Control Act as we have it now in conference. It is a tenuous thing to try to touch on coastal zones and on the matter of water use and then say in the development of coastal zones that they not be given any consideration. We think water use should be considered, among other things, and we do not think we should try, and do not try, to preempt in any manner or means the provisions of either the Federal Water Pollution Control Act or the Clean Air Act which we are supporting in conference with the House. Therefore, I would be glad to accept the amendments.

Mr. BAKER. I would like to have the understanding of the floor manager of the bill as to the intent of these amendments because this is the only opportunity we will have to make any legislative history and elaborate upon congressional intent.

I wonder whether the Senator from South Carolina would agree with me that the amendment which provides, and I quote in part:

"Such requirement shall be incorporated in any program developed pursuant to this Act and shall be the water pollution control and air pollution control requirements applicable to such program" means "the" water pollution and air pollution control requirements, including State and local requirements pursuant to the Federal Clean Air and Water Acts to the exclusion of any other requirements? What I am saying is that the word "the" as used in "and shall be the water pollution control and air pollution control requirements," the word "the" for our purposes of emphasis, would be underscored to mean exclusive of any other pollution control program; is that not correct?

Mr. HOLLINGS. That is my understanding. That is perfectly clear. That is the intent of the bill.

Mr. BAKER. I thank the manager of the bill. That is a helpful addition to the legislative history. I am happy to support the amendments as offered by the distinguished Senator from Delaware (Mr. BOGGS).

Mr. STEVENS. Mr. President, I want to make certain I understand correctly the answer of the Senator from South Carolina to the Senator from Tennessee (Mr. BAKER).

Do I understand correctly that the effect of the amendments offered on behalf of the Public Works Committee will be

such that the State and local government which presents a plan to the Secretary pursuant to our Coastal Zone Management Act would refer to the standards of criteria and regulations that are in effect at that time under the Federal Water Pollution Control Act or the Clean Air Act? Is that the understanding of the Senator from Tennessee?

Mr. HOLLINGS. Including any other amendments made to the substance of the legislation, the Water Pollution Control Act or the Clean Air Act. In other words, this is not a pollution control or clean air control measure. This is a coastal zone management bill. I think—if we could conceive of both measures, in the development of the coastal zones regulations for air and water pollution—that they are both concerns of both measures. But where they could be, I cannot imagine in this bill there could be a conflict with the substance of the Water Pollution Control or Air Pollution Control Acts. They would govern, and some programs approved by the Governor and amended, amended from time to time by the Governors and the Department of Commerce for coastal zone management have got to conform to the Water Pollution Control and the Clean Air Acts.

Mr. STEVENS. Mr. President, I understand the comment of my good friend, the Senator from South Carolina. In the event a State or local government intends to increase these standards—and we have testimony that some desire to do this—and they present a plan which is more stringent than the controls and criteria contained in either of these two acts, then I am assuming that we are providing in the amendment that it must be at least equivalent to the criteria established in the two acts. Is that correct?

Mr. HOLLINGS. The basic Water Pollution Control Act permits that as of now.

Mr. BAKER. Mr. President, if the Senator from South Carolina would yield, the Senator from Alaska made reference to my previous comment.

Mr. HOLLINGS. I yield to the distinguished Senator from Tennessee.

Mr. BAKER. Mr. President, I think that the amendment from which I read in part does provide that the effect would be to include any future amendments to the Federal Water Pollution Control Act or the Clean Air Act.

As a matter of fact, I will read the first clause from subsection (e) of the third amendment:

> Notwithstanding any other provision of this Act, nothing in this Act shall in any way affect any requirement (1) established by the Federal Water Pollution Control Act, as amended, or the Clean Air Act, as amended. . . .

I think clearly this language is intended to include any future amendment, including S. 2770, the 1972 amendments to the Federal Water Pollution Control Act, which is now in conference. I think, from my vantage point and from my understanding of it, the answer to the question put by the Senator from Alaska as to whether a local jurisdiction, State, or local agency might require standards in excess of those spelled out in the act, is yes; it is clearly provided for under the Federal Water Pollution Control Act and the Federal Clean Air Act. The amendment would provide that such more stringent standards or requirements would be made a part of the coastal zone management program.

So, not independently, nor by reason of this amendment, but by reason of authority already in the Federal water and air pollution acts, local authorities could require standards in excess of Federal criteria.

The important thrust of these amendments, as I understand them, and as I understand the Senator from South Carolina to express his sense of that understanding, is to make sure that regulatory requirements under the air and water acts are the ones included in the coastal zone program under this act and not some other separately established requirement.

Mr. HOLLINGS. The Senator is correct.

Mr. STEVENS. Mr. President, I understand the Senator from Tennessee. However, I want to make certain that the Water Control and Clean Air Act requirements contained in this plan may exceed the requirements set out under the two Federal laws.

Mr. BAKER. Mr. President, my answer is yes, that authority is in both of those acts. This does not change it but incorporates it into this coastal zone program.

Mr. HOLLINGS. So long as it does not increase the authority of the Federal Government.

Mr. STEVENS. I thank the Senator.

Mr. BAKER. Mr. President, I serve on three committees of the Congress which have important jurisdiction over areas of environmental quality; the Committee on Public Works, the Committee on Commerce, and the Joint Committee on Atomic Energy. As a result of my experience in these committees I have a growing concern with the lack of coherence and integration of the environmental quality laws and the regulations. It is my belief that we are rapidly approaching the time when we must look at the environmental protection laws Congress has enacted in their totality, and perhaps integrate all of the laws and regulations that presently exist into a more coherent body of procedural and substantive law.

In the interim Congress should not act to further confuse the scope of environmental laws and regulations, especially by enacting mandates to different agencies of the Government to perform the same or parallel activities.

The bill S. 3507, coastal zone management, without the amendments recommended by Senator BOGGS, would have this effect. In the Federal Water Pollution Control Act, especially as it would be amended by S. 2770, the Congress has enacted an elaborate scheme for the control of water pollution and the achievement of water quality. Good government dictates that this must be the vehicle for the regulation of water quality. We should not enact additional statutes directing other agencies of Federal and State governments to perform overlapping and possibly conflicting tasks through an elaborate scheme of their own.

In addition to causing confusion and waste, such action would operate at great disadvantage to those who seek to comply with the law. In addition to increasing procedural costs, such action would create a climate of uncertainty which ultimately leads to poor performance. The public expects more from its government.

I therefore support these amendments.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc of the Senator from Delaware.

The amendments were agreed to.

Mr. BOGGS. Mr. President, I send to the desk an amendment and ask that it be reported.

The PRESIDING OFFICER. The amendment will be reported.

The assistant legislative clerk proceeded to state the amendment.

Mr. BOGGS. 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 the amendment will be printed in the RECORD.

The amendment reads as follows:

On page 24, after line 17, add a new subsection (e):

"(e)(1) That Congress finds that consideration is being given to the construction beyond the territorial sea off the coast of the United States of ship docking, electric generating, and other facilities. Since adjacent coastal States might be adversely affected by pollution from such facilities, it is hereby established as Federal policy to require approval of any States which may be so affected before any such facilities are constructed.

(2) Notwithstanding any other provision of this Act, no Federal department or agency shall construct, or license, or lease, or approve in any way the construction of any facility of any kind beyond the territorial sea off the coast of the United States until (1) such department or agency has filed with the Administrator of the Environmental Protection Agency, a complete report with respect to the proposed facility; (2) the Administrator has forwarded such report to the Governor of each adjacent coastal State which might be adversely affected by pollution from such facility; and (3) each such Governor has filed an approval of such proposal with the Administrator. Any Governor who does not, within ninety (90) days after receiving a report pursuant to this subsection, file an approval or disapproval of the proposal in such report shall be considered for the purpose of this subsection to have approved such proposal."

Mr. BOGGS. Mr. President, I am offering an amendment that will assure our coastal States a meaningful role in the location and design of any offshore oil transfer station that might be constructed to serve the so-called "supertankers."

The amendment would add a new subsection (e) on page 24 of the bill. The new subsection would be at the end of section 314, "Interagency Coordination and Cooperation."

A number of Federal, State, and other studies are currently underway to evaluate the need and potential sites for one or more major bulk cargo transfer stations. Such stations will be needed if the United States is to receive the economies of scale offered by supertankers,

whether transporting oil or other bulk commodities.

Present harbors, I am told, cannot handle such vessels because the channels simply cannot be dredged to a sufficient depth. The solution may involve offshore terminals, where the supertankers could pump their cargo into storage tanks. From those tanks the oil could be piped ashore in underwater pipelines, or transferred to barges or smaller tankers.

The Maritime Administration, through a contract with Soros Associates, is in the process of evaluating the feasibility of such offshore terminals, as well as possible sites for such terminals. This study, I understand, is to be made public in a month or two.

At the same time, the Army Corps of Engineers is undertaking, under Senate resolution, similar studies, one of which covers the coast from Maine to Virginia.

In any case, it is expected that the Federal studies may recommend sites outside the 3-mile territorial limit of the United States. Such sites, of course, would place these facilities in the contiguous zone, or in international waters on the Continental Shelf. If that were so, of course, the facility would be outside the jurisdiction of the neighboring States.

Yet, the coastal zones of these neighboring States could be severely and adversely affected by pollution that might come from such an offshore facility.

While such a pollution discharge would be subject to the cleanup provisions of the existing Federal Water Pollution Control Act, this might be insufficient protection for the coastal States. Rather than protecting a State and its coastal zone subsequent to a discharge, I believe it is important that the affected States play a meaningful role in the plan to construct such a facility.

And such a facility will be of mammoth proportions. It will, of course, cover many acres of the ocean. It may permanently affect tidal currents and the quality of fisheries within the coastal zone of the State.

The amendment I am offering today would require that any Federal agency constructing, leasing, or issuing a permit for the construction of such facilities must obtain the concurrence of the Governor or Governors of the States that would be potentially affected by such a facility.

The amendment would require the Administrator of the Environmental Protection Agency to study such facilities and report on such facilities to any State that is potentially affected adversely.

For example, a State would be affected adversely if such a facility might discharge pollutants that enter the waters of the State. Or the State might be affected adversely if the facility could be seen from the coastal area or the waters of the State and damage recreational values.

In either case, the Governor must affirmatively concur in the construction of the facility within 90 days of the EPA report to him. The Governor may report adversely. If he does, the facility could not be built, licensed, leased, or permitted. If the Governor did not report back within 90 days, it would assumed that he concurred in the facility.

Mr. President, I hope that the distinguished chairman, the floor manager of the bill, might consider accepting the amendment.

Mr. HOLLINGS. Mr. President, in response to the thrust of the particular amendment and the leadership on this point given by the distinguished Senator from Delaware, I would personally think this is a good amendment.

Mr. President, you can read it and see that, but I meet myself coming around the corner. We started out this morning with last minute concerns by my colleagues that we might infringe on an area of jurisdiction of the Committee on Public Works. I assured everyone in my discussion that we were trying to finally and once and for all establish a coastal zone management program to give financial assistance to the States in the development of these programs, and that is all this bill pertains to; that we were restricting it, in other words, to the territorial sea.

The amendment of our distinguished friend from Delaware goes beyond the territorial sea and goes into what we agreed on and compromised on awhile ago. It goes beyond any territorial sea to construction of any facility on the ocean floor, into what we call a contiguous zone from the 3-mile limit to the 12-mile limit.

This amendment provides the Governor would have a veto over such matters. I do not think the Senate wants to go that far. The amendment comes without public hearing and full consideration, which we have not had the benefit of.

While I had discussed earlier this morning with the distinguished Presiding Officer that the Committee on Public Works have a chance to hear this matter, I believe the Committee on Interior and Insular Affairs and the Committee on Commerce should have an opportunity to go into the matter before it is ruled on.

Therefore, Mr. President, I would have to oppose the amendment.

Mr. MOSS. Mr. President, will the Senator yield?

Mr. HOLLINGS. I yield.

Mr. MOSS. Mr. President, I would point out that the Committee on Interior and Insular Affairs is very deeply concerned with this matter and is making a study of it now. In fact, this very afternoon, starting at 2 p.m., we are having public hearings dealing with deepwater harbors and tankers. The matter is therefore in process.

Therefore, I hope very much the Senator from Delaware will not press his amendment but permit us to go through the legislative process and report a bill to the floor dealing with this matter, based on hearings, at which time he well might wish to modify or suggest amendments. It would be germane at that time, rather than now, as this bill attempts to deal with the Territorial Sea, not the Outer Continental Shelf.

Mr. BOGGS. Mr. President, will the chairman yield further?

Mr. HOLLINGS. I yield to the Senator from Delaware.

Mr. BOGGS. Mr. President, I appreciate the very kind and generous remarks of the distinguished chairman of the subcommittee and the manager of the bill, and also the remarks of the distinguished Senator from Utah (Mr. Moss), who is chairman of the hearings just referred to. I am happy that these hearings and studies are continuing. I believe and hope they will shed full light on this important subject so that the Senate can give the fullest consideration in light of these hearings and further studies.

Mr. President, with the chairman's permission, I ask unanimous consent to withdraw the amendment.

The PRESIDING OFFICER. The Senator has the right to withdraw his amendment. The amendment is withdrawn.

Mr. BOGGS. Mr. President, I thank the distinguished chairman, the Senator from South Carolina (Mr. Hollings), and the Senator from Utah (Mr. Moss).

Mr. MOSS. If the Senator from Delaware is available, we would like to ask him to come and participate in the hearings.

Mr. BOGGS. I thank the Senator.

Mr. HOLLINGS. Mr. President, to complete the record on this particular score, when I talked in terms of jurisdiction, I talk not in terms of exclusivity in that any one committee was concerned with the problems of offshore development and related ocean pollution. The Commerce Committee also is deeply concerned. The fact is that yesterday the Maritime Administrator, before the Committee on Appropriations, in trying to pursue the administration's ship construction measures and develop a maritime policy, was talking about construction of supertankers. When we originally talked about the bill, it was 30 ships a year for 10 years, some 300 vessels. Now, rather than 40,000 and 50,000 tonners we are going to 200,000 and 400,000 tonners and rather than 30 ships a year for 10 years we will have 60 or 70 supertankers, and where are they going to dock when they have in excess of an 80-foot draft? They could not come in on the east coast or the Gulf of Mexico. So we in the Commerce Committee and Appropriations Committee were talking about what the Senator from Idaho is discussing, the development of offshore landing facilities.

The Senator from Alaska has been pointing out this morning that we will need such development for nuclear powerplant siting, for offshore loading, both coal and oil, and other supertankers. Of course, the FAA is considering this approach in the development of offshore airports.

Mr. President. I am ready to vote.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. STEVENS. Mr. President, I have an amendment at the desk. First, I wish to note what the Senator has said.

Coming from a State which hopes to be filling some of these supertankers to send American oil to foreign markets, we want to make certain that the desires of the Senator from Delaware are fulfilled, and that there is absolute safety in any one of these terminals offshore. We

would be the first to lose if someone made a mistake and did not require absolute safety in those facilities. I assure the Senator I will work with him to make certain the role of the State in supervising this construction and eliminating any hazards or esthetic barriers to the development that will be needed is taken care of.

Mr. BOGGS. Mr. President, I especially thank my good friend, the Senator from Alaska. I know and value his interest in these matters and I appreciate the remarks that he just made. It is reassuring to the people of our State and to all concerned.

While I am on my feet I take this opportunity to compliment my good friend, the distinguished chairman of the subcommittee and the manager of the bill, (Mr. HOLLINGS) the Senator from Alaska (Mr. STEVENS), and other members of the committee for the fine job they have done in the past several months in studying and bringing forth this legislation. They have done a fine job and they and the fine members of the staff are to be congratulated.

Mr. STEVENS. Mr. President, I call up my amendment, which is at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 10 between lines 6 and 7 and on page 15, between lines 12 and 13, insert the following:

(i) The Secretary is authorized to make management program development or administrative grants to a political subdivision of a State with areawide powers, if the Secretary finds that the State has not developed a management program required by section 306 of this title, provided that if the State completes such a program the authority of this subsection shall terminate with regard to any political subdivision of such State.

Mr. STEVENS. Mr. President, I did not make the usual request to stop the reading of the amendment, because it is short and addresses a point that was raised by the chairman of the largest political subdivision of my State, which is the Greater Anchorage Borough, which completed a plan that would set up this program. The State has not done so.

In an area such as ours, with a coastline equal to more than half of that of the continental United States, it will take time, and this will assure the political subdivision of my State, which prepared such a plan, that they could receive financial assistance from the Secretary until the State completes its plan. I have discussed this matter with the distinguished chairman of the committee and he has stated he will be able to accept the amendment so that the Greater Anchorage Borough plan may proceed under this act.

Mr. HOLLINGS. Mr. President, I join with the Senator from Alaska on this amendment. The committee is glad to accept this particular amedment because it strengthens the bill and fills the gap pointed out by the Senator from Alaska, where we just do not want to move forward with development, and we do not want to tie our hands so that progress cannot be made, particularly for an important State like Alaska, which has the biggest coastal area and is more directly concerned than any of the several States.

So I move the adoption of the amendment.

Mr. STEVENS. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alaska.

The amendment was agreed to.

Mr. HOLLINGS. Mr. President, I think there is only one remaining amendment, by my distinguished colleague from the State of Virginia (Mr. SPONG), who has been very active on the Subcommittee on oceans and atmosphere and has worked on the coastal zone issue. We visited the Virginia Marine Sciences Center and got many of our ideas firsthand there, not only for the need, but the proper approach for the Federal Government to employ and profit from the experience to date in his native State.

I think we have one more amendment that he will offer, and after that we will be prepared to vote on final passage.

Mr. SPONG. Mr. President, I thank the distinguished Senator from South Carolina.

Shortly before the Commerce Committee voted to report this bill, it occurred to me that the measure might have a prejudicial effect upon the matter of United States against Maine, et al. The United States in this case is seeking a determination of rights in all the lands and natural resources of the bed of the Atlantic Ocean more than three geographical miles from the coastline. The Federal action, against the 13 Atlantic coastal States, is in the nature of a suit to quiet title.

I have requested the views of Virginia Attorney General Andrew P. Miller on this matter, and have received three suggested amendments from him which I intend to offer. I hope the distinguished Senator from South Carolina will find it possible to accept the amendments, the sole purpose of which is to assure that the bill will have no prejudicial effect upon the litigation.

I might say to the Senate and to the Senator from South Carolina that the staffs of the Commerce Committee and of the Committee on Interior and Insular Affairs reviewed these amendments.

The PRESIDING OFFICER. Does the Senator wish to send his amendments to the desk?

Mr. SPONG. I send the amendments to the desk.

The PRESIDING OFFICER. The clerk will please read the amendments of the Senator from Virginia.

The assistant legislative clerk read the amendments, as follows:

On page 5, line 14, insert the following: strike "United States territorial seas," and insert the following: "legally recognized territorial seas of the respective coastal states, but shall not extend beyond the limits of State jurisdiction as established by the Submerged Lands Act of May 22, 1953, and the Outer Continental Shelf Act of 1953."

On page 23, line 20, insert the following: a comma after "resources" and insert the following: "submerged lands"

On page 23, line 17, insert the following: strike "section" and insert the following: "Act"

The PRESIDING OFFICER. Does the Senator from Virginia desire to have the amendments considered en bloc?

Mr. SPONG. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

Mr. HOLLINGS. Mr. President, I support the amendments. We have been trying to reconcile the amendments so that we would not interfere with any legal contention of any of the several States at the present time involved in court procedures. At the same time we wanted to make certain that Federal jurisdiction was unimpaired beyond the 3-mile limit in the territorial sea. If we do not go beyond that, I think these amendments take care of it.

Mr. BOGGS. Mr. President, will the Senator yield?

Mr. HOLLINGS. I yield.

Mr. BOGGS. Mr. President, I wish to express my support for the amendment offered by the distinguished Senator from Virginia (Mr. SPONG). This amendment will insure that this legislation in no way prejudices the present consideration by the courts of a case involving State rights over the seabed. I believe this amendment is important, and I commend the Senator for this amendment.

Mr. SPONG. I thank the Senator from Delaware.

Mr. MOSS. Mr. President, will the Senator yield?

Mr. SPONG. I yield.

Mr. MOSS. I simply wish to say that the amendment offered by the Senator from Virginia is very acceptable from the viewpoint of the Interior and Insular Affairs Committee in relation to the National Fuels and Energy Study which our committee has undertaken. This makes clear that this bill focuses on the territorial sea or the area that is within State jurisdiction, and preserves the Federal jurisdiction beyond, which is not to be considered or disturbed by the bill at this time. If we want to do something about that later, we will have another bill and another opportunity.

I am, therefore, very happy to support the amendment offered by the Senator from Virginia.

Mr. SPONG. Mr. President, I am very pleased that the Senator from Utah has made this expression. Members of the Interior and Insular Affairs and the Public Works Committees, the Senator from Delaware and the Senator from South Carolina, have agreed to accept the amendment.

The PRESIDING OFFICER. The question is on adopting, en bloc, the amendments of the Senator from Virginia.

The amendments were agreed to en bloc.

Mr. HOLLINGS. Mr. President, if there are no other amendments to be offered, I have one final amendment to offer, which I send to the desk and ask that it be read.

The PRESIDING OFFICER. The amendment will be read.

The assistant legislative clerk read the amendment, as follows:

On page 2, line 6, insert the following: Strike the word "National" and insert "Magnuson."

Mr. HOLLINGS. Mr. President, on line 2, page 6, we entitle the bill the "National Coastal Zone Management Act of 1972." The intent of this amendment, of course, is to call it the "Magnuson Coastal Zone Management Act of 1972." All of our colleagues have been personally indebted to the contributions made by many Senators, including the Senator from Delaware, in the coastal zone management bill some 3 years ago, on which we had hearings. The Senator from Alaska has given outstanding leadership to this particular measure. The senior Senator from New Hampshire (Mr. COTTON) has been very helpful. But in going over the record of the past 12 years, the reason this bill, as controversial as it is in nature, has gone through the floor so smoothly this morning has been due to the leadership of the distinguished Senator from Washington (Mr. MAGNUSON). Some 12 years ago he started in this particular field. It was under his leadership, in the mid-1960's, that he introduced legislation instituting the Commission on Marine Sciences, Engineering, and Resources, resulting in the Stratton Commission report. It was under his leadership that the temporary Oceanographic Subcommittee was established and the Oceans and Atmosphere Subcommittee was instituted as a standing subcommittee under his Committee on Commerce, and through the past 2½ years now, we have had hearings and different discussions with respect to moving forward in this particular field. It was the Senator from Washington who gave us the leadership, spreading oil on troubled waters, and we finally got a bill. I wish to mention his role as chairman of the Subcommittee on Health Appropriations, which encompassed hearing some 427 witnesses. I do not see how an individual chairman can listen that long and not abolish the whole Department, but he has given leadership there.

He had an executive session this morning. He had other witnesses scheduled. Rather than try to be here, after he had worked out this language, he went forward with those witnesses.

I think this body would like to recognize his leadership in this field, and I hope my colleagues will join in supporting the amendment.

Mr. BOGGS. Mr. President, will the Senator yield?

Mr. HOLLINGS. I yield.

Mr. BOGGS. I hasten to join in this amendment. I am privileged to serve on the Appropriations Subcommittee the Senator referred to, under the leadership of the Senator from Washington (Mr. MAGNUSON). I think the Senator's remarks have been most appropriate. I wish to join in those comments.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. HOLLINGS. I yield.

Mr. STEVENS. I, too, join the chairman of the subcommittee on this amendment. Those of us who know our neighbor to the south, the Senator from Washington, well realize how the chairmen of the subcommittee and the full Commerce Committee worked. An article I recently read said, "What Maggie wants, Maggie gets." "Maggie" has been a big help in this area. He has pursued for many, many years his great interest in our State. He was once referred to as the Senator from Alaska, as the senior Members of this body will recall, because we had no Senator, then, and he took care of the territory of Alaska as well as the State of Washington, and has done it well. Thus I think it is fitting testimony that the subcommittee chairman has made this suggestion.

Mr. HOLLINGS. Mr. President, I move the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Carolina (Mr. HOLLINGS).

The amendment was agreed to.

Mr. TUNNEY. Mr. President, I am pleased to both cosponsor and vote for the passage of S. 3507, the National Coastal Zone Management Act of 1972.

The ocean front is the single most valuable natural resource in California. The bulk of the State's population is concentrated within a few miles of the sea, and its impact upon the people's way of life is great. But the California coastline is shrinking rapidly as demand for its values increases and as public access to attractive frontage decreases. Undeveloped shoreline, including bays, estuaries, and salt water marshes, can no longer be regarded as ordinary real estate subject to residential or commercial-industrial development.

In California, coastal and seaward areas must be protected for present and future generations. The ecologically rich kelp forests, for example, which grow from 100 to 1,000 feet off shore must be protected. Kelp was once prevalent along the entire California coast, but sewage, pesticides, industrial wastes and thermal pollution have greatly reduced this forest to a mere 18 square miles. For scientific, economic and ecological reasons, as well as scenic and recreational considerations, this remarkable oxygen producing plant must be allowed to make a comeback.

Only prompt and bold action can protect the quality of one of the world's most spectacular shorelines from further deterioration.

S. 3507 is an important first step in that it encourages and assists the various States in preparing and implementing management programs to preserve, protect, develop, and restore the resources of the coastal zone of the United States. This bill authorizes Federal grants-in-aid of up to 66⅔ percent to coastal States to develop coastal zone management programs. In addition S. 3507 authorizes grants to help coastal States implement these management programs, once approved by the Secretary of Commerce, and States would be aided for up to 50 percent of the costs in the acquisition and operation of estuarine sanctuaries.

In fiscal year 1973 the bill authorizes $12 million for management program development grants, not to exceed $50 million for administrative grants and $6 million for estuarine sanctuaries grants.

Dr. Joel Hedgpeth of Oregon State University makes the following very tragic comment with regard to the acquisition and preservation of estuarine sanctuaries in California.

In southern California, for example, there is nothing left. In northern California, Tomales Bay, which might not fit some definitions, is an ideal candidate because of the 10 years of study that has been carried out there and the circumstances that one entire shore (almost) is within control of the Point Reyes National Seashore. There are some interesting lagoons in northern California, just north of Eureka.

Clearly we are already too late. We must act quickly to begin to save what is left of our coastline and to attempt to restore past despoliation.

Recently the Institute of Governmental Studies at the University of California at Berkeley published a book entitled "California's Disappearing Coast: A Legislative Challenge" by Gilbert E. Bailey and Paul S. Thayer.

The book summarizes the condition of California's coastline as follows:

Today—a quarter of the 1,000 mile coastline—from the Mexican border to Santa Barbara—is already largely occupied by cities, suburbs, industries, military bases, power plants, sewage discharge pipes, tract homes and high-rise blockades of buildings interposed between the coast and the people. From Monterey to coastal areas north of San Francisco the story is much the same. Beaches are posted because of contamination and fish catches are seized because of mercury and DDT poisoning.

Some reaches of the coast, from Morro Bay north to Monterey and Marin County to the Oregon border, are still relatively untouched. . . .

But much of this is private ranchland, and at the moment there is absolutely no assurance it will escape the fate of other private ranchland that, for example, could be found in the Santa Clara Valley 25 years ago.

The authors conclude by saying that—

There is no coordinated public regulation of this priceless stretch of land and sea.

For the past several years the California Legislature has been wrestling with the problem of enacting an effective piece of legislation to preserve and protect the California coastline.

The report quotes California Assembly Speaker Bob Moretti as saying that the best planning available would be worthless without money to finance the agencies involved, but more importantly, to purchase coastal land for public use.

S. 3507—if implemented in a tough manner and if adequate funds are appropriated—could assist California to extricate itself from its coastal quagmire.

It is my hope that Federal legislation such as S. 3507 with its hope of Federal financial assistance will act as a catalyst and encourage the California Legislature to come up with effective legislation to deal with the "disappearing California coastline."

Mr. TOWER. Mr. President, I am very pleased today to join in supporting S. 3507, of which I am a cosponsor. The passage of this bill will bring to fruition many years of work by a great many people. After several years of study, Senator HOLLINGS last year introduced S. 582 as a comprehensive proposal to deal with

the problems manifest in the coastal zone. About that same time, I introduced S. 638, dealing with the same subject. I have been concerned for some time with the unique problems of pollution and land use in the coastal zone and believe that we will now be able to begin to work to correct them. This new bill, S. 3507, takes into consideration the best aspects of S. 582 and S. 638, along with some ideas that were developed by the Subcommittee on Oceans and Atmosphere in the hearings that they held. I wish at this time to congratulate the members and the staff of that subcommittee, both past and present, for their fine work on this bill and the outstanding cooperation that has been shown to me and my staff as we were working with them.

Mr. President, the heart of this bill will be the encouragement of the coastal States to survey the needs and problems of their coastal zones and assistance to them in establishing comprehensive programs for dealing with those recognized needs and problems. In my State of Texas, nearly 40 percent of all our citizens live in the area 50 miles from the Gulf of Mexico.

In addition, a great deal of our industrial and commercial activity takes place in the same area. In the Nation as a whole, an even greater percentage of activity takes place in the coastal zone. The situation everywhere is becoming more acute. Pollution and land use problems are proliferating as the coastal zone becomes more congested. This bill is an attempt by the Government to assist the States in correcting pollution, and planning for the best use of limited land and water resources.

The emphasis in this bill is on cooperation with the States, not coercion by the Federal Government. During the hearings on this subject, there was detected an acute awareness by the States of the problems of the coastal zone. Indeed, Texas has in many respects led the way toward categorizing the different uses of land in the coastal zone and in pinpointing likely problem areas. I believe that it is safe to say that we in Texas will probably lead the way in devising and carrying out our coastal zone plan. What the States have needed for so long are the resources to act to resolve the evident problems of their coastal zones. We are today providing that assistance. Under the terms of the bill, up to 66 2/3 percent of the cost of devising and then carrying out the plans will be borne by the Federal Government. The major responsibility for drawing up the plans, marshaling the necessary personnel, and then carrying out the plans would fall to the State governments. This is a somewhat unique approach by the Federal Government in relying on the States to solve this problem rather than simply federalizing the area and creating a new bureaucracy to deal with it. I believe that the States will prove that they can handle this program and will make it work.

Mr. President, I look forward to early enactment of this bill to aid the coastal States and in so doing to aid the entire Nation. We in the Congress have located a real need for action and have acted upon that need. The unique problems of coastal pollution and the varied competing land uses will undoubtedly be faced up to by the State governments and the local governments—the units that are best prepared by their locale to deal with them. I know that all of us involved in this effort will keep in close contact with the developments in the coastal zone and stand ready to make adjustments and provide more assistance if that seems necessary. I urge the Senate to give this bill its overwhelming support.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER (Mr. EAGLETON). The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Florida (Mr. CHILES), the Senator from Mississippi (Mr. EASTLAND), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. HARTKE), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PASTORE), the Senator from Alabama (Mr. SPARKMAN), the Senator from Mississippi (Mr. STENNIS), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I also announce that the Senator from Montana (Mr. MANSFIELD), and the Senator from Massachusetts (Mr. KENNEDY) are absent on official business.

I further announce that, if present and voting, the Senator from Florida (Mr. CHILES), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Rhode Island (Mr. PASTORE), and the Senator from New Jersey (Mr. WILLIAMS) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Tennessee (Mr. BROCK), the Senator from Massachusetts (Mr. BROOKE), the Senator from New Hampshire (Mr. COTTON), and the Senator from Kansas (Mr. DOLE) are necessarily absent.

The Senator from Oregon (Mr. HATFIELD) is absent because of death in his family.

The Senator from Maryland (Mr. MATHIAS) and the Senator from Delaware (Mr. ROTH) are absent on official business.

The Senator from Pennsylvania (Mr. SCOTT) is absent by leave of the Senate on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from New York (Mr. JAVITS) are detained on official business.

If present and voting, the Senator from Tennessee (Mr. BROCK) the Senator from Massachusetts (Mr. BROOKE), the Senator from Oregon (Mr. HATFIELD), the Senator from New York (Mr. JAVITS), and the Senator from Delaware (Mr. ROTH) would each vote "yea."

The result was announced—yeas 68, nays 0, as follows:

[No. 155 Leg.]

YEAS—68

Aiken	Eagleton	Nelson
Allen	Ellender	Packwood
Allott	Ervin	Pearson
Anderson	Fannin	Pell
Baker	Fong	Percy
Beall	Fulbright	Proxmire
Bennett	Gambrell	Randolph
Bentsen	Gravel	Ribicoff
Bible	Griffin	Saxbe
Boggs	Gurney	Schweiker
Buckley	Hansen	Smith
Burdick	Hollings	Spong
Byrd, Harry F., Jr.	Hruska	Stafford
Byrd, Robert C.	Inouye	Stevens
Cannon	Jordan, Idaho	Stevenson
Case	Long	Symington
Church	Magnuson	Taft
Cook	McIntyre	Talmadge
Cooper	Metcalf	Thurmond
Cranston	Miller	Tower
Curtis	Mondale	Tunney
Dominick	Montoya	Weicker
	Moss	Young

NAYS—0

NOT VOTING—32

Bayh	Hartke	McGee
Bellmon	Hatfield	McGovern
Brock	Hughes	Mundt
Brooke	Humphrey	Muskie
Chiles	Jackson	Pastore
Cotton	Javits	Roth
Dole	Jordan, N.C.	Scott
Eastland	Kennedy	Sparkman
Goldwater	Mansfield	Stennis
Harris	Mathias	Williams
Hart	McClellan	

So the bill (S. 3507) was passed, as follows:

S. 3507

An act to establish a national policy and develop a national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's coastal zones, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to provide for a comprehensive, long range, and coordinated national program in marine science, to establish a National Council on Marine Resources and Engineering Development, and a Commission on Marine Science, Engineering, and Resources, and for other purposes", approved June 17, 1966 (80 Stat. 203), as amended (33 U.S.C. 1101–1124), is further amended by adding at the end thereof the following new title:

"TITLE III—MANAGEMENT OF THE COASTAL ZONE

"SHORT TITLE

"SEC. 301. This title may be cited as the 'Magnuson Coastal Zone Management Act of 1972'.

"CONGRESSIONAL FINDINGS

"SEC. 302. The Congress finds that—

"(a) There is a national interest in the effective management, beneficial use, protection, and development of the coastal zone;

"(b) The coastal zone is rich in a variety of natural, commercial, recreational, industrial, and esthetic resources of immediate and potential value to the present and future well-being of the Nation;

"(c) The increasing and competing demands upon the lands and waters of our coastal zone occasioned by population growth and economic development, including requirements for industry, commerce, residential development, recreation, extraction of mineral resources and fossil fuels, transportation and navigation, waste disposal, and harvesting of fish, shellfish, and other living marine resources, have resulted in the loss of living marine resources, wildlife, nutrient-rich areas, permanent and adverse changes to ecological systems, decreasing open space for public use, and shoreline erosion;

"(d) The coastal zone, and the fish, shellfish, other living marine resources, and wildlife therein, are ecologically fragile and consequently extremely vulnerable to destruction by man's alterations;

"(e) Important ecological, cultural, historic, and esthetic values in the coastal zone which are essential to the well-being of all citizens are being irretrievably damaged or lost;

"(f) Special natural and scenic characteristics are being damaged by ill-planned development that threatens these values;

"(g) In light of competing demands and the urgent need to protect and to give high priority to natural systems in our coastal zone, present coastal State and local institutional arrangements for planning and regulating land and water uses in such areas are inadequate; and

"(h) The key to more effective use of the land and water resources of the coastal zone is to encourage the coastal States to exercise their full authority over the lands and waters in the coastal zone by assisting the coastal States, in cooperation with Federal and local governments and other vitally affected interests, in developing land and water use programs for the coastal zone, including unified policies, criteria, standards, methods, and processes for dealing with land and water use decisions of more than local significance.

"DECLARATION OF POLICY

"SEC. 303. The Congress finds and declares that it is the national policy:

"(a) To preserve, protect, develop, and where possible to restore, the resources of the Nation's coastal zone for this and succeeding generations; (b) To encourage and assist the States to exercise effectively their responsibilities in the coastal zone through the preparation and implementation of management programs to achieve wise use of the land and water resources of the coastal zone giving full consideration to ecological, cultural, historic, and esthetic values as well as to needs for economic development. (c) For all Federal agencies engaged in programs affecting the coastal zone to cooperate and participate with State and local governments and regional agencies in effectuating the purposes of this Act. And, (d) to encourage the participation of the public, of Federal, coastal State, and local governments and of regional agencies in the development of coastal zone management programs. With respect to implementation of such management programs, it is the national policy to encourage cooperation among the various coastal State and regional agencies including establishment of interstate and regional agreements, cooperative procedures, and joint action, particularly regarding environmental problems.

"DEFINITIONS

"SEC. 304. For the purposes of this title—

"(a) 'Coastal zone' means the coastal waters (including the lands therein and thereunder) and the adjacent shorelands (including the waters therein and thereunder), strongly influenced by each other and in proximity to the shorelines of the several coastal States, and includes transitional and intertidal areas, salt marshes, wetlands, and beaches. The zone terminates, in Great Lakes waters, at the international boundary between the United States and Canada and, in other areas, extends seaward to the outer limit of the legally recognized territorial seas of the respective coastal States, but shall not extend beyond the limits of State jurisdiction as established by the Submerged Lands Act of May 22, 1953, and the Outer Continental Shelf Act of 1953. The zone extends inland from the shorelines only to the extent necessary to control shorelands, the uses of which have a direct and significant impact on the coastal waters. Excluded from the coastal zone are lands the use of which is by law subject solely to the discretion of or which is held in trust by the Federal Government, its officers or agents.

"(b) 'Coastal waters' means (1) in the Great Lakes area, the waters within the territorial jurisdiction of the United States consisting of the Great Lakes, their connecting waters, harbors, roadsteads, and estuary-type areas such as bays, shallows, and marshes and (2) in other areas, those waters, adjacent to the shorelines, which contain a measurable tidal influence, including, but not limited to, sounds, bays, lagoons, bayous, pounds, and estuaries.

"(c) 'Coastal State' means a State of the United States in, or bordering on, the Atlantic, Pacific, or Arctic Ocean, the Gulf of Mexico, Long Island Sound, or one or more of the Great Lakes. For the purposes of this title, the term includes Puerto Rico, the Virgin Islands, Guam, and American Samoa.

"(d) 'Estuary' means that part of a river or stream or other body of water having unimpaired connection with the open sea, where the sea water is measurably diluted with fresh water derived from land drainage. The term includes estuary-type areas of the Great Lakes.

"(e) 'Estuarine sanctuary' means a research area which may include any part or all of an estuary, adjoining transitional areas, and adjacent uplands, constituting to the extent feasible a natural unit, set aside to provide scientists and students the opportunity to examine over a period of time the ecological relationships within the area.

"(f) 'Secretary' means the Secretary of Commerce.

"(g) 'Management program' means a comprehensive statement in words, maps, illustrations, or other media of communication, prepared and adopted by the coastal State in accordance with the provisions of this title, setting forth objectives, policies, and standards to guide public and private uses of lands and waters in the coastal zone so as to minimize direct, significant, and adverse impact on the coastal waters, and governmental structure capable of implementing such a program.

"(h) 'Water use' means activities which are conducted in or on the water; but does not mean or include the establishment of any water quality standard or criteria or the regulation of the discharge or runoff of water pollutants except such standards, criteria or regulations shall be incorporated in any program as provided by section 314(e).

"MANAGEMENT PROGRAM DEVELOPMENT GRANTS

"SEC. 305. (a) The Secretary is authorized to make annual grants to any coastal State for the purpose of assisting in the development of a management program for the land and water resources of its coastal zone.

"(b) Such management program shall include:

"(1) an identification of the boundaries of the coastal zone of the portions of the coastal State subject to the management program;

"(2) a definition of what shall constitute permissible land and water uses within the coastal zone so as to prevent such uses which have a direct, significant, and adverse impact on the coastal waters;

"(3) an inventory and designation of areas of particular concern within the coastal zone;

"(4) an identification of the means by which the coastal State proposes to exert control over land and water uses, within the coastal zone so as to prevent such uses which have a direct, significant, and adverse impact on the coastal waters: including a listing of relevant constitutional provisions, legislative enactments, regulations, and judicial decisions;

"(5) broad guidelines on priority of uses in particular areas, including specifically those uses of lowest priority;

"(6) a description of the organizational structure proposed to implement the management program, including the responsibilities and interrelationships of areawide, coastal States, and regional agencies in the management process.

"(c) The grants shall not exceed 66⅔ per centum of the costs of the program in any one year and no State shall be eligible to receive more than three annual grants pursuant to this section. Federal funds received from other sources shall not be used to match such grants. In order to qualify for grants under this section, the coastal State must reasonably demonstrate to the satisfaction of the Secretary that such grants will be used to develop a management program consistent with the requirements set forth in section 306 of this title. After making the initial annual grant to a coastal State, no subsequent grant shall be made under this section unless the Secretary finds that the coastal State is satisfactorily developing such management program.

"(d) Upon completion of the development of the State's management program, the coastal State shall submit such program to the Secretary for review, approval pursuant to the provisions of section 306 of this title, or such other action as he deems necessary. On final approval of such planned program by the Secretary, the coastal State's eligibility for further grants under this section shall terminate, and the coastal State shall be eligible for grants under section 306 of this title.

"(e) Grants under this section shall be allotted to the coastal States based on rules and regulations promulgated by the Secretary: *Provided, however,* That no management program development grant under this section shall be made in excess of 10 per centum nor less than 1 per centum of the total amount appropriated to carry out the purposes of this section.

"(f) Grants or portions thereof not obligated by a coastal State during the fiscal year for which they were first authorized to be obligated by the coastal State, or during the fiscal year immediately following, shall revert to the Secretary, and shall be added by him to the funds available for grants under this section.

"(g) With the approval of the Secretary the coastal State may allocate to a local government, to an areawide agency designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 or to an interstate agency a portion of the grant under this section for the purpose of carrying out the provisions of this section.

"(h) The authority to make grants under this section shall expire five years from the date of enactment of this title.

"(i) The Secretary is authorized to make management program development or administrative grants to a political subdivision of a State with areawide powers, if the Secretary finds that the State has not developed a management program required by section 306 of this title: *Provided,* That if the State completes such a program the authority of

this subsection shall terminate with regard to any political subdivision of such State.

"ADMINISTRATIVE GRANTS

"SEC. 306. (a) The Secretary is authorized to make annual grants to any coastal State for not more than 66⅔ per centum of the costs of administering the coastal State's management program, if he approves such program in accordance with subsection (c) hereof. Federal funds received from other sources shall not be used to pay the coastal State's share of costs.

"(b) Such grants shall be allotted to the coastal States with approved programs based on rules and regulations promulgated by the Secretary which shall take into account the extent and nature of the shoreline and area covered by the plan, population of the area, and other relevant factors: *Provided, however,* That no annual administrative grant under this section shall be made in excess of 10 per centum, nor less than 10 per centum of the total amount appropriated to carry out the purposes of this section.

"(c) Prior to granting approval of a management program submitted by a coastal State, the Secretary shall find:

"(1) The coastal State has developed and adopted a management program for its coastal zone in accordance with rules and regulations promulgated by the Secretary, which shall be in accordance with the objectives of this Act, after notice, and with the opportunity of full participation by relevant Federal agencies, coastal State agencies, local governments, regional organizations, port authorities, and other interested parties, public and private, which is adequate to carry out the purposes of this title.

"(2) The coastal State has:

"(A) coordinated with local, areawide, and interstate plans applicable to areas within the coastal zone existing on January 1 of the year in which the coastal State's management program is submitted to the Secretary, which plans have been developed by a local government, an interstate agency, or an areawide agency designated pursuant to regulations established under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966; and

"(B) established an effective mechanism for continuing consultation and coordination between the management agency designated pursuant to paragraph (5) of this subsection and with local governments, interstate agencies, and areawide agencies within the coastal zone to assure the full participation of such local governments and agencies in carrying out the purposes of this title."

"(3) The coastal State has held public hearings in the development of the management program.

"(4) The management program and any changes thereto have been reviewed and approved by the Governor.

"(5) The Governor of the coastal State has designated a single agency to receive and administer the grants for implementing the management program required under paragraph (1) of this subsection.

"(6) The coastal State is organized to implement the management program required under paragraph (1) of this subsection.

"(7) The coastal State has the authorities necessary to implement the program, including the authority required under subsection (d) of this section.

"(d) Prior to granting approval of the management program, the Secretary shall find that the coastal State, acting through its chosen agency or agencies (including local governments, interstate agencies, or areawide agencies designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966), has authority for the management of the coastal zone in accordance with the management program. Such authority shall include power—

"(1) to administer land and water use regulations, control development in order to ensure compliance with the management program, and to resolve conflicts among competing uses; and

"(2) to acquire fee simple and less than fee simple interests in lands, waters, and other property through condemnation or other means when necessary to achieve conformance with the management program.

"(e) Prior to granting approval, the Secretary shall also find that the program provides:

"(1) for any one or a combination of the following general techniques for control of land and water uses within the coastal zone:

"(A) Coastal State establishment of criteria and standards for local implementation, subject to administrative review and enforcement of compliance;

"(B) Direct coastal State land and water use planning and regulations; or

"(C) Coastal State administrative review for consistency with the management program of all development plans, projects, or land and water use regulations, including exceptions and variances thereto, proposed by any coastal State or local authority or private developer, with power to approve or disapprove after public notice and an opportunity for hearings.

"(2) for a method of assuring that local land and water use regulations within the coastal zone do not unreasonably restrict or exclude land and water uses of regional benefit.

"(f) With the approval of the Secretary, a coastal State may allocate to a local government, to an interstate agency, or an areawide agency designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 a portion of the grant under this section for the purpose of carrying out the provisions of this section: *Provided,* That such allocation shall not relieve the coastal State of the responsibility for ensuring that any funds so allocated are applied in furtherance of such coastal State's approved management program.

"(g) The coastal State shall be authorized to amend the management program. The modification shall be in accordance with the procedures required under subsection (c) of this section. Any amendment or modification of the program must be approved by the Secretary before additional administrative grants are made to the coastal State under the program as amended.

"(h) At the discretion of the coastal State and with the approval of the Secretary, a management program may be developed and adopted in segments so that immediate attention may be devoted to those areas within the coastal zone which most urgently need management programs: *Provided,* That the coastal State adequately provides for the ultimate coordination of the various segments of the management program into a single unified program and that the unified program will be completed as soon as is reasonably practicable.

"(i) The Secretary is authorized to make management program development or administrative grants to a political subdivision of a State with areawide powers, if the Secretary finds that the State has not developed a management program required by section 306 of this title: *Provided,* That if the State completes such a program the authority of this subsection shall terminate with regard to any political subdivision of such State.

"PUBLIC HEARINGS

"SEC. 307. All public hearings by nonfederal entities required under this title must be announced at least thirty days before they take place, and all relevant materials, documents, and studies must be made readily available to the public for study at least thirty days in advance of the actual hearing or hearings.

"RULES AND REGULATIONS

"SEC. 308. The Secretary shall develop and promulgate, pursuant to section 553 of title 5, United States Code, after notice and opportunity for full participation by relevant Federal agencies, coastal State agencies, local governments, regional organizations, port authorities, and other interested parties, both public and private, such rules and regulations as may be necessary to carry out the provisions of this title.

"REVIEW PERFORMANCE

"SEC. 309. (a) The Secretary shall conduct a continuing review of the management programs of the coastal States and of the performance of each coastal State.

"(b) The Secretary shall have the authority to terminate any financial assistance extended under section 306 and to withdraw any unexpended portion of such assistance if (1) he determines that the coastal State is failing to adhere to and is not justified in deviating from the program approved by the Secretary, and (2) the coastal State has been given notice of proposed termination and withdrawal and given an opportunity to present evidence of adherence or justification for altering its program.

"RECORDS

"SEC. 310. (a) Each recipient of a grant under this title shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition of the funds received under the grant, the total cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient of the grant that are pertinent to the determination that funds granted are used in accordance with this title.

"NATIONAL COASTAL RESOURCES BOARD

"SEC. 311. (a) There is hereby established, in the Executive Office of the President, the National Coastal Resources Board (hereinafter called the 'Board') which shall be composed of—

"(1) The Vice President, who shall be Chairman of the Board.

"(2) The Secretary of State.

"(3) The Secretary of the Navy.

"(4) The Secretary of the Interior.

"(5) The Secretary of Commerce.

"(6) The Chairman of the Atomic Energy Commission.

"(7) The Director of the National Science Foundation.

"(8) The Secretary of Health, Education, and Welfare.

"(9) The Secretary of Transportation.

"(10) The Administrator of the Environmental Protection Agency.

"Executive appointments

"(b) The President may name to the Board such other officers and officials as he deems advisable.

"Alternate Presiding Officer Over Board Meetings

"(c) The President shall from time to time designate one of the members of the Board to preside over meetings of the Board during the absence, disability, or unavailability of the Chairman.

"Alternates for Service on the Board

"(d) Each member of the Board, except those designated pursuant to subsection (b)

of this section, may designate any officer of his department or agency appointed with the advice and consent of the Senate to serve on the Board as his alternate in his unavoidable absence.

"Personnel; Civilian Executive Secretary

"(e) The Board may employ a staff to be headed by a civilian executive secretary who shall be appointed by the President and shall receive compensation at a rate established by the President at not to exceed that of level II of the Federal Executive Salary Schedule. The executive secretary, subject to the direction of the Board, is authorized to appoint and fix the compensation of such personnel, including not more than seven persons who may be appointed without regard to civil service laws or chapter 51 and subchapter III of chapter 53 of title 5 and compensated at not to exceed the highest rate of grade 18 of the General Schedule as may be necessary to perform such duties as may be prescribed by the President.

"(f) The Board shall meet regularly at such times as the Chairman may direct and shall have the following duties:

"(1) to provide for the effective coordination between programs of the Federal agencies within the coastal zone;

"(2) in the case of serious disagreement between any Federal agency and a coastal State in the development of the program, the Board shall seek to mediate the differences; and

"(3) to provide a forum for appeals by an aggrieved areawide planning entity or unit of local government from any decision or action of the Secretary or areawide planning entity.

"ADVISORY COMMITTEE

"SEC. 312. (a) The Secretary is authorized to establish a Coastal Zone Management Advisory Committee (hereafter referred to 'the Committee') to advise, consult with, and make recommendations to the Secretary on matters of policy concerning the coastal zone. Such committee shall be composed of not more than fifteen persons designated by the Secretary and shall perform such functions and operate in such a manner as the Secretary may direct.

"(b) Members of the committee who are not regular full-time employees of the United States, while serving on the business of the committee, including traveltime, may receive compensation at rates not exceeding $100 per diem; and while so serving away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government service employed intermittently.

"ESTUARINE SANCTUARIES

"SEC. 313. (a) The Secretary, in accordance with rules and regulations promulgated by him, is authorized to make available to a coastal State grants up to 50 per centum of the costs of acquisition, development, and operation of estuarine sanctuaries for the purpose of creating natural field laboratories to gather data and make studies of the natural and human processes occurring within and directly affecting the estuarines of the coastal zone. The Federal share of the cost for each such sanctuary shall not exceed $2,000,000. No Federal funds received pursuant to section 306, shall be used for the purpose of this section.

"INTERAGENCY COORDINATION AND COOPERATION

"SEC. 314. (a) The Secretary shall not approve the management program submitted by a coastal State pursuant to section 306 unless the views of Federal agencies principally affected by such program have been adequately considered. In case of serious disagreement between any Federal agency and a coastal State in the development of the program the Secretary, in cooperation with the National Coastal Resources Board, shall seek to mediate the differences.

"(b) (1) All Federal agencies conducting or supporting activities in the coastal zone shall administer their programs consistent with approved coastal State management programs except in cases of overriding national interest as determined by the President. Procedures provided for in regulations issued pursuant to section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 and title IV of the Intergovernmental Cooperation Act of 1968 shall be applied in determining whether Federal projects and activities are consistent with approved management programs.

"(2) Federal agencies shall not undertake any development project in the coastal zone of a coastal State which, in the opinion of the coastal State, is inconsistent with the management program of the coastal State unless the Secretary, after receiving detailed comments from both the Federal agency and the coastal State and affected local governments, finds that such project is consistent with the objectives of this title, or is informed by the Secretary of Defense and finds that the project is necessary in the interest of national security.

"(3) After the final approval by the Secretary of a coastal State's management program any applicant for a Federal license or permit to conduct any activity in the coastal and estuarine zone subject to such license or permit, shall provide in the application of the licensing or permitting agency a certification from the appropriate State agency that the proposed activity complies with the State's approved management program, and that there is reasonable assurance, as determined by the State, that such activity will be conducted in a manner consistent with the State's approved management program. The State shall establish procedures for public notice in the case of all applications for certification by it, and to the extent it deems appropriate, procedures for public hearings in connection with specific applications. If the State agency fails or refuses to act on a request for certification within six months after receipt of such request, the certification requirements of this subsection shall be waived with respect to such Federal application. No license or permit shall be granted until the certification required by this section has been obtained or has been waived as provided in the preceding sentence, unless, after receipt of detailed comments from the relevant Federal and State agencies, and the provision of an opportunity for a public hearing, the activity is found by the Secretary to be consistent with the objectives of this title or necessary in the interest of national security. Upon receipt of such application and certification, the licensing or permitting agency shall immediately notify the Secretary of such application and certification.

"(c) Coastal State and local governments submitting applications for Federal assistance under other Federal programs affecting the coastal zone shall indicate the views of the appropriate coastal State or local agency as to the relationship of such activities to the approved management program for the coastal zone. Such applications shall be submitted and coordinated in accordance with the provisions of title IV of the Intergovernmental Coordination Act of 1968 (82 Stat. 1098). Federal agencies shall not approve proposed projects that are inconsistent with a coastal State's management program, except upon a finding by the Secretary that such project is consistent with the purposes of this title or necessary in the interest of national security.

"(d) Nothing in this Act shall be construed—

"(1) to diminish either Federal or State jurisdiction, responsibility, or rights in the field of planning, development, or control of water resources, submerged lands and navigable waters; nor to displace, supersede, limit, or modify any interstate compact or the jurisdiction or responsibility of any legally established joint or common agency of two or more States, or of two or more States and the Federal Government; not to limit the authority of Congress to authorize and fund projects;

"(2) to change or otherwise affect the authority or responsibility of any Federal official in the discharge of the duties of his office except as required to carry out the provisions of this title;

"(3) as superseding, modifying, or repealing existing laws applicable to the various Federal agencies, except as required to carry out the provisions of this title; nor to affect the jurisdiction, powers, or prerogatives of the International Joint Commission, United States and Canada, the Permanent Engineering Board, and the United States Operating Entity or Entities established pursuant to the Columbia River Basin Treaty, signed at Washington, January 17, 1961, or the International Boundary and Water Commission, United States and Mexico.

"ANNUAL REPORT

"SEC. 315. (a) The Secretary shall prepare and submit to the President for transmittal to the Congress not later than November 1 of each year a report on the administration of this title for the preceding fiscal year. The report shall include but not be restricted to (1) an identification of the coastal State programs approved pursuant to this title during the preceding Federal fiscal year and a description of those programs; (2) a listing of the coastal States participating in the provisions of this title and a description of the status of each coastal State's programs and its accomplishments during the preceding Federal fiscal year; (3) an itemization of the allotment of funds to the various coastal States and a breakdown of the major projects and areas on which these funds were expended; (4) an identification of any coastal State programs which have been reviewed and disapproved or with respect to which grants have been terminated under this title, and a statement of the reasons for such action; (5) a listing of the Federal development projects which the Secretary has reviewed under section 314 of this title and a summary of the final action taken by the Secretary with respect to each such project; (6) a summary of the regulations issued by the Secretary or in effect during the preceding Federal fiscal year; (7) a summary of outstanding problems arising in the administration of this title in order of priority; and (8) such other information as may be appropriate.

"(b) The report required by subsection (a) shall contain such recommendations for additional legislation as the Secretary deems necessary to achieve the objectives of this title and enhance its effective operation.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 316. (a) There are authorized to be appropriated—

"(1) the sum of $12,000,000 for the fiscal year ending June 30, 1973, and such sums as may be necessary for the fiscal year 1974 through 1977 for grants under section 305, to remain available until expended;

"(2) such sums, not to exceed $50,000,000, as may be necessary for the fiscal year ending June 30, 1973, and such sums as may be necessary for each succeeding fiscal year thereafter for grants under section 306 to remain available until expended; and

"(3) such sums, not to exceed $6,000,000 for the fiscal year ending June 30, 1973, as may be necessary for grants under section 313.

"(b) There are also authorized to be appropriated to the Secretary such sums, not to exceed $1,500,000 annually, as may be neces-

sary for administrative expenses incident to the administration of this title.

"(c) (1) The Administrator of the National Oceanic and Atmospheric Administration of the Department of Commerce, after consultation with the Secretary of the Interior and the Administrator of the Environmental Protection Agency, shall enter into appropriate arrangements with the National Academy of Sciences to undertake a full investigation of the environmental hazards attendant on offshore oil drilling on the Atlantic Outer Continental Shelf. Such study should take into consideration the recreational, marine resources, ecological, esthetic, and research values which might be impaired by the proposed drilling and shall include recommendations to eliminate such environmental hazards, if any. A report shall be made to the Congress, to the Administrator, and to the Secretary by July 1, 1973.

"(2) There are authorized to be appropriated for the fiscal year in which this Act is enacted and for the next fiscal year thereafter such sums as may be necessary to carry out this subsection, but the sums appropriated may not exceed $500,000."

Mr. HOLLINGS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of S. 3507, as amended.

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

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

REPORT ON ADMINISTRATION OF THE NATURAL GAS PIPELINE SAFETY ACT OF 1968—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. EAGLETON) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Commerce:

To the Congress of the United States:

I herewith transmit the Fourth Annual Report on the Administration of the Natural Gas Pipeline Safety Act of 1968. This report has been prepared in accordance with Section 14 of the Act, and covers the period of January 1, 1971, through December 31, 1971.

RICHARD NIXON.

THE WHITE HOUSE, *April 25, 1972.*

AMENDMENT OF THE RAIL PASSENGER SERVICE ACT OF 1970

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 725. I do this so that the bill will become the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 11417) to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corporation for the purpose of purchasing railroad equipment, 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 Commerce with an amendment to strike out all after the enacting clause and insert:

That section 303(d) of the Rail Passenger Service Act of 1970 (45 U.S.C. 543(d)) is amended by inserting immediately before the period at the end of the second sentence the following: ", except that no such officer shall receive compensation at a rate in excess of that prescribed for level I of the Executive Schedule under section 5312 of title 5, United States Code".

SEC. 2. Section 305 of the Rail Passenger Service Act of 1970 (45 U.S.C. 545) is amended by inserting the following after the second sentence: "Insofar as practicable, the Corporation shall directly operate and control all aspects of its rail passenger service."

SEC. 3. Section 306 of the Rail Passenger Service Act of 1970 (45 U.S.C. 546) is amended by inserting at the end thereof a new subsection as follows:

"(f) The Corporation shall be subject to the provisions of section 552 of title 5, United States Code."

SEC. 4. Section 308 of the Rail Passenger Service Act of 1970 (45 U.S.C. 548) is amended by redesignating subsections (a) and (b) as subsections (b) and (c), respectively, and by inserting a new subsection (a) as follows:

"(a) (1) Not later than the eightieth day following the end of each calendar month, the Corporation shall transmit to the Congress and release to the public the following information applicable to its operations for such calendar month:

"(A) Total itemized revenues and expenses.

"(B) Revenues and expenses of each train operated.

"(C) Revenues and total expenses attributable to each railroad over which service is provided.

"(2) Not later than the fifteenth day following the end of each calendar month, the Corporation shall transmit to the Congress and release to the public the following information applicable to its operations for such calendar month:

"(A) The average number of passengers per day on board each train operated.

"(B) The on-time performance at the final destination of each train operated, by route and by railroad.".

SEC. 5. Section 308 of the Rail Passenger Service Act of 1970 (45 U.S.C. 548) is further amended by inserting at the end thereof a new subsection as follows:

"(d) The Corporation shall prepare and transmit to the Congress and to the President on or before November 1, 1972, a comprehensive report on the potential for transportation of mail and express on intercity passenger trains. The report shall identify the total volume of mail and express moving between points along routes over which intercity rail passenger service was being provided during April 1971; the breakdown of such volume by class within each category; the breakdown of such volume by the mode of transportation carrying it; and the breakdown of revenues accruing to each carrier from such transportation. The report shall estimate the potential volume and revenue which could be derived from transportation of mail and express on intercity trains operated for the purpose of providing modern, efficient intercity transportation of passengers between points along routes over which intercity rail passenger service was being provided during April 1971, including consideration of utilization of containers, use of modern en-route sorting methods, and provision of express service by which the shipper must deliver the shipment to, and the receiver must pick up the shipment from, rail passenger stations. The Secretary, the Postmaster General, the Commission, and all carriers and forwarders of mail and express are hereby required to extend full cooperation to the Corporation in furnishing information for preparation of the report. The report shall include recommendations for such legislation as the Corporation determines is necessary or desirable to facilitate an increase in its transportation of mail and express."

SEC. 6. Section 402(a) of the Rail Passenger Service Act of 1970 (45 U.S.C. 562(a)) is amended by inserting the words "within ninety days after application by the Corporation," after "Interstate Commerce Commission shall," and before "if" in the second sentence.

SEC. 7. (a) Section 405(a) of the Rail Passenger Service Act of 1970 (45 U.S.C. 565(a)) is amended to read as follows:

"(a) A railroad shall provide fair and equitable arrangements to protect the interests of employees, including employees of terminal companies, affected by a discontinuance of intercity rail passenger service whether occurring before, on, or after January 1, 1975. A 'discontinuance of intercity rail passenger service' shall include any discontinuance of service performed by railroad under any facility or service agreement under sections 305 and 402 of this Act or pursuant to any modification or termination thereof or an assumption of operations by the Corporation."

(b) Section 405(b) of the Rail Passenger Service Act of 1970 (45 U.S.C. 565(b)) is amended by inserting the following words after the words "affected employees" in the last sentence thereof: ", including affected terminal employees,".

(c) Section 405(c) of the Rail Passenger Service Act of 1970 (45 U.S.C. 565(c)) is amended to read as follows:

"(c) Upon commencement of operations in the basic system, the substantive requirements of subsections (a) and (b) of this section shall apply to the Corporation and its employees in order to insure the maintenance of the protective arrangements specified in such subsections, except that nothing in this subsection shall be construed to impose upon the Corporation any obligation of a railroad with respect to any right, privilege, or benefit earned by any employee as a result of prior service performed for such railroad. The Secretary of Labor shall certify that affected employees of the Corporation have been provided fair and equitable protection as required by this section within one hundred and eighty days after assumption of operations by the Corporation."

SEC. 8. Section 405 of the Rail Passenger Service Act of 1970 (45 U.S.C. 565) is further amended by adding at the end thereof the following new subsection:

"(f) The Corporation shall take such action as may be necessary to assure that, to the maximum extent practicable, any railroad employee eligible to receive free or reduced-rate transportation by railroad on April 30, 1971, under the terms of any policy or agreement in effect on such date will be eligible to receive, provided space is available, free or reduced-rate transportation on any intercity rail passenger service provided by the Corporation under this Act, on terms similar to those available on such date to such railroad employee under such policy or agreement. However, the Corporation may

apply to all railroad employees eligible to receive free or reduced-rate transportation under such policies or agreements, a single systemwide schedule of terms determined by the Corporation to reflect terms applicable to the majority of such employees under those policies or agreements in effect on April 30, 1971. The Corporation shall be reimbursed by the railroads by way of payment or offset for such costs as may be incurred in providing transportation services to railroad employees under any policy or agreement referred to in the first sentence of this subsection, including the costs of implementing and administering this section. Within ninety days after the enactment of this sentence, each railroad shall enter into an agreement with the Corporation for the payment of such expenses. If the Corporation and a railroad are unable to agree as to the amount of any payment owed by the railroad under this subsection, the matter shall be referred to the Commission for decision. The Commission, upon investigation; shall decide the issue within ninety days following the date of referral, and its decision shall be binding on both parties. If any railroad company which operates intercity passenger service not under contract with the Corporation notifies the Corporation and railroads which have entered into the agreement specified above that it will accept the terms of the systemwide schedule of terms and the compensation specified in the agreements, such railroad company shall be reimbursed for services to railroad employees in accordance with the agreements. As used in this subsection, the term 'railroad employee' means (1) an active full-time employee, including any such employee during a period of furlough or while on leave of absence, of a railroad or terminal company, (2) a retired employee of a railroad or terminal company, and (3) the dependents of any employee referred to in clause (1) or (2) of this sentence.".

SEC. 9. Section 601 of the Rail Passenger Service Act of 1970 (45 U.S.C. 601) is amended to read as follows:

"SEC. 601. FEDERAL GRANTS.

"(a) There is authorized to be appropriated to the Secretary in fiscal year 1971, $40,000,000 and in subsequent fiscal years a total of $270,000,000, these amounts to remain available until expended, for payment, pursuant to terms and conditions prescribed by the Secretary, to the Corporation for the purpose of assisting in—

"(1) the initial organization and operation of the Corporation;

"(2) the establishment of improved reservations systems and advertising;

"(3) servicing, maintenance, repair, and rehabilitation of railroad passenger equipment;

"(4) the conduct of research and development and demonstration programs respecting new rail passenger services;

"(5) the development and demonstration of improved rolling stock;

"(6) essential fixed facilities for the operation of passenger trains on lines and routes included in the basic system over which no through passenger trains are being operated at the time of enactment of this Act, including necessary track connections between lines of the same or different railroads;

"(7) the purchase or lease by the Corporation of railroad rolling stock; and

"(8) other corporate purposes."

"(b) There is authorized to be appropriated to the Secretary $2,000,000 annually, for payment, pursuant to terms and conditions prescribed by the Secretary, to the Corporation for the purpose of assisting in the development and operation of international rail passenger services between the United States and Canada and between the United States and Mexico. Such international rail passenger services shall include intercity rail passenger service between points within the United States and—

"(1) Montreal, Canada;

"(2) Vancouver, Canada; and

"(3) Nuevo Laredo, Mexico.

For the purposes of section 404(b) of this Act, international rail passenger services provided under this subsection shall be deemed to be included within the basic system.".

SEC. 10. (a) Section 602 of the Rail Passenger Service Act of 1970 (45 U.S.C. 602) is amended to read as follows:

"SEC. 602. GUARANTEE OF LOANS.

"(a) The Secretary is authorized, on such terms and conditions as he may prescribe, to guarantee any lender against loss of principal and interest on securities, obligations, or loans (including refinancings thereof) issued to finance the upgrading of roadbeds and the purchase by the Corporation or an agency of new rolling stock, rehabilitation of existing rolling stock, reservation systems, switch and signal systems, and other capital equipment and facilities necessary for the improvement of rail passenger service. The maturity date of such securities, obligations, or loans, including all extensions and renewals thereof, shall not be later than twenty years from their date of issuance.

"(b) All guarantees entered into by the Secretary under this section shall constitute general obligations of the United States of America backed by the full faith and credit of the Government of the United States of America.

"(c) Any guarantee made by the Secretary under this section shall not be terminated, canceled or otherwise revoked; shall be conclusive evidence that such guarantee complies fully with the provisions of this Act and of the approval and legality of the principal amount, interest rate, and all other terms of the securities, obligations, or loans and of the guarantee; and shall be valid and incontestable in the hands of a holder of a guaranteed security, obligation, or loan, except for fraud or material misrepresentation on the part of such holder.

"(d) The aggregate unpaid principal amount of securities, obligations, or loans outstanding at any one time which are guaranteed by the Secretary under this section may not exceed $250,000,000. The Secretary shall prescribe and collect a reasonable annual guaranty fee.

"(e) There are authorized to be appropriated to the Secretary such amounts, to remain available until expended, as are necessary to discharge all his responsibilities under this section.

"(f) If at any time the moneys available to the Secretary are insufficient to enable him to discharge his responsibilities under guarantees issued by him under subsection (a) of this section, he shall issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities and subject to such terms and conditions, as may be prescribed by the Secretary of the Treasury. Redemption of such notes or obligations shall be made by the Secretary from appropriations available under subsection (e) of this section. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of such notes or other obligations. The Secretary of the Treasury shall purchase any notes or other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under that Act, as amended, are extended to include any purchase of such notes or obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations as acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States."

(b) Section 602 (b), (c), (d), (e), and (f) of the Rail Passenger Service Act of 1970, as amended by subsection (a) of this section shall also apply to guarantees made by the Secretary prior to the enactment of this Act. The amendment of section 602(a) shall not affect the legality of guarantees made by the Secretary prior to the enactment of this Act, but such guarantees shall continue in effect until discharged by payment of the loan guaranteed, together with interest, after such date.

Sec. 11. Section 805 of the Rail Passenger Service Act of 1970 (45 U.S.C. 644) is amended—

(a) by inserting "AND CERTAIN RAILROADS" immediately before the period at the end of the section heading; and

(b) by redesignating paragraph (B) of subsection (2) as "(C)" and inserting a new paragraph (B) to read as follows:

"(B) To the extent the Comptroller General deems necessary in connection with audits as he may make of the financial transactions of the Corporation pursuant to paragraph (A) of this subsection, his representatives shall have access to all books, accounts, records, reports, files, and other papers, things, or property belonging to or in use by any railroad with which the Corporation has entered into a contract for the performance of intercity rail passenger service, pertaining to such railroad's financial transactions and necessary to facilitate the audit, and such representatives shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. All such books, accounts, records, reports, files, papers, and property of such railroad shall remain in the possession and custody of the railroad.".

Sec. 12. The amendments made by this Act shall be effective upon enactment.

Mr. ROBERT C. BYRD. Mr. President, there will be no action on this bill today. Therefore, I yield the floor to the distinguished senior Senator from Missouri (Mr. SYMINGTON).

Mr. SYMINGTON. I thank the able acting majority leader.

VIETNAM—MISUNDERSTOOD UNDERSTANDINGS

Mr. SYMINGTON. Mr. President, in testimony before the Senate Foreign Relations Committee on April 17 and 18, the Secretaries of State and Defense placed great emphasis on what they characterized as violations by the North Vietnamese of "understandings" which had been arrived at in discussions between representatives of the United States and North Vietnam in Paris in September and October 1968. It was in these discussions that the groundwork was laid for the total cessation of U.S. bombing of North Vietnam, as announced by the previous administration on October 31, 1968, and the subsequent expansion of the Paris talks to include representatives of the Saigon government and the National Liberation Front.

Since October 1968 there has been continuing public controversy concerning the nature and particulars of these

"understandings." Both the United States and North Vietnam have charged the other with not having lived up to whatever was agreed or "understood" in the course of the September–October 1968 talks in Paris; and both sides have now placed their own selected and fragmentary versions of those talks before the public.

The most recent instance of this was the release by the North Vietnamese delegation in Paris on April 20 of a document describing the 1968 negotiations and containing selected quotations from the "minutes" of the 1968 discussions and the effect of this North Vietnamese action has been to complicate further the question of determining what was or was not said or "understood" in 1968.

Because both sides have now made an issue of the 1968 discussions, and because this issue is central to the current actions being taken by the United States, as well as to the prospect for possible future negotiations, it is clear that the full record of these talks should now be made available to the public.

During his testimony before the Foreign Relations Committee on April 18, Secretary of Defense Laird expressed the view that the "minutes" of the 1968 discussions should be available to anyone to read. He added that the committee had already been given the minutes by the executive branch: While we are convinced the latter statement was made in good faith, it was nevertheless erroneous.

Given Secretary Laird's view that both the committee and the public should have the record of the meetings, we are hopeful that steps can now be taken to promptly make public the full record of the 1968 talks.

Toward that end, we have spoken to both Secretary Laird and Secretary Rogers, and have written to them urging that the minutes of the 1968 discussions be transmitted to the committee; also that they may be promptly declassified. In addition, I have asked the Secretary of State to declassify the transcripts of background briefings which were held by high executive branch officials on the evening of October 31, 1968.

These meetings with the press were obviously held to explain to the public, via the news media, the basis on which the United States agreed to stop its bombing of North Vietnam and on which the North Vietnamese agreed to expanded peace talks. As such, they provide an invaluable insight into the content of U.S. policy at the time.

At present, the Committee on Foreign Relations has copies of the two backgrounders in question, both of which, however, bear a "confidential" security classification. It is impossible to justify any such classification, in view of the fact the documents in question are a record of conversations between public officials no longer in office and members of the press representing the public. This situation should be corrected at the same time the minutes are released. In this way, the public will be able to gain a full understanding of what its representatives thought was being "understood" in October 1968.

In calling upon the executive branch to take these actions, we are not prejudging any of the issues involved, or implying any criticism of the manner in which the 1968 discussions were handled, or the manner in which they are now being interpreted. Rather, we are pursuing the fundamental right of the Congress to know the facts, so that they in turn can participate in an informed manner in the formulation of policies which profoundly affect the security and welfare of this Nation.

Mr. President, I note that I was to give this statement tomorrow. It is my understanding, from the distinguished acting majority leader, that there may not be a session tomorrow and, therefore, I have made my statement today.

Mr. ROBERT C. BYRD. The distinguished Senator from Missouri is correct. There is a very good likelihood that there will not be a session tomorrow, and we should know within the next few minutes whether there will be one.

MESSAGE FROM THE HOUSE—ENROLLED JOINT RESOLUTION SIGNED

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled joint resolution:

S.J. Res. 218. A joint resolution to extend the authority conferred by the Export Administration Act of 1969.

The enrolled joint resolution was subsequently signed by the Acting President pro tempore (Mr. ALLEN).

ORDER FOR CONSIDERATION OF TRUTH IN LENDING ACT AMENDMENTS OF 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, upon disposition of the pending business, H.R. 11417, the Senate proceed to the consideration of Calendar Order No. 718, S. 652, to amend the Truth in Lending Act to protect consumers against careless and unfair billing practices, and for other purposes.

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

UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, having cleared this request with Senators on both sides of the aisle, and having discussed it with the distinguished assistant Republican leader, that time on the bill, S. 652, be limited to 2 hours, to be equally divided between the able manager of the bill, the Senator from Wisconsin (Mr. PROXMIRE), and the distinguished Senator from Utah (Mr. BENNETT); that time on any amendment be limited to 1 hour to be equally divided between the proponent of the amendment and the manager of the bill, with the exception of the following amendments:

An amendment by the Senator from Utah (Mr. Moss) on which there would be 2 hours, and two amendments by the Senator from Wisconsin (Mr. PROXMIRE), on each of which there would be 2 hours, the time to be equally divided in those cases as aforementioned; and that time on any amendment to an amendment, debatable motion or appeal, be limited to 30 minutes, to be equally divided between the mover of such and the distinguished manager of the bill, unless the manager of the bill is in favor of any of the foregoing amendments, motions, or appeals, in which case, time in opposition thereto be under the control of the distinguished assistant Republican leader of his designee.

Mr. GRIFFIN. Mr. President, reserving the right to object—and I shall not object—I want to indicate that I have had an opportunity to discuss this matter with the distinguished Senator from Utah (Mr. BENNETT) and with the distinguished Senator from Texas (Mr. TOWER). The Senator from Texas wanted to check it but he has, as I understand it, no objection; so that I know of no objection from this side of the aisle.

Mr. ROBERT C. BYRD. I thank the distinguished assistant Republican leader.

The PRESIDING OFFICER (Mr. SPONG). Is there objection to the unanimous request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

The unanimous-consent agreements entered today read as follows:

S. 2219

Ordered, That, effective on Thursday, April 27, 1972, it be in order during the period for recognition of the leaders for the Senator from West Virginia (Mr. Robert C. Byrd) to move to proceed to the consideration of S. 2219, a bill to amend title 38 of the United States Code to authorize the Administrator of Veterans' Affairs to provide certain assistance in the establishment of new public nonprofit medical, health professions, and allied health schools and the expansion and improvement of health manpower training programs in Veterans' Administration facilities and in existing educational institutions affiliated with the Veterans' Administration.

Ordered further, That, on the question of the final passage of the said bill, debate shall be limited to 6 minutes, to be equally divided and controlled, respectively, by the Senator from West Virginia (Mr. Robert C. Byrd) and the Senator from Michigan (Mr. Griffin).

Ordered, That, effective on Thursday April 27, 1972, immediately upon the disposition of the bill H.R. 11417, the Senate proceed to the consideration of S. 652, to amend the Truth in Lending Act, with debate on any amendment (except an amendment by the Senator from Utah (Mr. Moss) and two amendments by the Senator from Wisconsin (Mr. Proxmire), to be limited to 2 hours each) shall be limited to one hour and on any amendment to an amendment, debatable motion, or appeal, shall be limited to 30 minutes, to be equally divided and controlled by the mover of any such amendment or motion and the Senator from Wisconsin (Mr. Proxmire): *Provided*, That, in the event the Senator from Wisconsin is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the assistant minority leader or some Senator designated by him.

Ordered further, That, on the question of the final passage of the said bill, debate shall be limited to 2 hours, to be equally divided and controlled, respectively, by the Senator from Wisconsin (Mr. Proxmire) and the Senator from Utah (Mr. Bennett):

ORDER FOR CONSIDERATION OF VETERANS' ADMINISTRATION HEALTH MANPOWER TRAINING ACT OF 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, on Thursday next, April 27, 1972, it be in order during the time allotted to the assistant majority leader under the standing order to call up Calendar No. 726, S. 2219, a bill to amend title 38 of the United States Code to authorize the Administrator of Veterans' Affairs to provide certain assistance in the establishment of new public nonprofit medical, health professions, and allied health schools and the expansion and improvement of health manpower training programs in Veterans' Administration facilities and in existing educational institutions affiliated with the Veterans' Administration; and that time thereon be limited, not to exceed 6 minutes, to be equally divided between the assistant majority leader and the assistant Republican leader.

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

ORDER FOR ADJOURNMENT TO 10 A.M. ON THURSDAY, APRIL 27, 1972

Mr. ROBERT C. BYRD. Mr. President, in view of the foregoing agreements, I now ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 10 a.m. on Thursday next.

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

CONSIDERATION OF PENDING BILL

Mr. ROBERT C. BYRD. Mr. President, it is understood, in my conversations with various Senators, that the so-called Amtrak bill, which is the pending business, will not require a great deal of time. The effort was made to secure a unanimous-consent agreement in regards thereto, but it was felt that the measure could be disposed of in rather short order and without any unanimous agreement thereon.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON THURSDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Thursday next, following the recognition of the two assistant leaders under the standing order, there be a period for the transaction of routine morning business for not to exceed 30 minutes with statements limited therein to 3 minutes, at the conclusion of which the Chair lay before the Senate the unfinished business.

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

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum. This will, hopefully, be the final quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. 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 RECESS TO 9:30 A.M., THURSDAY, APRIL 27, 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess, rather than adjournment, until the hour of 9:30 a.m. on Thursday next.

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

ORDER FOR RECOGNITION OF SENATORS GRAVEL AND BROCK ON THURSDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, following the recognition of the two assistant leaders on Thursday next, the distinguished Senator from Alaska (Mr. GRAVEL) be recognized for not to exceed 15 minutes and that he be followed by the distinguished Senator from Tennessee (Mr. BROCK) for not to exceed 15 minutes, at the conclusion of which the Chair lay before the Senate the unfinished business.

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

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for Thursday is as follows:

The Senate will convene on Thursday at 9:30 a.m. After the two assistant leaders have been recognized under the standing order, Senators GRAVEL and BROCK will be recognized, each for not to exceed 15 minutes and in that order. There will be no morning business transacted, except perhaps later in the day. Following Mr. BROCK, the Chair will lay before the Senate the unfinished business, H.R. 11417, the so-called Amtrak measure. I would imagine that there will be a rollcall vote or rollcall votes thereon, and I have already indicated that it is not anticipated that a great deal of time is expected to be taken on that measure.

Following the disposition of the Amtrak bill, the Chair will then lay before the Senate a bill dealing with truth-in-billing practices. A time agreement has been entered thereon. It is anticipated that several amendments will be offered, and that that bill will require the rest of the day, with several rollcall votes on amendments and final passage. If the bill is not completed on Thursday, it will spill over into Friday, and it would then be completed on Friday. But I would hope that action would be completed on the truth-in-billing practices bill on Thursday. Moreover, a bill dealing with gold devaluation is expected to be reported by the Appropriations Committee on Thursday afternoon, and possibly that bill can be handled late Thursday or on Friday. It is not expected to take long.

It is anticipated that once these measures have been disposed of, the Senate would then be ready to proceed with the consideration of the USIA-State authorization bill on Friday.

So, in summation, there will be rollcall votes on Thursday. There could be rollcall votes on Friday in the event that the truth-in-lending practices bill is not disposed of on Thursday.

RECESS TO 9:30 A.M., THURSDAY, APRIL 27, 1972

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 9:30 a.m. on Thursday.

The motion was agreed to; and at 1:20 p.m., the Senate took a recess until Thursday, April 27, 1972, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 25, 1972:

FEDERAL POWER COMMISSION

Pinkney Calvin Walker, of Missouri, to be a member of the Federal Power Commission for the term of 5 years expiring June 22, 1977. (Reappointment.)

U.S. DISTRICT COURTS

Charles W. Joiner, of Michigan, to be a U.S. district judge for the eastern district of Michigan, vice Talbot Smith, retired.

DEPARTMENT OF JUSTICE

Everett R. Langford, or Oregon, to be U.S. marshal for the district of Oregon for the term of 4 years, vice Farley E. Morgan, deceased.

IN THE AIR FORCE

The following officer to be placed on the retired list in the grade indicated under the provisions of section 8962, title 10, of the United States Code:

To be lieutenant general

Lt. Gen. Fred M. Dean [redacted] FR (major general, Regular Air Force), U.S. Air Force.

The following officer to be assigned to a position of importance and responsibility requiring the rank of lieutenant general, under the provisions of section 8066, title 10, United States Code:

Maj. Gen. William F. Pitts, [redacted] FR (major general, Regular Air Force), U.S. Air Force.

IN THE ARMY

The Army National Guard of the United States officer named herein for appointment as a Reserve commissioned officer of the Army, under provisions of title 10, United States Code, sections 593(a) and 3392:

To be brigadier general

Col. Evan Albert Turnage, SSAN [redacted] Adjutant General's Corps.

In the Army

The following-named officers for promotion in the Reserve of the Army of the United States, under the provisions of title 10, United States Code, section 3370:

ARMY PROMOTION LIST

To be colonel

Anson, James J., [redacted].
Butler, Oliver J., Jr., [redacted].
Demos, Angelo P., [redacted].
Holton, Franklyn W., [redacted].
Hyman, Peter D., [redacted].
Jones, Robert W., [redacted].
Juarez, Angelo D., [redacted].
Kuhns, Craig S., [redacted].

Launius, Charles L., xxx-xx-xxxx.
Lewis, Benjamin E., xxx-xx-xxxx.
Miller, Paul R. M., xxx-xx-xxxx.
Pascone, Donato, xxx-xx-xxxx.
Raskin, Max, xxx-xx-xxxx.
Shelton, Kenneth J., xxx-xx-xxxx.
Sikes, Lloyd J., xxx-xx-xxxx.
Tidwell, W. D., Jr., xxx-xx-xxxx.
Willis, Marvin F., xxx-xx-xxxx.

CHAPLAIN

To be colonel

Walsh, Martin E., xxx-xx-xxxx.

MEDICAL CORPS

To be colonel

Benway, Robert E., xxx-xx-xxxx.
McMaster, John D., xxx-xx-xxxx.
Moore, Conrad D., xxx-xx-xxxx.
Nolen, Harold W., Jr., xxx-xx-xxxx.

The following-named officers for promotion in the Reserve of the Army of the United States, under the provisions of title 10, United States Code, sections 3366 and 3367:

ARMY PROMOTION LIST

To be lieutenant colonel

Bates, Jimmy F., xxx-xx-xxxx.
Benham, Fred G., III., xxx-xx-xxxx.
Bentley, Thomas N., xxx-xx-xxxx.
Bewick, Robert D., Jr., xxx-xx-xxxx.
Bond, James D., xxx-xx-xxxx.
Boutilier, Richard, xxx-xx-xxxx.
Brown, David G., xxx-xx-xxxx.
Broyles, Daniel L., xxx-xx-xxxx.
Brumbaugh, G. M., Jr., xxx-xx-xxxx.
Campbell, Bert L., xxx-xx-xxxx.
Caprio, Daniel W., xxx-xx-xxxx.
Caster, James G., xxx-xx-xxxx.
Chandler, James G., xxx-xx-xxxx.
Cherry, Stanley, xxx-xx-xxxx.
Clement, Ralph H., xxx-xx-xxxx.
Clesh, Carl F., xxx-xx-xxxx.
Cody, Grady R., xxx-xx-xxxx.
Collins, Robert O., xxx-xx-xxxx.
Connolly, Thomas F., xxx-xx-xxxx.
Conyard, Frank L., Jr., xxx-xx-xxxx.
Cooper, Johnny H., xxx-xx-xxxx.
Cornforth, Harold, xxx-xx-xxxx.
Cotton, Fred A., xxx-xx-xxxx.
Creaser, Kenneth S., xxx-xx-xxxx.
Crosby, Joseph K., xxx-xx-xxxx.
Dehm, Jack R., xxx-xx-xxxx.
Diego, John R., Jr., xxx-xx-xxxx.
Douglas, James R., xxx-xx-xxxx.
Dudas, Joseph F., xxx-xx-xxxx.
Duller, Louis J., xxx-xx-xxxx.
Duncan, William P., xxx-xx-xxxx.
Edwards, Cleveland, xxx-xx-xxxx.
Elliott, George E., xxx-xx-xxxx.
Esker, Maurice F., xxx-xx-xxxx.
Farley, Andrew N., xxx-xx-xxxx.
Ferko, Joseph G., Jr., xxx-xx-xxxx.
Fiduccia, James R., xxx-xx-xxxx.
Fields, Louis G., Jr., xxx-xx-xxxx.
Fish, Donald C., xxx-xx-xxxx.
Fisher, Gordon L., xxx-xx-xxxx.
Fitzmaurice, John J., xxx-xx-xxxx.
Fredrick, Robert C., xxx-xx-xxxx.
Frierson, M. R., Jr., xxx-xx-xxxx.
Gairaud, Louis M., xxx-xx-xxxx.
Galloway, Leo H., xxx-xx-xxxx.
Geagan, Thomas F., xxx-xx-xxxx.
Gillespie, John A., xxx-xx-xxxx.
Gough, Elmer W., xxx-xx-xxxx.
Gray, Martin S., xxx-xx-xxxx.
Grgich, Rudolph M., xxx-xx-xxxx.
Hallczuk, Stephen, xxx-xx-xxxx.
Hansen, Richard N., xxx-xx-xxxx.
Hanson, Harold A., xxx-xx-xxxx.
Hart, Jack M., xxx-xx-xxxx.
Hay, Keith G., xxx-xx-xxxx.
Henderson, John P., xxx-xx-xxxx.
Heusel, Clinton W., xxx-xx-xxxx.
Hickey, Joseph A., Jr., xxx-xx-xxxx.
Hill, James C., xxx-xx-xxxx.
Hill, Walter L., xxx-xx-xxxx.
Hinson, Donald L., xxx-xx-xxxx.
Holiwell, Gene A., xxx-xx-xxxx.
Holman, Carson E. R., xxx-xx-xxxx.
Honea, Arthur A., xxx-xx-xxxx.
Hraha, Francis M., xxx-xx-xxxx.
Hurst, Keith L., xxx-xx-xxxx.
Hyatt, Thomas P., xxx-xx-xxxx.
Ingram, George E., xxx-xx-xxxx.
James, Harry H., xxx-xx-xxxx.
Jamieson, George J., xxx-xx-xxxx.
Jenkins, Jerry A., xxx-xx-xxxx.
Johnson, James, Jr., xxx-xx-xxxx.
Kaplan, Seymour, xxx-xx-xxxx.
Karpinski, Stanley, xxx-xx-xxxx.
Kelly, Harold E., xxx-xx-xxxx.
Kempf, Ralph E., xxx-xx-xxxx.
Kennard, Russell L., xxx-xx-xxxx.
Kitchen, Granville, xxx-xx-xxxx.
Klasen, Karl L., xxx-xx-xxxx.
Kline, Walter J., xxx-xx-xxxx.
Lamar, Melzar G., xxx-xx-xxxx.
Lawrimore, B. S., xxx-xx-xxxx.
Leedom, Harvey S., xxx-xx-xxxx.
Leonardi, Thomas J., xxx-xx-xxxx.
Lewis, Bobby J., xxx-xx-xxxx.
Liprie, Sam F., xxx-xx-xxxx.
Livingstone, E. A. Jr., xxx-xx-xxxx.
Loftis, Lloyd E., xxx-xx-xxxx.
Logan, Edwin G., xxx-xx-xxxx.
Loucks, Charles S., xxx-xx-xxxx.
Lovington, Albert E., xxx-xx-xxxx.
Lowry, Andy L., xxx-xx-xxxx.
Lundquist, Carl W., xxx-xx-xxxx.
Lusk, Robert E., xxx-xx-xxxx.
Luttrell, Floyd, xxx-xx-xxxx.
Lynch, Harold L., xxx-xx-xxxx.
Lyons, John F., xxx-xx-xxxx.
Magruder, Warren A., xxx-xx-xxxx.
Mahoney, Joseph F., xxx-xx-xxxx.
Manza, August G., xxx-xx-xxxx.
Marzul, Julius V., xxx-xx-xxxx.
Matuszewski, M. J. Jr., xxx-xx-xxxx.
McGlade, Richard L., xxx-xx-xxxx.
McNeil, Norman H., xxx-xx-xxxx.
Moore, William J., xxx-xx-xxxx.
Moorhead, Davis T., xxx-xx-xxxx.
Moos, Stanley G., xxx-xx-xxxx.
Morton, Richard B., xxx-xx-xxxx.
Moss, Francis E., xxx-xx-xxxx.
Neilson, Ronald W., xxx-xx-xxxx.
Nelson, Jack E., xxx-xx-xxxx.
Nettles, A. A. Jr., xxx-xx-xxxx.
O'Doherty, Constant, xxx-xx-xxxx.
Palewicz, Richard A., xxx-xx-xxxx.
Paoletti, Karl P., xxx-xx-xxxx.
Peters, Richard H., xxx-xx-xxxx.
Priszner, Floyd I., xxx-xx-xxxx.
Pritchett, Daniel M., xxx-xx-xxxx.
Pumphrey, Norman D., xxx-xx-xxxx.
Renard, Richard S., xxx-xx-xxxx.
Renfroe, E. M. Jr., xxx-xx-xxxx.
Reynolds, Jack N., xxx-xx-xxxx.
Richey, Stephen O., xxx-xx-xxxx.
Ricottilli, John Jr., xxx-xx-xxxx.
Robb, James F., xxx-xx-xxxx.
Robertson, C. E., xxx-xx-xxxx.
Robinson, Gordon A., xxx-xx-xxxx.
Schulz, M. A. Jr., xxxx.
Schwab, Delbert P., xxx-xx-xxxx.
Shaw, Victor H. Jr., xxx-xx-xxxx.
Shoemaker, Lyle R., xxx-xx-xxxx.
Singer, Donald R. Jr., xxx-xx-xxxx.
Skrivanos, George C., xxx-xx-xxxx.
Stadler, Norman E., xxx-xx-xxxx.
Stagg, Paul W., xxx-xx-xxxx.
Stanley, Dean P., xxx-xx-xxxx.
Stanley, Robert L., xxx-xx-xxxx.
Stein, Albert E., xxx-xx-xxxx.
Stevenson, Davis, xxx-xx-xxxx.
Stitz, James R., xxx-xx-xxxx.
Stout, Robert C. Jr., xxx-xx-xxxx.
Strong, Stephen C., xxx-xx-xxxx.
Sullivan, Daniel F., xxx-xx-xxxx.
Swenson, Robert B., xxx-xx-xxxx.
Thompson, Robert D., xxx-xx-xxxx.
Van Meter, Delmar B., xxx-xx-xxxx.
Vernon, Raymond T., xxx-xx-xxxx.
Verrone, Joseph J., xxx-xx-xxxx.
Vore, Robert S., xxx-xx-xxxx.
Wacks, Donald D., xxx-xx-xxxx.
Walker, Richard D., xxx-xx-xxxx.
Webster, Richard J., xxx-xx-xxxx.
Wendorf, Melvin J., xxx-xx-xxxx.
Wheless, James H., xxx-xx-xxxx.
Whetsel, Homer R., xxx-xx-xxxx.
Wilkie, Dennis A., xxx-xx-xxxx.
Williams, Robert M., xxx-xx-xxxx.
Word, Arthur B., xxx-xx-xxxx.
Young, Robert A., xxx-xx-xxxx.
Zerbe, Stanley V., xxx-xx-xxxx.

WOMEN'S ARMY CORPS

To be lieutenant colonel

Miller, Deloris M., xxx-xx-xxxx.

ARMY NURSE CORPS

To be lieutenant colonel

Benton, Ida M., xxx-xx-xxxx.
Brennan, Lauretta M., xxx-xx-xxxx.
Brigley, C. M., xxx-xx-xxxx.
Caswell, Ardis M., xxx-xx-xxxx.
Catalano, Joanne M., xxx-xx-xxxx.
Chin, Lily J., xxx-xx-xxxx.
Coggin, Laura J., xxx-xx-xxxx.
Fitzpatrick, M. I., xxx-xx-xxxx.
Gillespie, Joyce E., xxx-xx-xxxx.
Glimore, Bertie M., xxx-xx-xxxx.
Hanosn, Alma M., xxx-xx-xxxx.
Hickman, Joan J., xxx-xx-xxxx.
Huggins, Mary B., xxx-xx-xxxx.
Jackson, Nancy A., xxx-xx-xxxx.
Jackson, Nina K., xxx-xx-xxxx.
Jones, Janet L., xxx-xx-xxxx.
Jones, Olga M. B., xxx-xx-xxxx.
Kaiser, Russell, xxx-xx-xxxx.
Lashomb, Mary C., xxx-xx-xxxx.
Latham, Gladys S., xxx-xx-xxxx.
Lunde, Ruth M., xxx-xx-xxxx.
Marsino, Edward J., xxx-xx-xxxx.
McComb, Mary S., xxx-xx-xxxx.
Melvin, Doris O., xxx-xx-xxxx.
Metz, Martha L., xxx-xx-xxxx.
O'Dell, Shirley J., xxx-xx-xxxx.
Parsons, Jamet L., xxx-xx-xxxx.
Phillips, Norma E., xxx-xx-xxxx.
Rice, Mary R., xxx-xx-xxxx.
Robertson, Thelma K., xxx-xx-xxxx.
Rowe, Betty J., xxx-xx-xxxx.
Sosnicki, Marie T., xxx-xx-xxxx.
Tanizawa, Milton T., xxx-xx-xxxx.
Tinney, Margaret B., xxx-xx-xxxx.
Tollefsrud, V. E., xxx-xx-xxxx.
Watson, Jean K., xxx-xx-xxxx.
Watson, Randall J., xxx-xx-xxxx.
Wham, Richard D., xxx-xx-xxxx.

DENTAL CORPS

To be lieutenant colonel

Blanch, Garth M., xxx-xx-xxxx.
Bolinger, G. F. Jr., xxx-xx-xxxx.
Davidson, Anthony C., xxx-xx-xxxx.
Flohr, Victor R., xxx-xx-xxxx.
Goldsby, Joel W., III., xxx-xx-xxxx.
Hall, William P., xxx-xx-xxxx.
Herrold, Jon A., xxx-xx-xxxx.
Jones, Melvin T., xxx-xx-xxxx.
Ledwich, Edward M., xxx-xx-xxxx.
Lee, Chester W., xxx-xx-xxxx.
McClanahan, R. L., xxx-xx-xxxx.
Purdy, Edmund C., xxx-xx-xxxx.
Robison, Ray E., xxx-xx-xxxx.
Rushford, C. B., Jr., xxx-xx-xxxx.
Schooler, Charles C., xxx-xx-xxxx.
Tucker, Kenneth M., xxx-xx-xxxx.
Van Wart, William H., xxx-xx-xxxx.
Yearwood, Lionel L., xxx-xx-xxxx.

MEDICAL CORPS

To be lieutenant colonel

Anderson, Paul W., xxx-xx-xxxx.
Day, Floyd D., xxx-xx-xxxx.
Evans, Carvel H., xxx-xx-xxxx.
Herron, Paul W., xxx-xx-xxxx.
Janas, John J., Jr., xxx-xx-xxxx.
Lehman, David P., xxx-xx-xxxx.
Littman, John E., xxx-xx-xxxx.
Marsh, Frank G., xxx-xx-xxxx.
Sternhagen, C. J., xxx-xx-xxxx.

MEDICAL SERVICE CORPS

To be lieutenant colonel

Ackerman, Edlouis H., xxx-xx-xxxx.
Appelhanz, Isadore, xxx-xx-xxxx.
Bailey, Glenn E., xxx-xx-xxxx.
Bakke, Arnold E., xxx-xx-xxxx.
Battaglia, John, xxx-xx-xxxx.
Berman Millard L., xxx-xx-xxxx.
Bertke, Eldridge M., xxx-xx-xxxx.

Billeaudeaux, Huber, [redacted]
Bordelon, Tyrus A., [redacted]
Burns, Edward J., [redacted]
Carroll, Donald C., [redacted]
Carroll, Oscar L., [redacted]
Coleman, Gordon C., [redacted]
Curtiss, Vernon T., [redacted]
Davenport, Stanley, [redacted]
Deyo, Richard B., [redacted]
Dominguez, Robert, [redacted]
Estep, Ralph D., [redacted]
Farrier, Maurice H., [redacted]
Fletcher, Ronald D., [redacted]
Fodero, Severio D., [redacted]
Fransen, F. C., [redacted]
Frees, Donald E., [redacted]
Gijon-Robles, Rafae, [redacted]
Gill, Harry E., [redacted]
Glosser, Earl A., [redacted]
Hamilton, James E., [redacted]
Hanrahan, Martin L., [redacted]
Hernandez, Donald J., [redacted]
Highland, Henry A., [redacted]
Hill, Edwin B., [redacted]
Horn, Richard R., [redacted]
Horton, Jack V., [redacted]
Kavanagh, John P., [redacted]
Keller, Edward R., [redacted]
Kenney, Edward M., [redacted]
Kramer, Sherman F., [redacted]
Luce, Richard C., [redacted]
McGinnis, Thomas L., [redacted]
Meier, Gene B., [redacted]
Mevigis, Harry J., [redacted]
Meyers, Louis V., [redacted]
Mills, Robert D., [redacted]
Nowak, Maryan L., [redacted]
Opengart, Arnold, [redacted]
Pappas, Louis P., [redacted]
Pennington, J. A., Jr., [redacted]
Price, Irving S., [redacted]
Prouty, Richard W., [redacted]
Renfro, Robert F, [redacted]
Rosenthal, Nathan R., [redacted]
Ross, Clifford C., Jr., [redacted]
Rubin, Seldon L., [redacted]
Sica, Joseph V., [redacted]
Stadler, Louis E., [redacted]
Stillings, R. W., [redacted]
Tofal, Karl J., [redacted]
Tracey, Donald J., [redacted]
Yoshimori, James S., [redacted]
Zallen, Harold, [redacted]

ARMY MEDICAL SPECIALIST CORPS

To be lieutenant colonel

Abbot, William Y., Jr., [redacted]
Abdon, Roy E., Jr., [redacted]
Childs, Theodore F., [redacted]
Maud, Donald L., [redacted]
Redwine, Bette, [redacted]
Robertson, John E., [redacted]
Schippers, Ronald L., [redacted]
Wearne, Richard W., [redacted]

VETERINARY CORPS

To be lieutenant colonel

Conrad, Robert D., [redacted]
Lyons, Richard D., [redacted]
Mock, James F., [redacted]
Shimp, Frank H., [redacted]

The following-named Army National Guard officers for promotion in the Reserve of the Army of the United States, under the provisions of title 10, U.S.C., sections 3370 and 3390:

ARMY PROMOTION LIST

To be colonel

Barfnecht, James F., [redacted]
Bishop, Virgil M., [redacted]
Blackwell, Guy W., [redacted]
Booth, Raymond M., [redacted]
Byington, Glenn L., [redacted]
Card, Kenneth B., [redacted]
Cundiff, Robert W., [redacted]
Dukes, Byron L., [redacted]
Fulford, Ed T., [redacted]
Hawkins, Warren G., [redacted]
Injasoulian, George P., [redacted]
James, Lavaun M., [redacted]
Johnson, John L., Jr., [redacted]
Jones, James H., [redacted]
Lebel, Joseph F., [redacted]
McBride, James F., [redacted]
Monson, Thomas E., [redacted]
Morris, Marion H., [redacted]
Myers, James M. Jr., [redacted]
Rapp, Edgar F. Jr., [redacted]
Roberts, James L., [redacted]
Robertson, Cohen E., [redacted]
Sajevic, Peter J., [redacted]
Samuels, Karl M., [redacted]
Wade, Martin P., [redacted]
Westlake, Edward W., [redacted]

MEDICAL CORPS

To be colonel

Mashburn, James D., [redacted]

The following-named Army National Guard officers for promotion in the Reserve of the Army of the United States, under the provisions of title 10, U.S.C., section 3366, 3367, and 3390:

ARMY PROMOTION LIST

To be lieutenant colonel

Alford, James B., [redacted]
Andersh, LaVerne, [redacted]
Backel, Stanley [redacted]
Bailey, James G., [redacted]
Ballard, Theorode R., [redacted]
Ballington, Lewis C., [redacted]
Barry, James, [redacted]
Bartsch, Joseph F., [redacted]
Beccia, Louis A., [redacted]
Bennett, Wilmer L., Jr., [redacted]
Bittick, John N., [redacted]
Bivens, James J., Jr., [redacted]
Bonnet, Harry M., [redacted]
Bourgeois, Charles A., Jr., [redacted]
Bowman, Ronald, [redacted]
Briscoe, Carl E., [redacted]
Brousse, Valsin L., III, [redacted]
Bullard, Dan, III, [redacted]
Carranza, Jesus, Jr., [redacted]
Chonko, Andrew J., [redacted]
Chun, Wah S., [redacted]
Compton, Henry A., [redacted]
Conzonire, Pascal P., [redacted]
Cordero, Cesar N., [redacted]
Crain, Harold A., [redacted]
Cugno, Arthur F., [redacted]
Culkin, John, Jr., [redacted]
Cusick, Alfred A., [redacted]
Daguio, Rosario N., [redacted]
Dansby, Billy D., [redacted]
Deller, Austin F., [redacted]
Eriksen, Donald P., [redacted]
Fisher, John S., III, [redacted]
Flick, Ople F., [redacted]
Frandsen, Melvin V., [redacted]
Fryslie, Harold A., [redacted]
Godwin, Billy R., [redacted]
Grace, Leonard C., [redacted]
Green, Donald R., [redacted]
Headley, Boyd G., Jr., [redacted]
Humphrey, Melvin G., [redacted]
Hurley, Joseph P., [redacted]
Hyams, Harry T., III, [redacted]
Jackson, William A., [redacted]
Jantz, August C., [redacted]
Johnson, Van, [redacted]
Jones, Donald L., [redacted]
Karrh, Tobe C., [redacted]
Kennedy, George F., [redacted]
Killian, Charles W., [redacted]
Kotch, Joseph R., [redacted]
Kreegar, William E., [redacted]
Kubena, Robert A., [redacted]
La Combe, Arlen E., [redacted]
Lamar, Lee Y., [redacted]
Larson, Harold L., [redacted]
Lathram, John R., Jr., [redacted]
Le Doux, William J., [redacted]
Lehmann, Robert W., [redacted]
Machina, Francis A., [redacted]
Marholz, Duane J., [redacted]
Martin, Clyde A., Jr., [redacted]
Mason, Charles F., [redacted]
Maverick, Joseph L., [redacted]
May, Jack R., [redacted]
McGlaughlin, Charles C., [redacted]
McMullan, John J., [redacted]
McPherson, Hubert L., [redacted]
Meilstrup, Jack M., [redacted]
Melendez-Perez, Wilfredo, [redacted]
Minor, John T. III, [redacted]
Morrer, John M., [redacted]
Moss, Richard A., [redacted]
Myers, Oliver W., [redacted]
Norman, Harold E., [redacted]
Peace, John C., [redacted]
Pecka, Walter, [redacted]
Phillips, William R., [redacted]
Prouty, William F., [redacted]
Ritchey, Benjamin E., [redacted]
Robinette, Joe A., [redacted]
Rosselle, William P., [redacted]
Ruhl, Joseph C., [redacted]
Shaw, Rollin R., [redacted]
Shuler, Ashton A., Jr., [redacted]
Smith, Duane R., [redacted]
Stemple, Virgil A., [redacted]
Stepens, Edward C., [redacted]
Taylor, Harold N., [redacted]
Thomason, Dempsey L., [redacted]
Tosi, Peter D., Jr., [redacted]
Townsend, Percy N., [redacted]
Trout, Jack, [redacted]
Vath, Alvin R., [redacted]
Walker, Johnny R., [redacted]
Walton, Bruce R., [redacted]
Watson, William R., [redacted]
Williams, Robert O., [redacted]
Yonker, John A., [redacted]

CHAPLAIN

To be lieutenant colonel

Lennon, Robert T., [redacted]
Perry, Frank C., [redacted]
Russell, Paul E., [redacted]

ARMY NURSE CORPS

To be lieutenant colonel

Davis, Louis W., [redacted]
Flebbe, Esther R., [redacted]
McEllistrim, Irene H., [redacted]
Walker, Beverly H., [redacted]

DENTAL CORPS

To be lieutenant colonel

Crockett, Herbert A., [redacted]
Montgomery, Charles J., [redacted]

MEDICAL CORPS

To be lieutenant colonel

Callis, James T., [redacted]
Chosy, Louis W., [redacted]
Moorefield, Charles, [redacted]

MEDICAL SERVICE CORPS

To be lieutenant colonel

Anderson, John W. III, [redacted]
Blomquist, Calvin B., [redacted]
Campbell, Joseph G., [redacted]
Flaherty, William G., [redacted]
Gordon, Stephen M., [redacted]
Gregory, Richard J., [redacted]
Guerriero, Francis L., [redacted]
Holzwarth, Frederic, [redacted]
Jensen, James R., [redacted]
Marasek, Harry J., [redacted]
McCarthy, Gerard A., [redacted]
Newman, Harrell G., [redacted]
Southerland, Clercy, [redacted]

The following-named officer for appointment in the Reserve of the Army of the United States, under the provisions of title 10, U.S.C., sections 591, 593, and 594:

MEDICAL CORPS

To be lieutenant colonel

Littleton, Leonidas R. Jr., [redacted]

IN THE NAVY

The following-named Reserve officers of the U.S. Navy for temporary promotion to the grade of captain in the staff corps, as indicated, subject to qualification therefor as provided by law:

MEDICAL CORPS

Alexander, Angelo C.
Austin, James A.
Bartlett, Richard J.
Beary, Franklin D.
Edmondson, Henry T., Jr.
Emory, Emerson
Gould, John C.

Haschka, August J., Jr.
Helsper, James T.
Keith, Robert E.
Love, Robert W., Jr.
Lyman, Frank L.
Mann, Morris B.
Matson, James E.
Mertz, George H.
Miller, Joseph H.
Mitchell, Robert E., Jr.
Owen, John A., Jr.
Pernokas, Louis N.
Rizack, Martin A.
Sandler, Harold
Shilling, Charles U.
Shugoll, Gerald I.
Solgaard, Albert L.
Summitt, Robert L.
Toll, Giles D.
Vanlith, Paul
Wallach, Stanley
Woeliner, Richard C.
Woodson, Riley D.
Wright, Harry T., Jr.

SUPPLY CORPS

Adams, Billy J.
Alexion, John C.
Allston, Frank J., Jr.
Armstrong, Clifford M.
Balint, William S., Jr.
Becker, William C.
Bellan, John A., Jr.
Bresee, Miles H., Jr.
Burris, Thomas E.
Cannan, Harry E.
Cross, Harry J.
Curriden, Charles D.
Fox, Cecil C.
Hankins, Paul W.
Hawkins, Frederick C., Jr.
Howard, Lowell B.
Jackson, Alexander, III
Kane, John B.
Kuhn, George W.
Lazo, Leo M.
Musselman, James J.
Roemer, Ernest A., Jr.
Roettger, Norman C., Jr.
Simpson, Robert D.
Stierer, Richard T.
Vidger, Leonard P.
Wallin, William R.
Whitacre, Robert G.

CHAPLAIN CORPS

Albers, Arthur L.
Kokoszka, William J.
Lyons, Pitser M., Jr.
McManus, Harold L.
Opsal, Bernt C.
Payne, Jack S.
Schultz, Melvin R.
Siegel, Reuben
Smith, Louis C.

CIVIL ENGINEER CORPS

Akel, Majed A.
Blackmon, Warren R.
Bobkoff, Kenneth B.
Brown, Peter R.
Cassidy, Earle M.
Dunlap, Roy L.
Hernandez, John W., Jr.
Kirtland, John A.
Parker, John V.
Stetson, John B.
Torgersen, Torwald H.

JUDGE ADVOCATE GENERAL'S CORPS

Bowling, John M.
Dempsey, Thomas J
Jacobsen, Douglas A.
Ledbetter, Jack W.
McGovern, Walter T.
Bradshaw, Donald R.
Gaudio, John J.
Landry, Robert W.
Looby, John A., Jr.

DENTAL CORPS

Camp, Sumter D. L.
Cook, David N.
Dietrich, John E.
Gentile, Joseph R.
Miller, Francis E.
Nauman, Clarence O.
Richardson, Emmett W., Jr.
Terpinas, Thomas M.
Vaughn, William J. H.
Cerine, Ferdinand C.
Dages, Robert W.
Donohoo, Stanley F.
Hayden, Jess, Jr.
Moore, Bobby C.
Perrodin, John A.
Seigel, Sigmund L.
Tribbey, Emery G.

MEDICAL SERVICE CORPS

McGuire, Frederick L.
Young, Paul R.

NURSE CORPS

Carmody, Cathleen E.

The following-named Reserve officers of the U.S. Navy for temporary promotion to the grade of commander in the staff corps, as indicated, subject to qualification therefor as provided by law:

MEDICAL CORPS

Carpenter, Howard F., Jr.
Cronau, Leslie H., Jr.
Dukes, William E.
Guiliemont, John G.
Hammer, Richard W.
King, Phillip E.
Sawyer, Norman M.
Skelly, John P.
Titus, Bruce M.
Weinstein, Sheridan, L.
Connor, Lawrence S.
Ross, Henry I.
Freeman, William T.
Hagan, Donald J.
Herwig, Karl R.
Lieberman, Allan D.
Schmid, William H.
Subin, David K.
Wanger, William H.

SUPPLY CORPS

Adams, Richard G.
Battelle, Richard L.
Blackford, James D.
Blackwelder, John N.
Bonnell, Lawrence D.
Bost, William P.
Bowne, Charles J., Jr.
Bridge, Robert L.
Brown, Thomas G.
Campbell, Carroll J.
Campbell, George E.
Chakeres, James G.
Chastain, Joseph H.
Graeff, Paul A.
Haggard, Howard F.
Hallett, John J.
Hummel, John H.
Jebbia, Joseph D., Jr.
Johnson, Richard A.
Laymon, Kenneth L.
Mahoney, Neil P.
Manelski, Joseph A.
Mathews, Robert L.
McAdoo, Kenneth E.
McKeehan, Robert D.
McKnight, Richard F.
McMillian, John W.
Meyer, Jack A.
Nelson, William H.
Norton, Burnett W.
Onan, Thomas M.
Palmer, John D.
Penn, Frederick M.
Robinson, Ronald D.
Shaw, Harold M., Jr.
Slifer, Charles A., Jr.
Soens, Robert P.
Soulant, Kenneth A.
Spitler, Guy D., Jr.
Sutherland, Peter J.
Taylor, Norman H.
Urban, Robert
Warren, David G.
Wendie, Dean R.
Wyant, Frederick E.

CHAPLAIN CORPS

Adams, Edgar G.
Allen, Donald R., Jr.
Anderson, Sherwood W.
Bigler, Robert L.
Cook, Bobby W.
Edward, Ted E.
Glaser, William C.
Green, John R.
Hampton, William R.
Hanson, John R.
Heine, William H.
Hill, James D.
Houser, Harry A.
Jessen, Arne K.
Jones, James B., Jr.
Jones, Robert E.
Mathison, Milo A.
Miller, Walter J.
Palma, Anthony D.
Thomas, Davis A.
Thompson, Alfred C.
Tyer, Charles L.
Witcher, Robert C.

CIVIL ENGINEER CORPS

Almy, Thomas B.
Baldwin, Leonard B., Jr.
Bibbes, Peter G.
Billistone, Donald L.
Field, Richard H.
Gallaugher, James R.
Gomez, Rodrigo J.
Harwell, Thomas W.
Higgs, Gerry E.
Holland, Donald K.
Jardine, Douglas M.
Kohler, Arthur D., Jr.
Mattox, Thomas B.
Meylan, Charles L.
Miele, Joel A.
Purdum, Robert L.
Rosser, Paul C.
Seigel, Leonard M.
Stumpf, Edmund P.
Weisgerber, George R.
York, Ronald F.

JUDGE ADVOCATE GENERAL'S CORPS

Brinson, Zeb C.
Chilton, Ralph H.
Clay, Lyell B.
Dowling, Donald H.
Edington, Robert S.
Fauss, Edward, Jr.
McShane, John L.
Murphy, Joseph P.
Murray, Charles F.
Parker, Carl A.
Place, James S.
Stutz, Sidney A.
Watson, William H.
Weeby, Edward H.
West, James B.
Wood, Thomas D.

DENTAL CORPS

Bosko, John J.
Brown, Richard G.
Damiano, Maurice A.
Flynn, Dennis D.
Geller, Jacob
Gross, Robert D.
Hardison, Samuel H.
Laczynski, Stanley J.
Leblanc, Patrick H.
Leichtfuss, Frederick H.
Leonard, Lloyd F.
Martin, Paul W., Jr.
Petraitis, Benedict J.
Reeves, George W.
Render, Thomas P.
Schwartz, Stanley M.
Teynor, Ralph J.
Vitale, Joseph S.
Westergren, Richard C.

MEDICAL SERVICE CORPS

Boyle, Robert E.
Hackley, Robert H.
Jones, Bradford R.
Landers, Judson W., Jr.

NURSE CORPS

Monroe, Mary J. E.
Taylor, Patricia L.

The following-name women Reserve Officers for permanent promotion to the grade of captain in the Supply Corps of the Navy, subject to qualification therefor as provided by law:

Batchelder, Norma M.
Joslyn, Doris E.
Whitfield, Ruth O.

The following-named officers for promotion in the Regular Air Force, under the appropriate provisions of chapter 835, title 10, United States Code, as amended. All officers are subject to physical examination required by law.

LINE OF THE AIR FORCE

Major to lieutenant colonel

Aaronson, Alvin D., [redacted]
Ablett, Kenneth L., [redacted]
Abreu, Ralph C., [redacted]
Acker, Lewis F., Jr., [redacted]
Acker, William P., [redacted]
Adamo, Joseph, [redacted]
Adams, Charles E., [redacted]
Adams, Christopher S., Jr., [redacted]
Adams, Reginald W., Jr., [redacted]
Adams, William R., [redacted]
Addy, Gordon W., [redacted]
Adnet, Jacques J. P., [redacted]
Agre, Oscar W., Jr., [redacted]
Aharonian, Aharon, [redacted]
Aikman, James H., [redacted]
Akers, George S., [redacted]
Albright, John R., [redacted]
Albritton, Britt L., Jr., [redacted]
Albritton, James P., [redacted]
Alcorn, Troy G., [redacted]
Alderson, John L., [redacted]
Aldrich, Theodore B., [redacted]
Aldridge, Billie G., [redacted]
Alexander, Robert M., [redacted]
Alexander, Robert W., [redacted]
Alford, Uriel B., Jr., [redacted]
Allen, Bart D., [redacted]
Allen, John H., [redacted]
Allen, Robert K., [redacted]
Allgood, Douglas W., [redacted]
Allison, James M., [redacted]
Allred, Perry L., Jr., [redacted]
Altman, William M., [redacted]
Amodt, Paul W., [redacted]
Amundson, Floyd A., [redacted]
Anderson, Arden A., [redacted]
Anderson, Donald T., [redacted]
Anderson, George B., [redacted]
Anderson, James S., [redacted]
Anderson, Melvin H., Jr., [redacted]
Anderson, Raymond D., [redacted]
Anderson, Raymond E., [redacted]
Anderson, Robert L., [redacted]
Anderson, Robert D., [redacted]
Anderson, Russell J., [redacted]
Anderton, Frank R., Jr., [redacted]
Andrews, Robert W., [redacted]
Andrews, Stuart M., [redacted]
Ardisana, Bernard, [redacted]
Ashe, Mary E., XXXX
Atherton, Thomas L., [redacted]
Atkinson, Harold C., [redacted]
Atkinson, Richard L., [redacted]
Atwell, Alfred L., [redacted]
Augsburger, John C., Jr., [redacted]
Austin, Joseph C., [redacted]
Axtell, Robert C., [redacted]
Babcock, William J., [redacted]
Bac, John A., [redacted]
Badenhop, John C., [redacted]
Baggett, William D., [redacted]
Bailey, Benjamin H., Jr., [redacted]
Bailey, Hugh D., Jr., [redacted]
Baily, Carl G., [redacted]
Baines, Carl G., [redacted]
Baines, James R., [redacted]
Baker, Merton W., [redacted]
Baker, Morley W., Jr., [redacted]
Bakken, Robert W., [redacted]
Balcer, Raymond L., [redacted]
Baldner, John L., [redacted]
Ball, Duwayne E., [redacted]
Banaszak, Merle E., [redacted]
Bandow, Donald E., [redacted]

Barber, Richard W., xxx-xx-xxxx.
Barbour, Ralph E., xxx-xx-xxxx.
Barlow, Merrill, xxx-xx-xxxx.
Barner, Almer L., Jr., xxx-xx-xxxx.
Barnes, Fred D., xxx-xx-xxxx.
Barnes, Jere L., xxx-xx-xxxx.
Barnett, Earl S., III, xxx-xx-xxxx.
Barnhill, Robert J., xxx-xx-xxxx.
Barr, James L., xxx-xx-xxxx.
Barry, Robert P., xxx-xx-xxxx.
Bartlett, Jack R., xxx-xx-xxxx.
Barton, Donald W., xxx-xx-xxxx.
Bastedo, William G., xxx-xx-xxxx.
Bauer, William J., xxx-xx-xxxx.
Bauman, Wendall C., xxx-xx-xxxx.
Baumann, John F., xxx-xx-xxxx.
Baumwell, Karl R., xxx-xx-xxxx.
Bearden, Jimmy L., xxx-xx-xxxx.
Beaudoin, David K., xxx-xx-xxxx.
Beaver, Charles R., xxx-xx-xxxx.
Beavers, Shirley D., xxx-xx-xxxx.
Becker, Richard B., xxx-xx-xxxx.
Beigbeder, Frank R., xxx-xx-xxxx.
Belknap, Frederick D., xxx-xx-xxxx.
Bell, J. Fredric, xxx-xx-xxxx.
Bell, William, xxx-xx-xxxx.
Bena, Ronald A., xxx-xx-xxxx.
Benjamin, George D., xxx-xx-xxxx.
Benvenuti, John R. D., xxx-xx-xxxx.
Benz, Robert A., xxx-xx-xxxx.
Benziger, Alfred S., xxx-xx-xxxx.
Berg, Raymond A., xxx-xx-xxxx.
Berkman, William W., xxx-xx-xxxx.
Berlette, John A., xxx-xx-xxxx.
Bernier, Francis W., xxx-xx-xxxx.
Berns, Robert J., xxx-xx-xxxx.
Berry, William C., xxx-xx-xxxx.
Bertram, George O., xxx-xx-xxxx.
Beveridge, George G., xxx-xx-xxxx.
Beverly, Boyce D., xxx-xx-xxxx.
Beverly, Chester A., Jr., xxx-xx-xxxx.
Biasi, Charles C., xxx-xx-xxxx.
Bibo, John J., xxx-xx-xxxx.
Bierman, Donald J., xxx-xx-xxxx.
Bigoness, Ronald A., xxx-xx-xxxx.
Binder, Ralph V., xxx-xx-xxxx.
Bingham, William P., xxx-xx-xxxx.
Biondo, Samuel A., xxx-xx-xxxx.
Bird, Ronald A., xxx-xx-xxxx.
Birge, Thomas W. C., xxx-xx-xxxx.
Blackman, Lawrence H., xxx-xx-xxxx.
Blais, David E., xxx-xx-xxxx.
Blakey, James T., xxx-xx-xxxx.
Blanchard, Dale H., xxx-xx-xxxx.
Blankenship, James R., xxx-xx-xxxx.
Blankfield, William ., Jr., xxx-xx-xxxx.
Blann, Dale L., xxx-xx-xxxx.
Blanton, Charles C., xxx-xx-xxxx.
Blomgren, Jack P., xxx-xx-xxxx.
Bloom, Richard E., xxx-xx-xxxx.
Boaz, Rodney E., xxx-xx-xxxx.
Boaz, Wilson J., xxx-xx-xxxx.
Bodkin, Joe E., xxx-xx-xxxx.
Boettcher, Hulbert L., xxx-xx-xxxx.
Bollinger, William H., xxx-xx-xxxx.
Bond, Robert M., XXXX
Boone, Daniel,
Borchik, Albert S., Jr., xxx-xx-xxxx.
Borland, Robert L., xxx-xx-xxxx.
Bortle, Donald E., xxx-xx-xxxx.
Bosler, Robert J., xxx-xx-xxxx.
Boswell, Samuel E., xxx-xx-xxxx.
Bothwell, Robert S., xxx-xx-xxxx.
Boulineau, Robert M., xxx-xx-xxxx.
Bounds, Jesse C., Jr., xxx-xx-xxxx.
Bowles, Billy F., xxx-xx-xxxx.
Bowles, Lamar D., xxx-xx-xxxx.
Boyd, Warren J., xxx-xx-xxxx.
Boyne, Walter J., xxx-xx-xxxx.
Bradley, Roland G., xxx-xx-xxxx.
Bradshaw, Buddy M., xxx-xx-xxxx.
Bradshaw, Mack L., xxx-xx-xxxx.
Branch, Alva G., xxx-xx-xxxx.
Brandon, Clifford E., xxx-xx-xxxx.
Braue, George C., xxx-xx-xxxx.
Bravenec, Joseph S., Jr., xxx-xx-xxxx.
Breazeale, Malcolm H., xxx-xx-xxxx.
Breckenridge, Lacy W., xxx-xx-xxxx.
Breitling, Patrick J., xxx-xx-xxxx.
Brenner, Douglas D., xxx-xx-xxxx.
Brenner, Edwin W., xxx-xx-xxxx.
Breton, George E., xxx-xx-xxxx.
Brett, Walter R., xxx-xx-xxxx.
Brevig, Berdell P., xxx-xx-xxxx.
Brewer, Richard D., xxx-xx-xxxx.
Brickel, James R., xxx-xx-xxxx.
Brink, Dale W., xxx-xx-xxxx.
Bristol, George S., xxx-xx-xxxx.
Broadwater, Theodore D., xxx-xx-xxxx.
Brockmann, Robert F., xxx-xx-xxxx.
Brolin, James F., xxx-xx-xxxx.
Brooks, Oscar T., Jr., xxx-xx-xxxx.
Brooks, Ralph L., xxx-xx-xxxx.
Brots, Frederick J., xxx-xx-xxxx.
Brown, Bruce K., xxx-xx-xxxx.
Brown, Buddy L., xxx-xx-xxxx.
Brown, Harry L., xxx-xx-xxxx.
Brown, John C., Jr., xxx-xx-xxxx.
Brown, John C., xxx-xx-xxxx.
Brown, Ralph E., xxx-xx-xxxx.
Browning, George M., Jr., xxx-xx-xxxx.
Broz, Alfons L., xxx-xx-xxxx.
Bruenner, William, xxx-xx-xxxx.
Brunzell, Bryan W., xxx-xx-xxxx.
Bryan, Austin R., xxx-xx-xxxx.
Bryan, Ronald E., xxx-xx-xxxx.
Bryant, Lucius G., Jr., xxx-xx-xxxx.
Buchanan, James N., xxx-xx-xxxx.
Budde, Ralph C., xxx-xx-xxxx.
Buehler, Paul W., xxx-xx-xxxx.
Buhrow, Robert E., xxx-xx-xxxx.
Bulger, Joseph A., Jr., xxx-xx-xxxx.
Bullard, Nathaniel G., xxx-xx-xxxx.
Bullers, Joseph W., Jr., xxx-xx-xxxx.
Bullock, Robert M., Jr., xxx-xx-xxxx.
Burch, Robert M., xxx-xx-xxxx.
Burdan, John W., Jr., xxx-xx-xxxx.
Burdette, Franklin D., xxx-xx-xxxx.
Burkard, Richard K., xxx-xx-xxxx.
Burke, Kelly H., Jr., xxx-xx-xxxx.
Burkholder, William R., xxx-xx-xxxx.
Burkland, John S., xxx-xx-xxxx.
Burney, George D., xxx-xx-xxxx.
Burns, Dale L., xxx-xx-xxxx.
Burns, Donald R., xxx-xx-xxxx.
Burns, Joe H., xxx-xx-xxxx.
Burns, Roland J., xxx-xx-xxxx.
Burroughs, Lorenzo W., xxx-xx-xxxx.
Burrows, Keith M., xxx-xx-xxxx.
Burrus, Edward P., Jr., xxx-xx-xxxx.
Bustin, Richard J., xxx-xx-xxxx.
Butler, Clinton C., xxx-xx-xxxx.
Butler, Robert A., xxx-xx-xxxx.
Buttelmann, Henry, xxx-xx-xxxx.
Buzan, Robert E., xxx-xx-xxxx.
Byrd, Lee B., xxx-xx-xxxx.
Byrne, Ronald E., Jr., xxx-xx-xxxx.
Cadou, John E., xxx-xx-xxxx.
Caldwell, Walter F., xxx-xx-xxxx.
Cale, Charles T., xxx-xx-xxxx.
Calhoun, Caryl W., xxx-xx-xxxx.
Calhoun, John W., xxx-xx-xxxx.
Callaway, Arthur W., xxx-xx-xxxx.
Calloway, Vern D., Jr., xxx-xx-xxxx.
Calvert, Wallis R., xxx-xx-xxxx.
Cameron, Lyle W., xxx-xx-xxxx.
Cameron, Theodore D., xxx-xx-xxxx.
Campbell, Louis D., xxx-xx-xxxx.
Campbell, Richard H., xxx-xx-xxxx.
Campbell, William E., xxx-xx-xxxx.
Campello, Robert, Jr., xxx-xx-xxxx.
Campfield, William, Jr., xxx-xx-xxxx.
Cantrell, Wayne E., xxx-xx-xxxx.
Carey, Gerald J., Jr., xxx-xx-xxxx.
Carey, Robert L., xxx-xx-xxxx.
Carley, Curtis N., xxx-xx-xxxx.
Carlone, Robert A., xxx-xx-xxxx.
Carlson, Eric W., xxx-xx-xxxx.
Carmichael, Douglas W., xxx-xx-xxxx.
Carmichael, John C., xxx-xx-xxxx.
Carpenter, Gordon L., xxx-xx-xxxx.
Carpenter, James O., xxx-xx-xxxx.
Carpenter, John A., xxx-xx-xxxx.
Carr, George L., xxx-xx-xxxx.
Carr, James L., xxx-xx-xxxx.
Carson, John C. III, xxx-xx-xxxx.
Carter, Joel K., Jr., xxx-xx-xxxx.
Carter, Paul D., xxx-xx-xxxx.
Carter, Robert A., xxx-xx-xxxx.
Casbeer, Arthur M., xxx-xx-xxxx.
Case, Robert O., xxx-xx-xxxx.
Case, Ted K., xxx-xx-xxxx.
Cash, James H., xxx-xx-xxxx.
Casity, Archie, xxx-xx-xxxx.
Casmus, Mark A., xxx-xx-xxxx.
Castaldo, Thomas H., xxx-xx-xxxx.
Castleman, Floyd D., xxx-xx-xxxx.
Caviness, Kenneth L., xxx-xx-xxxx.
Cawley, Terance E., xxx-xx-xxxx.
Chaffee, Leon H., xxx-xx-xxxx.
Chamberlain, Robert M., xxx-xx-xxxx.
Chamberlin, Alton E., xxx-xx-xxxx.
Chapman, Kenneth L., xxx-xx-xxxx.
Chapman, Vinna B., xxx-xx-xxxx.
Chavis, Wilton R., xxx-xx-xxxx.
Cheatham, Daniel W., Jr., xxx-xx-xxxx.
Cherry, Fred V., xxx-xx-xxxx.
Chervenak, John P., xxx-xx-xxxx.
Ching, Herbert H. Q., xxx-xx-xxxx.
Ching, Kim W., xxx-xx-xxxx.
Chisum, Silver C., xxx-xx-xxxx.
Christensen, Dale C., xxx-xx-xxxx.
Christian, Joseph S., xxx-xx-xxxx.
Christians, Dale K., xxx-xx-xxxx.
Christofferson, Richard J., xxx-xx-xxxx.
Churchill, Louis L., xxx-xx-xxxx.
Cillo, Anthony R., xxx-xx-xxxx.
Cirrito, Joseph F., xxx-xx-xxxx.
Clark, Billy V., xxx-xx-xxxx.
Clark, Darrel A., xxx-xx-xxxx.
Clark, Norman J., xxx-xx-xxxx.
Clausen, George G., xxx-xx-xxxx.
Clay, Ted N., xxx-xx-xxxx.
Clement, William J., xxx-xx-xxxx.
Cling, Dean E., xxx-xx-xxxx.
Clothier, Norman F., xxx-xx-xxxx.
Clouser, Robert E., xxx-xx-xxxx.
Cloutier, Louis J., xxx-xx-xxxx.
Clutter, William L., xxx-xx-xxxx.
Cubb, Truman E., xxx-xx-xxxx.
Coburn, Harry L., xxx-xx-xxxx.
Cochran, Gomer W., xxx-xx-xxxx.
Cochran, John R., xxx-xx-xxxx.
Coffin, Grange S., Jr., xxx-xx-xxxx.
Coffman, Carl K., xxx-xx-xxxx.
Cole, Ardis M., xxx-xx-xxxx.
Coleman, Paul R., xxx-xx-xxxx.
Coleman, William M., xxx-xx-xxxx.
Collins, Kenneth S., xxx-xx-xxxx.
Collins, Ralph W., xxx-xx-xxxx.
Collins, Richard D., xxx-xx-xxxx.
Collins, Richard O., xxx-xx-xxxx.
Comeau, Paul T., xxx-xx-xxxx.
Compton, Harold C., xxx-xx-xxxx.
Comstock, Thomas W. III, xxx-xx-xxxx.
Comte, Carlton P., xxx-xx-xxxx.
Conner, Doral G., xxx-xx-xxxx.
Conover, John C., xxx-xx-xxxx.
Conway, Julius, Jr., xxx-xx-xxxx.
Cook, Douglas J., xxx-xx-xxxx.
Cook, Jack A., xxx-xx-xxxx.
Cook, Jack W., xxx-xx-xxxx.
Cook, James B., xxx-xx-xxxx.
Cook, Jetty B., xxx-xx-xxxx.
Cook, Oliver J., Jr., xxx-xx-xxxx.
Cook, Peyton E., xxx-xx-xxxx.
Cooke, Robert G., xxx-xx-xxxx.
Coon, Richard D., xxx-xx-xxxx.
Cooney, James P., xxx-xx-xxxx.
Cooper, Byrum W., xxx-xx-xxxx.
Cooper, William L., Jr., xxx-xx-xxxx.
Cornell, Bobby D., xxx-xx-xxxx.
Corya, Richard L., xxx-xx-xxxx.
Cosgrove, William R., Jr., xxx-xx-xxxx.
Cosner, Wendell E., xxx-xx-xxxx.
Cotter, Daniel J., xxx-xx-xxxx.
Cottrell, Charles R., Jr., xxx-xx-xxxx.
Cottrell, Paul F., xxx-xx-xxxx.
Couch, Darrell V., xxx-xx-xxxx.
Coverdale, Robert F., xxx-xx-xxxx.
Covington, James D., xxx-xx-xxxx.
Covington, Richard E., xxx-xx-xxxx.
Cragin, John R., xxx-xx-xxxx.
Craig, Samuel C., xxx-xx-xxxx.
Craine, Robert L., xxx-xx-xxxx.
Cramer, William P., xxx-xx-xxxx.
Crandall, Paul H., xxx-xx-xxxx.
Cranshaw, Robert J., Jr., xxx-xx-xxxx.
Creamer, Tyson H., xxx-xx-xxxx.
Creighton, Arthur F., Jr., xxx-xx-xxxx.
Crews, Albert H., Jr., xxx-xx-xxxx.
Crissey, Gene E., xxx-xx-xxxx.

Crites, Alan F., xxx-xx-xxxx.
Crocco, Joseph P., xxx-xx-xxxx.
Crosby, Mary L., xxx-xx-xxxx.
Cross, Carleton G., xxx-xx-xxxx.
Cross, Ernest J., Jr., xxx-xx-xxxx.
Crumbliss, James J., xxx-xx-xxxx.
Cruz, David R., xxx-xx-xxxx.
Culp, James W., xxx-xx-xxxx.
Cummings, Duane R., xxx-xx-xxxx.
Cummings, Edward R., xxx-xx-xxxx.
Cunningham, John E., xxx-xx-xxxx.
Curry, Roylee D., xxx-xx-xxxx.
Cutlip, Harry S., xxx-xx-xxxx.
Dahle, Virgil L., xxx-xx-xxxx.
Dahler, Donald L., xxx-xx-xxxx.
Daigle, Joseph G., xxx-xx-xxxx.
Daily, Paul J., xxx-xx-xxxx.
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Baker, David J., xxx-xx-xxxx.
Baldwin, George A., III, xxx-xx-xxxx.
Beezley, Michael J., xxx-xx-xxxx.
Best, Gordon W., xxx-xx-xxxx.
Calderon, Daniel A., xxx-xx-xxxx.
Carlton, Paul K., Jr., xxx-xx-xxxx.
Clemmensen, Charles E., xxx-xx-xxxx.
Daft, Rodger H., xxx-xx-xxxx.
DeMarco, Frank J., III, xxx-xx-xxxx.
Draper, Richard P., xxx-xx-xxxx.
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Escueta, Franklin T., xxx-xx-xxxx.
Farrell, Paul W., II, xxx-xx-xxxx.
Hallett, John W., Jr., xxx-xx-xxxx.
Hinman, Craig G., xxx-xx-xxxx.
Jaeger, Warren P., xxx-xx-xxxx.
Jones, Edward R., xxx-xx-xxxx.
Karahalis, George G., xxx-xx-xxxx.
Kronberg, Gregory M., xxx-xx-xxxx.
Labash, John D., xxx-xx-xxxx.
Laws, Harry F., II, xxx-xx-xxxx.
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Love, Tommy L., xxx-xx-xxxx.
Lyons, Michael W., xxx-xx-xxxx.
Maraz, Ronald N., xxx-xx-xxxx.
Martin, Michael E., xxx-xx-xxxx.
Mays, Denton L., xxx-xx-xxxx.
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Sanders, Jimmy D., xxx-xx-xxxx.
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BIOMEDICAL SCIENCES CORPS

Brown, Phillip G., xxx-xx-xxxx.
Brown, Ray D., xxx-xx-xxxx.
Burr, John G., xxx-xx-xxxx.
Buth, Jonathan A., xxx-xx-xxxx.
Charpentier, Diane M., xxx-xx-xxxx.
Christensen, William D., xxx-xx-xxxx.
Costello, Richard J., xxx-xx-xxxx.
Craig, Gerald H., xxx-xx-xxxx.
Curry, Charles L., xxx-xx-xxxx.
Greene, John R., Jr., xxx-xx-xxxx.
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Kreig, Richard E., Jr., xxx-xx-xxxx.
Leone, Charles H., xxx-xx-xxxx.
McElwey, David W., xxx-xx-xxxx.
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New, Jerry T., xxx-xx-xxxx.
Palermo, William J., xxx-xx-xxxx.
Ray, William C., xxx-xx-xxxx.
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Schiller, Ronald L., xxx-xx-xxxx.
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The following cadets, U.S. Air Force Academy, for appointment in the Regular Air Force in the grade of second lieutenant, effective upon their graduation, under the provisions of section 8284 and 9353, title 10, United States Code. Date of rank to be determined by the Secretary of the Air Force.

Adamson, Douglas Edward, xxx-xx-xxxx.
Adriance, Gary Russell, xxx-xx-xxxx.
Ahern, Bruce Douglas, xxx-xx-xxxx.
Albin, Timothy Steven, xxx-xx-xxxx.
Alderman, Stephen David, xxx-xx-xxxx.
Allen, Ralph Edward, xxx-xx-xxxx.
Allison, John Edmond, xxx-xx-xxxx.
Amelung, Martin Donald, xxx-xx-xxxx.
Anderson, Eric Alvin, xxx-xx-xxxx.
Anderson, Gregory James, xxx-xx-xxxx.
Anderson, Robert Haralson, Jr., xxx-xx-xxxx.
Anderson, Steven Edward, xxx-xx-xxxx.
Andrews, Keith Pennington, xxx-xx-xxxx.
Archey, Kenneth John, xxx-xx-xxxx.
Arizmendi, Thomas George, xxx-xx-xxxx.
Arnold, Gregory Lang, xxx-xx-xxxx.
Artim, Richard Alleyne, xxx-xx-xxxx.
Asbury, Clinton Jess III, xxx-xx-xxxx.
Ash, George Walter, xxx-xx-xxxx.
Augenstein, Paul Manfred, xxx-xx-xxxx.
Baird, Gary Keith, xxx-xx-xxxx.
Baird, Richard Ralph, xxx-xx-xxxx.
Baker, William Bentley, xxx-xx-xxxx.

Balentine, Howard William, xxx-xx-xxxx.
Bandi, Raymond Louis, xxx-xx-xxxx.
Bangert, Berthold Theodore, xxx-xx-xxxx.
Banks, Robert John, xxx-xx-xxxx.
Barksdale, Barry Wilton, xxx-xx-xxxx.
Barr, James Rockne, xxx-xx-xxxx.
Barr, Richard Edwin, Jr., xxx-xx-xxxx.
Barris, Bernard Charles, xxx-xx-xxxx.
Barry, Craig Lee, xxx-xx-xxxx.
Barry, Stephen James, xxx-xx-xxxx.
Bartol, Thomas John, xxx-xx-xxxx.
Barton, Raymond Oscar III, xxx-xx-xxxx.
Bass, Paul, Jr., xxx-xx-xxxx.
Bays, Kent Jackson, xxx-xx-xxxx.
Beck, William Clifton II, xxx-xx-xxxx.
Bell, Robert Arthur, Jr., xxx-xx-xxxx.
Belliston, David Bruce, xxx-xx-xxxx.
Bench, Terence Riddick, xxx-xx-xxxx.
Benfield, Gerald Ryan, xxx-xx-xxxx.
Bentson, Kirk Douglas, xxx-xx-xxxx.
Bentz, Curtis Lee, xxx-xx-xxxx.
Berendt, Steven Elmore, xxx-xx-xxxx.
Berg, Robert Gunnar, xxx-xx-xxxx.
Berlin, Frank Brett, xxx-xx-xxxx.
Bethards, Daniel Eugene, xxx-xx-xxxx.
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Bishop, Edward Charles, xxx-xx-xxxx.
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Blue, David Vernon, xxx-xx-xxxx.
Bobrowski, Paul Michael, xxx-xx-xxxx.
Bohannon, Frank Bilbrey, xxx-xx-xxxx.
Bolding, William Allen, xxx-xx-xxxx.
Boley, Nicholas Dale, xxx-xx-xxxx.
Bolt, Russell Todd, xxx-xx-xxxx.
Borenstein, Richard Douglas, xxx-xx-xxxx.
Borysewicz, Michael David, xxx-xx-xxxx.
Bowman, David Mark, xxx-xx-xxxx.
Bowman, Gary Dean, xxx-xx-xxxx.
Boyer, Franklin Hiles, Jr., xxx-xx-xxxx.
Brandon, Howard Bruce, xxx-xx-xxxx.
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Brannick, Michael Rex, xxx-xx-xxxx.
Bream, Brian Bruce, xxx-xx-xxxx.
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Brichta, Robert Frank, xxx-xx-xxxx.
Bridges, Donald Edward, xxx-xx-xxxx.
Briggs, Hugh Clark, xxx-xx-xxxx.
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Brown, Charles Duane, xxx-xx-xxxx.
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Carson, Richard Todd, xxx-xx-xxxx.
Carter, Dale Kennedy, xxx-xx-xxxx.
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Chamberlin, Kurt Thorp, xxx-xx-xxxx.
Chambless, William Franklin, xxx-xx-xxxx.
Champa, David Anthony, xxx-xx-xxxx.
Chapman, Robert Marion, Jr., xxx-xx-xxxx.
Chatman, Robert William, xxx-xx-xxxx.
Chayer, Linwood Nelson, xxx-xx-xxxx.
Cheeseman, Daniel Francis, xxx-xx-xxxx.
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Colenda, Frank Brinn, xxx-xx-xxxx.
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Cosby, Mark Richard, xxx-xx-xxxx.
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Duke, John Morgan, xxx-xx-xxxx.
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Dyer, Emerson Lee, Jr., xxx-xx-xxxx.
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Hendrick, Blake Michael, xxx-xx-xxxx.
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Pandolfo, Alexander William, xxx-xx-xxxx
Parker, Allan Canfield, xxx-xx-xxxx
Parker, Alonzo Carlton III, xxx-xx-xxxx
Parker, Hugh Ashton, xxx-xx-xxxx
Parks, Donald Leroy, xxx-xx-xxxx
Parks, Reginald Darnell, xxx-xx-xxxx
Parmentier, Richard Dean, xxx-xx-xxxx
Parmet, Allen Jeffrey, xxx-xx-xxxx
Parsons, Roger Stanley, xxx-xx-xxxx
Pate, John Raabe, xxx-xx-xxxx
Patterson, Wayne Robert, xxx-xx-xxxx
Patty, Kevin Bruce, xxx-xx-xxxx
Payton, Gary Dean, xxx-xx-xxxx
Peak, John Carroll, xxx-xx-xxxx
Peckham, Brian Howard, xxx-xx-xxxx
Pennington, Clarence Richard, xxx-xx-xxxx
Peppers, Donald Alan, xxx-xx-xxxx
Perry, Frederick Sean, xxx-xx-xxxx
Peterson, David Alan, xxx-xx-xxxx
Peterson, James Edward, xxx-xx-xxxx
Peterson, Michael Raymond, xxx-xx-xxxx
Peterson, Stephen Milton, xxx-xx-xxxx
Petkewicz, Robert Joseph, xxx-xx-xxxx
Pflueger, Daniel Wayne, xxx-xx-xxxx
Pitzler, Michael Robert, xxx-xx-xxxx
Plummer, James Watson, xxx-xx-xxxx
Polishak, Michael Francis, xxx-xx-xxxx
Pollard, George Dale, xxx-xx-xxxx
Polve, James Craig, xxx-xx-xxxx
Porter, James Howard, xxx-xx-xxxx
Porter, William Gerald, xxx-xx-xxxx
Powels, James Eric, xxx-xx-xxxx
Prahler, David Scott, xxx-xx-xxxx
Pranke, Keith Bolling, xxx-xx-xxxx
Probst, Kevin Forbes, xxx-xx-xxxx
Pruett, Peter Burke, xxx-xx-xxxx
Puels, Carl Heinz, Jr., xxx-xx-xxxx
Puissegur, Bryce Frank, xxx-xx-xxxx
Pulis, Frank David, xxx-xx-xxxx
Putnam, James Timothy, xxx-xx-xxxx
Quinn, Edward Joseph, Jr., xxx-xx-xxxx
Quinton, Ronald Ray, xxx-xx-xxxx
Rademacher, Frederick William, xxx-xx-xx... xxx-...
Raines, Robert Morgan, xxx-xx-xxxx
Rakitis, Robert Edmund, xxx-xx-xxxx
Randolph, Stephen Trent, xxx-xx-xxxx
Ransford, Edmond Leroy, xxx-xx-xxxx
Rasmussen, Bruce Aaron, xxx-xx-xxxx
Rathert, William Allen, xxx-xx-xxxx
Ray, Richard Raymond, xxx-xx-xxxx
Reay, James Daniel, xxx-xx-xxxx
Reed, James Emmet, xxx-xx-xxxx
Reguli, Dennis Craig, xxx-xx-xxxx
Reilman, Robert Frederick, Jr., xxx-xx-xxxx xxx-...
Reynolds, Larry Wayne, xxx-xx-xxxx
Rhaney, Mahlon Clifton, Jr., xxx-xx-xxxx
Rice, Robert Alan, xxx-xx-xxxx
Richards, Ronald Edward, xxx-xx-xxxx
Richardson, Charles Weldon, xxx-xx-xxxx
Rifenberg, Ronald Ramsey, xxx-xx-xxxx
Riggs, Gregory Edward, xxx-xx-xxxx
Riley, Kenneth James, xxx-xx-xxxx
Riolo, Andrew Manuel, xxx-xx-xxxx
Roach, Richard Lynn, xxx-xx-xxxx
Robertson, James Calder, II, xxx-xx-xxxx
Robinson, Garald K., xxx-xx-xxxx
Robinson, Paul Howard, xxx-xx-xxxx
Rochelle, Thomas Wendell, xxx-xx-xxxx
Rodefer, Karl Douglas, xxx-xx-xxxx
Rodgers, Lee Patrick, xxx-xx-xxxx

Roe, John Patrick, xxx-xx-xxxx
Romett, Joseph Lewis, xxx-xx-xxxx
Romito, Michael Arthur, xxx-xx-xxxx
Rooney, Patrick George B., xxx-xx-xxxx
Rosebush, Kenneth Earl, Jr., xxx-xx-xxxx
Ross, Joseph Dean, Jr., xxx-xx-xxxx
Ross, Leslie Joseph, xxx-xx-xxxx
Ross, Robert Bruce, xxx-xx-xxxx
Rubacha, Christian Michael, xxx-xx-xxxx
Rucker, Raymond Ivon, Jr., xxx-xx-xxxx
Rugh, Kenneth Scott, xxx-xx-xxxx
Sabo, Richard Emory, xxx-xx-xxxx
Sanders, Marcus Renn, xxx-xx-xxxx
Sarsfield, Harvey Franklin, xxx-xx-xxxx
Savage, Richard Andrew, xxx-xx-xxxx
Sbach, Dennis Martin, xxx-xx-xxxx
Scace, Daniel Roy, xxx-xx-xxxx
Schafer, Klaus Otto, xxx-xx-xxxx
Schank, Roland Arnold, xxx-xx-xxxx
Scheid, Warren William, xxx-xx-xxxx
Schenk, Thomas Allen, xxx-xx-xxxx
Schiessler, Terry Lynn, xxx-xx-xxxx
Schimmer, Michael Christophe, xxx-xx-x...
Schmidt, Paul Maynard, xxx-xx-xxxx
Schmidt, Randall Mark, xxx-xx-xxxx
Schnick, Robert Henry, xxx-xx-xxxx
Schoen, Robert John, xxx-xx-xxxx
Schulte, Lawrence Joseph, xxx-xx-xxxx
Schunemann, Paul Fredrick, xxx-xx-xxxx
Searles, Edward Lawrence, III, xxx-xx-xxxx
Sellers, Alfred Otis, xxx-xx-xxxx
Sexton, Donald Lee, xxx-xx-xxxx
Sexton, Ken William, xxx-xx-xxxx
Shafer, John Bradford, xxx-xx-xxxx
Sharp, Philip Craig, xxx-xx-xxxx
Sharrar, Larry Logan, xxx-xx-xxxx
Shearer, Martin Stephen, xxx-xx-xxxx
Sherman, Douglas Richard, xxx-xx-xxxx
Shields, Van Winder, xxx-xx-xxxx
Short, Richard Louis, xxx-xx-xxxx
Shrum, Leslie William, xxx-xx-xxxx
Siebers, Daniel Richard, xxx-xx-xxxx
Sills, Jeffery Kent, xxx-xx-xxxx
Simmons, James Lawrence, xxx-xx-xxxx
Simmons, Timothy Eugene, xxx-xx-xxxx
Simpson, Charles Newton, xxx-xx-xxxx
Sirmons, Richard Wendell, xxx-xx-xxxx
Sisson, Glynn Edmond, Jr., xxx-xx-xxxx
Skotte, Daniel Mark, xxx-xx-xxxx
Slade, John Benjamin, Jr., xxx-xx-xxxx
Slawinski, Terry Lee, xxx-xx-xxxx
Small, James William, xxx-xx-xxxx
Smiles, Archie Campbell, Jr., xxx-xx-xxxx
Smiley, William Burroughs, xxx-xx-xxxx
Smith, Barry Howard, xxx-xx-xxxx
Smith, Gregg Alan, xxx-xx-xxxx
Smith, Gregory Doyle, xxx-xx-xxxx
Smith, Jack Wheten, xxx-xx-xxxx
Smith William Henry, xxx-xx-xxxx
Smolka, James William, xxx-xx-xxxx
Snyder, Donovan Clarence, xxx-xx-xxxx
Sokolowsky, Melvin Jay, xxx-xx-xxxx
Solana, Richard Peter, xxx-xx-xxxx
Solheim, Larry Ross, xxx-xx-xxxx
Sorensen, Robert George, xxx-xx-xxxx
Sorlie, Victor Allen, xxx-xx-xxxx
Sotak, Michael Victor, xxx-xx-xxxx
Spillers, Robert Iden, xxx-xx-xxxx
Spindle, William Hollis xxx-xx-xxxx
Stachelski, Duwayne David, xxx-xx-xxxx
Stall, Floyd Milton, Jr., xxx-xx-xxxx
Stanberry, Carl William, xxx-xx-xxxx
Starkovich, Thomas Anthony, xxx-xx-xxxx
Stclair, Sumner Lloyd, Jr., xxx-xx-xxxx
Steel, Maxwell Wensel, III, xxx-xx-xxxx
Stefaniak, James, xxx-xx-xxxx
Stephens, Scott David, xxx-xx-xxxx
Stern, Gary William xxx-xx-xxxx
Stettler, James Andrew, xxx-xx-xxxx
Stetzler, Ray Samuel, Jr., xxx-xx-xxxx
Stevens, Anthony K., xxx-xx-xxxx
Stewart, Timothy Bruce, xxx-xx-xxxx
Stites, Thomas Steven, xxx-xx-xxxx
Stoddard, Gregory Vine, xxx-xx-xxxx
Stuehrmann, Kenneth Charles, xxx-xx-xxxx
Stone, James Robert, xxx-xx-xxxx
Stone, Kenneth Allen, xxx-xx-xxxx
Stone, Robert Dale Jr., xxx-xx-xxxx
Stone, Thomas James, xxx-xx-xxxx
Storer, Richard William, III, xxx-xx-xxxx
Stover, David Robson, xxx-xx-xxxx
Stringer, William Frank, xxx-xx-xxxx
Stubben, Mark Alan, xxx-xx-xxxx
Stubbs, David Charles, xxx-xx-xxxx
Stucker, Pat Barrow, xxx-xx-xxxx
Sturman, John Scott, xxx-xx-xxxx
Suhar, John Charles xxx-xx-xxxx
Sullivan, Thomas Michael, Jr., xxx-xx-xxxx xxx-...
Sutton, Peter Ulric, xxx-xx-xxxx
Swettman, William Paul, Jr., xxx-xx-xxxx
Tanner, Glen, Richard, xxx-xx-xxxx
Tate, Ben Rayburn, 3d, xxx-xx-xxxx
Taylor, Earl Vern, xxx-xx-xxxx
Taylor, John Ernest, xxx-xx-xxxx
Teel, Scott Carlton, xxx-xx-xxxx
Terbeek, Douglas George, xxx-xx-xxxx
Tharp, David Carl, xxx-xx-xxxx
Thomas, David William, xxx-xx-xxxx
Thomasson, Samuel Maxie, III, xxx-xx-xxxx xxx-...
Thompson, Theodore Earl, xxx-xx-xxxx
Threlkeld, Gary Thomas, xxx-xx-xxxx
Thurman, John Alvin, xxx-xx-xxxx
Thurston, Leo Keith, Jr., xxx-xx-xxxx
Tillman, Steven Wilton, xxx-xx-xxxx
Timmons, Bruce Edward, xxx-xx-xxxx
Tindall, Robert Scott, xxx-xx-xxxx
Tompkins, James William, xxx-xx-xxxx
Townsley, Justin Leroy, Jr., xxx-xx-xxxx
Tumino, David, xxx-xx-xxxx
Tyler, Roger Frank, xxx-xx-xxxx
Tyrrell, John Terry, xxx-xx-xxxx
Ullrich, Rainer Charles, xxx-xx-xxxx
Underwood, Thomas Jeffrey, xxx-xx-xxxx
Upshaw, Dale Joseph, xxx-xx-xxxx
Vaaler, John Lee, xxx-xx-xxxx
Vanbastelaar, Joost, xxx-xx-xxxx
Vandame, Richard August Jr., xxx-xx-xxxx
Vanderweg, Marvin Dale, xxx-xx-xxxx
Vanorne, Ronald William Jr., xxx-xx-xxxx
Veenstra, Robert James, xxx-xx-xxxx
Velotas, William Michael, xxx-xx-xxxx
Venteicher, Gerald Joseph, xxx-xx-xxxx
Verzola, Michael William, xxx-xx-xxxx
Vetterlein, Jon Martin, xxx-xx-xxxx
Vician, Daniel John, xxx-xx-xxxx
Vinal, William Spencer, xxx-xx-xxxx
Vinson, Thomas Frederick, xxx-xx-xxxx
Vogel, Peter Carey, xxx-xx-xxxx
Voorhees, Brian Reed, xxx-xx-xxxx
Voorhees, Peter Vernon, xxx-xx-xxxx
Wagasky, George III, xxx-xx-xxxx
Wagie, David Arnold, xxx-xx-xxxx
Waitte, Edward Joseph, xxx-xx-xxxx
Walker, William Harman IV, xxx-xx-xxxx
Walker, William Thomas, xxx-xx-xxxx
Wallace, Ronald Edward, xxx-xx-xxxx
Waller, Robert Liston, xxx-xx-xxxx
Walsh, William Francis, xxx-xx-xxxx
Wanamaker, Wilbur, Jr., xxx-xx-xxxx
Ward, Morris Ardell, Jr., xxx-xx-xxxx
Wargo, George Peter, xxx-xx-xxxx
Watkins, John Richard, xxx-xx-xxxx
Weaver, Scott Lee, xxx-xx-xxxx
Webb, Thomas Paul, Jr., xxx-xx-xxxx
Webb, Thomas Philip, xxx-xx-xxxx
Weeker, Scott Alexander, xxx-xx-xxxx
Weese, David Franklin, xxx-xx-xxxx
Weiss, Michael Saul, xxx-xx-xxxx
Wessler, James Donald, xxx-xx-xxxx
Weston, Craig Pickering, xxx-xx-xxxx
Weydert, James Charles, xxx-xx-xxxx
Wheeler, Dean Forrest, Jr., xxx-xx-xxxx
White, Clifford Keaton, Jr., xxx-xx-xxxx
White, John William, Jr., xxx-xx-xxxx
Whitlock, Timothy Scott, xxx-xx-xxxx
Whitney, David John, xxx-xx-xxxx
Wickham, Johnston Howard, xxx-xx-xxxx
Wilhite, Ross Linn, xxx-xx-xxxx
Wilker, John Stephen, xxx-xx-xxxx
Wilkin, Danny Eugene, xxx-xx-xxxx
Wilkinson, David Earl, xxx-xx-xxxx
Williams, Mark Andrew, xxx-xx-xxxx
Williams, Rickie John, xxx-xx-xxxx
Willson, Raymond Arthur, Jr., xxx-xx-xxxx
Winborn, Erik Lewis, xxx-xx-xxxx
Windnagel, Thomas Don, xxx-xx-xxxx
Winn, Richard Earl, xxx-xx-xxxx
Winter, Charlie Conrad, xxx-xx-xxxx
Winterberger, Gary Allen, xxx-xx-xxxx
Witters, Richard Craig, xxx-xx-xxxx
Woessner, James Keil, xxx-xx-xxxx
Wojdyla, Richard Allen, xxx-xx-xxxx
Woodmansee, Robert Harry, xxx-xx-xxxx
Wunneburger, Richard Lee, xxx-xx-xxxx
Yates, Cale Benton, III, xxx-xx-xxxx
Yates, Farris Franklin, xxx-xx-xxxx
Youngquist, Charles Dean, xxx-xx-xxxx
Youngquist, Robert Allen, xxx-xx-xxxx
Zekoski, Joseph, xxx-xx-xxxx
Zeuty, Edward James, Jr., xxx-xx-xxxx
Zickrick, Karl Frederick, xxx-xx-xxxx

The following cadets, U.S. military academy, for appointment in the Regular Air Force, in the grade of second lieutenant, effective upon their graduation, under the provisions of sections 541 and 8284, title 10, United States Code. Date of rank to be determined by the Secretary of the Air Force:

Augustenborg, Jay Mark, xxx-xx-xxxx
Augustyniak, Edward F., Jr., xxx-xx-xxxx
Clark, Bruce Cameron, xxx-xx-xxxx
Fischer, Mark James, xxx-xx-xxxx
Gabig, Jerome Sylvester, Jr., xxx-xx-xxxx
Gates, Glenn Aaron, xxx-xx-xxxx
Gillon, Stephen John, xxx-xx-xxxx
Hart, Gordon Lamar, Jr., xxx-xx-xxxx
Hatton, Craig Thomas, xxx-xx-xxxx
Hershenow, William John III, xxx-xx-xxxx
Hickox, Dan Whitney, Jr., xxx-xx-xxxx
Hinds, Ernest III, xxx-xx-xxxx
Hoke, Franklin Emerson, Jr., xxx-xx-xxxx
Lien, Richard Arthur, xxx-xx-xxxx
McElhare, Michael Nelson, xxx-xx-xxxx
Miller, Robert Louis, Jr., xxx-xx-xxxx
Mitchell, Gerry Wayne, xxx-xx-xxxx
Potter, Gary Wayne, xxx-xx-xxxx
Rauk, Robert James, xxx-xx-xxxx
oRllings, Raymond S., Jr., xxx-xx-xxxx
Russell, William Bradley, xxx-xx-xxxx
Shaklee, Charles Ward, xxx-xx-xxxx
Smith, Earl Paul II, xxx-xx-xxxx
Staudenmeier, William J., Jr., xxx-xx-xxxx
Westphal, James Lawrence, xxx-xx-xxxx
Wilson, Howard Charles, xxx-xx-xxxx
Woodside, Rogert Elgin, xxx-xx-xxxx

The following officers for promotion in the Air Force Reserve, under the provisions of section 8376, title 10, United States Code, and Public Law 92–129.

LINE OF THE AIR FORCE

Major to lieutenant colonel

Aikin, John B., XXXX
Ballantyne, Wayne L., -xxxx
Blackwell, Kenneth G., xxx-xx-xxxx
Broyles, Robert E., xxx-xx-xxxx
Burke, Lawrence E., xxx-xx-xxxx
Cecala, Russell A., xxx-xx-xxxx
Ciliberti, Frank J., xxx-xx-xxxx
Cirillo, Eugene E., xxx-xx-xxxx
Clements, George W., xxx-xx-xxxx
Coffey, William H., xxx-xx-xxxx
Conable, Willis B., xxx-xx-xxxx
Cook, Bruce W., xxx-xx-xxxx
Culver, David M., xxx-xx-xxxx
Dawson, James D., xxx-xx-xxxx
Dudney, Fred S., Jr., xxx-xx-xxxx
Fassler, Michael J., xxx-xx-xxxx
Freeland, Jimmie L., xxx-xx-xxxx
Heanue, Festus E., Jr., xxx-xx-xxxx
Hennig, Lorain F., xxx-xx-xxxx
Irwin, Melvin L., xxx-xx-xxxx
Jackson, Alton L., xxx-xx-xxxx
Jergensen, Harley G., xxx-xx-xxxx
Kenison, Llewellyn, xxx-xx-xxxx
King, Billy R., xxx-xx-xxxx
Klingaman, Jerome W., xxx-xx-xxxx
Landrum, Everett L., xxx-xx-xxxx
Linley, Kerry L., xxx-xx-xxxx
Lynam, Edmond D., xxx-xx-xxxx
Malinowski, John S., xxx-xx-xxxx
Malone, Thomas E., xxx-xx-xxxx
Marconi, Robert D., xxx-xx-xxxx
Naramore, Leonard N., xxx-xx-xxxx
O'Neill, Stephen E., xxx-xx-xxxx
Pifer, Joseph C., xxx-xx-xxxx
Pirie, James D., xxx-xx-xxxx
Pixley, William L., xxx-xx-xxxx

Ruscetta, Nicola A., [redacted].
Tablas, Frank, Jr., [redacted].
Tuchterman, Denis W., [redacted].
Warden, Beryle E., Jr., [redacted].
Wise, Eugene E., Jr., [redacted].
Witt, Marquis G., [redacted].
Wolford, William F., [redacted].

NURSE CORPS

O'Brien, Clare E., [redacted].

VETERINARY CORPS

Hemphill, Frazier E., [redacted].
Otter, Jason I., [redacted].

The following officers for appointment in the Reserve of the Air Force (Medical Corps), in the grade of lieutenant colonel, under the provisions of section 593, title 10, United States Code, and Public Law 92–129, with a view to designation as medical officers, under the provisions of section 8067, title 10, United States Code, with effective dates to be determined by the Secretary of the Air Force:

Kozub, Robert E., [redacted].
Roberts, Perry T., [redacted].

The following persons for appointment in the Reserve of the Air Force, in the grade indicated, under the provisions of section 593, title 10, United States Code, and Public Law 92–129, with effective dates to be determined by the Secretary of the Air Force:

LINE OF THE AIR FORCE

To be colonel

Schupp, Franklin J., [redacted].

To be lieutenant colonel

Edwards, James W., [redacted].
Orr, Robert H., [redacted].
Whitmore, Harold E., [redacted].
Williams, Max W., [redacted].

The following officer for appointment in the Reserve of the Air Force (line of the Air Force), in the grade of colonel, under the provisions of sections 593 and 8351, title 10, United States Code, and Public Law 92–129.

Hastie, Doyle W., [redacted].

The following officers for appointment in the Reserve of the Air Force (line of the Air Force) in the grade of colonel, under the provisions of sections 593, 8351, and 8392, title 10, United States Code, and Public Law 92–129.

Day, Paul R., [redacted].
Frymire, Richard L., Jr., [redacted].

The following Air Force officers for reappointment to the active list of the Regular Air Force, in the grade indicated, from sections 1210 and 1211, title 10, United States Code:

LINE OF THE AIR FORCE

To be colonel

Holmes, Capers A., [redacted].
Tucker, Albert S. J., Jr., [redacted].

To be lieutenant colonel

Daley, Robert F., [redacted].
Hess, Marvin J., [redacted].
Powers, Harold M., [redacted].
Tatsios, Theodore G., [redacted].

To be major

Bache, Ronald H., [redacted].
Gough, Richard M., [redacted].

CONFIRMATIONS

Executive nominations confirmed by the Senate April 25, 1972:

DEPARTMENT OF DEFENSE

John W. Warner, of Virginia, to be Secretary of the Navy.

Frank P. Sanders, of Maryland, to be Under Secretary of the Navy.

Robert D. Nesen, of California, to be an Assistant Secretary of the Navy.

U.S. ARMY

The following-named officers to be placed on the retired list, in grade indicated, under the provisions of title 10, United States Code, section 3962:

To be lieutenant general

Lt. Gen. Hugh McClellan Exton, [redacted] Army of the United States (major general, U.S. Army).

Lt. Gen. James Benjamin Lampert, [redacted] Army of the United States (major general, U.S. Army).

U.S. NAVY

The following-named officers of the Navy for permanent promotion to the grade of rear admiral:

LINE

John D. Chase
David M. Rubel
Robert S. Salzer
Paul E. Pugh
John "L" Butts, Jr.
William M. Pugh II
Ward S. Miller
Roger E. Spreen
James Ferris
John H. Dick
William H. Livingston
Howard E. Greer
Jon L. Boyes
Donald C. Davis
Donald V. Cox
Herbert S. Ainsworth
Earl P. Yates
Donald D. Engen
Oliver H. Perry, Jr.
Edwin K. Snyder
Herbert F. Matthews, Jr.
Dean L. Axene
Patrick "J" Hannifin
James W. Nance
Rembrandt C. Robinson
Worth H. Bagley
Clarence M. Hart
Lewis A. Hopkins

MEDICAL CORPS

William C. Turville

SUPPLY CORPS

Charles Becker

CHAPLAIN CORPS

Richard G. Hutcheson, Jr.

DENTAL CORPS

Anthony K. Kaires

In the Air Force

The nominations beginning Richard E. Buckley, to be lieutenant colonel, and ending Theresa C. Carfagno, to be lieutenant colonel, which nominations were received by the Senate and appeared in the Congressional Record on Apr. 4, 1972.

In the Army

The nominations beginning Charles W. Boohar, Jr., to be captain, and ending Lawrence E. Vaupel, to be second lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on Apr. 10, 1972.

In the Navy

The nominations beginning Andrew R. Adams, to be ensign, and ending Johanna H. Gorman, to be commander, which nominations were received by the Senate and appeared in the Congressional Record on Apr. 4, 1972;

The nominations beginning Richard D. Adams, to be commander, and ending Richard J. Zimmerman, to be commander, which nominations were received by the Senate and appeared in the Congressional Record on Apr. 4, 1972; and

The nominations beginning Douglas W. Barron, to be commander, and ending Gerald F. Sullivan, to be commander, which nominations were received by the Senate and appeared in the Congressional Record on Apr. 4, 1972.

HOUSE OF REPRESENTATIVES—*Tuesday, April 25, 1972*

The House met at 12 o'clock noon.

The Reverend Monsignor Joseph B. Coyne, pastor, Church of the Little Flower, Bethesda, Md., offered the following prayer:

Almighty God, Creator and Legislator, pour forth Your blessings upon the Members of this distinguished assembly.

The membership of this House has been invested by its peers with the privilege and duty of legislating for them. Grant them, great God, omniscient and omnipotent, the discernment they need to be equal to the challenge of their office. Grant them a keen sense of justice and equity; of selflessness and generosity; of compassion and understanding. Help them, by Your grace, to be all that men expect them to be for so many have placed their trust in them. Keep them always men of eminent moral stature in whom the Nation takes pride.

Thus, they will fulfill their mission and mandate, distinguish themselves and add luster to this Nation of free men under God. 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 PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries.

TRIBUTE TO MSGR. JOSEPH B. COYNE

Mr. GUDE. Mr. Speaker, Msgr. Joseph B. Coyne, who gave the opening prayer today, is the pastor of Little Flower Church in Bethesda, Md., and an inspiration and spiritual aid to all of us who are members of the parish.

He became pastor of Little Flower last June, but has long been a familiar and beloved figure in the archdiocese of Washington.

Born in Baltimore in 1919, he attended Loyola High School and College and St. Mary's University there.

He was secretary and administrative assistant to the late Bishop John M. McNamara, auxiliary bishop of Washington.

He founded St. Andrew the Apostle Parish in Silver Spring, Md., and was the first pastor there.

Monsignor Coyne has been a key figure in the arrangements for the annual benefits for the Lt. Joseph P. Kennedy Institute here, a school for the mentally retarded.

I am proud that he is pastor of Little Flower and I am proud that he could be with us today.