

SENATE—Thursday, May 25, 1972

The Senate met at 10 a.m. and was called to order by Hon. QUENTIN N. BURDICK, a Senator from the State of North Dakota.

PRAYER

Rabbi Mordecai Levy, Tri-City Jewish Center, Rock Island, Ill., offered the following prayer:

O Lord of the universe, ruler of mankind, it hath been told Thee, O man, what is good and what the Lord doth require of Thee, but to love with strength and to do justly with human kind.

We seek daily to fill our lungs with the correct words, our minds with responsible ideas, and our limbs with the power to act righteously. These characteristics are divine in quality. Let them not repose in the heavenly spheres where Thou alone act supreme and exalted.

Let them guide our lives: in government, and in the street where human beings congregate. May our leaders, yea—may all peoples find the means to humanize Your ideal concepts, to the end that in the arena of social domesticity, in the marketplace of the human situation, we shall transform the erring part of human frailty into a plan, where man shall live in peace, extending love and friendship without favor.

Shalom, peace is not a static quality in which people rest complacent, but a dynamic urge to fulfill our human destiny.

O Lord, bless the work of our hands as we dream to labor, and labor to dream for such a world. 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., May 25, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. QUENTIN N. BURDICK, a Senator from the State of North Dakota, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

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

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, May 24, 1972, be dispensed with.

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

ALLOCATION OF TIME TO SENATOR PROXIMITY TODAY INSTEAD OF SENATOR ROBERT C. BYRD

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time allocated to the distinguished Senator from West Virginia (Mr. ROBERT C. BYRD), the deputy majority leader, be, instead, used by the distinguished Senator from Wisconsin (Mr. PROXIMITY).

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

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar, under 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, under New Reports, will be stated.

U.S. COAST GUARD

The second assistant legislative clerk proceeded to read sundry nominations of Ricardo A. Ratti to be rear admiral and Charles J. Hanks to be rear admiral.

Mr. MANSFIELD. 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.

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

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

LEGISLATIVE SESSION

Mr. MANSFIELD. 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.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 767 and 769.

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

AMISTAD NATIONAL RECREATION AREA, TEX.

The Senate proceeded to consider the bill (S. 1295) to establish the Amistad National Recreation Area in the State of Texas which had been reported from

the Committee on Interior and Insular Affairs with an amendment on page 5, line 24, after "Sec. 6.", strike out "There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act." and insert "There are hereby authorized to be appropriated not to exceed \$1,020,000 for acquisition of land and \$18,000,000 for development of the area, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering and cost indexes applicable to the types of construction involved herein."; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to provide for public outdoor recreation and use and enjoyment of that portion of the Amistad Reservoir in the United States on the Rio Grande, Devils, and Pecos Rivers and surrounding lands in the State of Texas, and for the conservation of scenic, scientific, historic, and other values contributing to public enjoyment of such lands and waters, there is established the Amistad National Recreation Area in the State of Texas. The boundary of the national recreation area shall be that generally depicted on drawing numbered RA-AMI-20013, dated April 1968, entitled "Proposed Amistad National Recreation Area, Texas", which is on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary of the Interior may by publication of notice in the Federal Register make minor adjustments in the boundary, except that the total acreage of the area of the area may not be increased to more than a total of sixty-five thousand acres.

SEC. 2. (a) Within the boundary of the Amistad National Recreation Area the Secretary of the Interior may acquire lands and interests in lands by donation, purchase with donated or appropriated funds, or exchange. Such acquisitions shall be in addition to lands and interests therein acquired for the purposes of the Amistad Dam and Reservoir as contemplated in the treaty between the United States and Mexico regarding the utilization of the Colorado, Tijuana, and Rio Grande Rivers, signed at Washington February 3, 1944 (59 Stat. 1219) described in minute numbered 207 adopted June 19, 1958, by the International Boundary and Water Commission, United States and Mexico, and authorized by the Act of July 7, 1960 (74 Stat. 306).

(b) In exercising his authority to acquire property by exchange, the Secretary of the Interior may accept title to any non-Federal property within the Amistad National Recreation Area, and in exchange therefor he may convey to the grantor of such property any federally owned property under his jurisdiction which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

(c) The Commissioner for the United States, International Boundary and Water Commission, United States and Mexico, may on request of the Secretary of the Interior, act as his agent with respect to the land

acquisition program authorized by subsection (a) and the Secretary may transfer to the Commission from time to time the funds necessary for such purpose.

SEC. 3. (a) The Secretary of the Interior shall administer the Amistad National Recreation Area in a manner that is coordinated with the other purposes of the reservoir project, and in a manner that in his judgment will best provide for public outdoor recreation benefits and conservation of scenic, scientific, historic, and other values contributing to public enjoyment.

(b) In the administration of the national recreation area the Secretary may utilize the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented, and such other statutory authorities relating to areas of the national park system and such statutory authorities otherwise available to him for the conservation and management of natural resources as he deems appropriate for recreation and preservation purposes and for resource development not incompatible therewith.

(c) Employees of the Department of the Interior designated for the purpose may make arrests for violations of any Federal laws or regulations applicable to the area and they may bring the accused person before the nearest United States magistrate, judge, or court of the United States.

(d) Any United States magistrate appointed for the Amistad National Recreation Area may try and sentence persons committing minor offenses, as defined in title 18, section 3401(f), United States Code, except that the magistrate shall apprise the defendant of his right to elect to be tried in the district court of the United States, and the magistrate may try the case only after the defendant signs a written consent to be tried before the magistrate. The exercise of additional functions by the magistrate shall be consistent with and be carried out in accordance with the authority, laws, and regulations of general application to United States magistrates. The provisions of title 18, section 3402, United States Code, and the rules of procedure and practice prescribed by the Supreme Court pursuant thereto, shall apply to all cases handled by such magistrate. Chapter 231, title 18, United States Code, shall be applicable to persons tried by the magistrate and he shall have power to grant probation.

SEC. 4. The Secretary of the Interior shall permit hunting and fishing on the lands and waters under his jurisdiction within the national recreation area in accordance with the applicable laws of the State of Texas, except that the Secretary may establish periods when, and designate zones where, no hunting or fishing shall be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any regulations of the Secretary under this section shall be issued after consultation with the Park and Wildlife Commission of the State of Texas.

SEC. 5. Nothing in this Act shall be construed to be in conflict with the commitments or agreements of the United States with respect to the use, storage, or furnishing of water and the production of hydroelectric energy made by or in pursuance of the treaty between the United States of America and Mexico regarding the utilization of the Colorado and Tijuana Rivers and of the Rio Grande, signed at Washington, February 3, 1944 (59 Stat. 1219), or the Act of July 7, 1969 (74 Stat. 260).

SEC. 6. There are hereby authorized to be appropriated not to exceed \$1,020,000 for acquisition of land and \$18,000,000 for development of the area, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering and cost indexes applicable to the types of construction involved herein.

The amendment was agreed to.

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

MR. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-801), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

S. 1295 would authorize the establishment of a 65,000-acre national recreation area in southwest Texas, comprising that portion of the Amistad Reservoir and adjacent lands on the Rio Grande. Devils, and Pecos Rivers in the United States.

BACKGROUND

The Amistad Dam and Reservoir project was constructed for purposes of water conservation, flood control, and generation of hydroelectric energy by the International Boundary and Water Commission, United States and Mexico, pursuant to the treaty of February 3, 1944. It is a body of water that is shared between two great nations, and one that has in the past and is currently developing a climate of cooperation between the Government of Mexico and the Government of the United States in unifying their efforts in planning and developing for a great international recreation area.

Amistad Reservoir actually had its beginning at a point in history that signified international cooperation along the Rio Grande with the signing of the treaty of Guadalupe Hidalgo in 1848. Pursuant to this historic treaty and subsequent agreements between the United States and Mexico, Amistad Dam was constructed and on May 31, 1968, its gates were closed and it began to impound water. It was here that, although not duly constituted, Amistad National Recreation Area became operational and the National Park Service assumed the administrative responsibilities for the U.S. portion of the reservoir.

NEED

Amistad Reservoir is the 16th largest man-made body of water on the North American Continent and has enormous potential for recreational use. Ninety thousand people live within a 100-mile radius of the proposed recreation area. Some 2.3 million live within 250 miles and another 7.7 million within 350 miles. The zone contains 15 metropolitan centers, including those of San Antonio, the Dallas-Fort Worth complex, and Houston. Amistad, with its present limited development, already draws patronage from throughout Texas and adjoining States, especially New Mexico, Arkansas, Oklahoma and Louisiana.

The area can handle 15,000 people per day, and it is estimated that 1 million people per year will visit it during its first 5 years as a national facility.

ARCHEOLOGICAL SITE PRESERVATION

More than 350 archeological sites have been recorded near the Pecos and Devils River confluence with the Rio Grande. This area enjoys the distinction of having one of the oldest, largest and most notable concentrations of Indian pictographs on the North American continent. These pictographs represent a span of time from the days of Spanish conquest and back as far as 8,000 B.C. These sites are utterly irreplaceable. As these sites become easily accessible by boat for the first time, the invaluable cave pictures which have survived for centuries may be extensively vandalized during the next few years. Already in a few of the caves which have been accessible to the public for many years, the paintings have been scratched, chipped, smoked, painted over and shot at. Legal protection of this national treasure is

not enough. Day-to-day supervision is desperately needed.

COMMITTEE AMENDMENT AND COST

The estimated costs of this project would be \$1,020,000 for land acquisition which includes \$46,924 for relocation assistance funding, and approximately \$19 million for development costs. The committee amended S. 1295 to limit the sums to be authorized to the figures stated above.

NATIONAL AND INTERNATIONAL INTEREST

The Rio Grande River has had national as well as international significance since the treaty of Guadalupe Hidalgo in 1848. Not only does it serve as an international boundary for about half of its course, but it also provides as an important source of water for both the United States and the Republic of Mexico.

The headwaters of the Rio Grande River are in the Rocky Mountains of Colorado, and many communities, in Colorado, New Mexico and Texas depend upon its waters for survival. In 1906 a treaty was entered into between the United States and Mexico to divide the waters of the Rio Grande. The delivery of water to Mexico under the 1906 treaty is an obligation of the Nation, and this was confirmed in the authorization and construction of the Elephant Butte Reservoir to aid in such deliveries.

The fact that the Rio Grande River has been the subject of several treaties makes its development, protection, enhancement and augmentation a national concern and obligation. The obligation is not diminished because a majority of the users of the Amistad National Recreation Area are Texans, just as the national interest in the proposed Gateway National Recreation Area is not diminished simply because the vast majority of its users will be New Yorkers. To the contrary, the international character of the river adds to national interest, especially since international treaties have imposed additional burdens upon three States and their citizens without compensatory setoff or other consideration.

COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs in Executive Session on May 17, 1972, unanimously recommended enactment of S. 1295.

J. EDGAR HOOVER FEDERAL BUILDING

The Senate proceeded to consider the bill (S. 3568) to designate the Federal Bureau of Investigation Building now under construction in Washington, D.C., as the "J. Edgar Hoover Federal Building," which had been reported from the Committee on Public Works with an amendment on page 1, line 7, after the name "Hoover", strike out "Federal"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Bureau of Investigation building now under construction in the northwest section of Washington, District of Columbia, on the site bounded by Ninth and Tenth Streets, Pennsylvania Avenue, and E Street, is hereby designated, and shall be known, as the J. Edgar Hoover Building.

SEC. 2. Any law, rule, regulation, document, map, or record of the United States in which reference is made to the Federal Bureau of Investigation building referred to in the first section of this Act shall be held and considered to be a reference to the J. Edgar Hoover Building.

MR. ROTH. Mr. President, I would like to commend the membership of the Public Works Committee and its chairman, Mr. JENNINGS RANDOLPH, in particular,

for the efficient and speedy handling of the legislation before us today. S. 3568 was introduced on May 2 and referred to the Public Works Committee at that time. The committee acted promptly and, it is my hope that the full membership of the Senate will be able to follow their excellent example.

This bill, S. 3568, would name the new FBI headquarters in honor of J. Edgar Hoover. The cosponsors of this legislation, Mr. BOGGS, Mr. BEALL, Mr. BUCKLEY, and I, believe that this proposal would create a most fitting tribute to Mr. Hoover.

J. Edgar Hoover served this Nation honorably and well. He literally spent a lifetime in service to his country. Seldom does one man have the opportunity to spend more than half a century in public life. Mr. Hoover served in one capacity alone, as Director of the Federal Bureau of Investigation, for almost 48 years.

In the course of his years of service, J. Edgar Hoover amassed enormous power. Presidents might come to office and leave office, but the tenacious visage of J. Edgar Hoover, looking down from his balcony at the Department of Justice as they rode the inaugural path from the Capitol to the White House, never faltered. He was appointed as Acting Director of the FBI under President Coolidge and he died in office as Director of the organization under President Nixon, a span covering the administrations of eight Presidents. It is sometimes hard to realize that one man could have seen and influenced so much of our Nation's history.

J. Edgar Hoover almost seemed an institution of the American government itself. He was certainly a legend in his own time. To millions of Americans J. Edgar Hoover was a hero. The mere mention of the name brought forth visions of crime-fighter extraordinaire—and of an unblemished American patriot.

Although critics of Mr. Hoover decried, in the past few years particularly, tendencies which they labeled autocratic, the legend of J. Edgar Hoover remained intact and untarnished to millions of Americans. Legend, it must be remembered, has a way of becoming reality. The myths of a culture are the sinew that holds a society together. And J. Edgar Hoover has been a member of that select group of American folk-heroes for decades now.

It is only fitting that we in the Senate acknowledge and pay tribute to the American people's opinion by naming the new FBI headquarters the J. Edgar Hoover Building. I can think of no more appropriate name for the edifice nor can I think of a better living memorial to J. Edgar Hoover, I would urge my colleagues to give S. 3568 their utmost consideration.

Mr. BOGGS. Mr. President, I wish to express my strong support for S. 3568, legislation that would name the new FBI headquarters now under construction on Pennsylvania Avenue, as the J. Edgar Hoover Building.

Passage of the bill will demonstrate clearly the great respect that the Senate and the Nation had for Mr. Hoover. We all know the record of service

achieved by this great American. During his lifetime, J. Edgar Hoover built the most respected law enforcement agency in the world out of a small Federal agency.

In his 38 years as Director, Mr. Hoover dedicated his life to FBI. And his dedication enabled every American to enjoy a better life in safety.

While the naming of this new FBI headquarters for the Bureau's first Director is but a small tribute by comparison to what Mr. Hoover gave his country, I think it is a symbol of our great respect and admiration for the man.

President Nixon, of course, has already declared that the building should be named for Mr. Hoover.

The decision by the Public Works Committee to report this bill is an effort to add the voice of the Senate to that tribute, and to place the name J. Edgar Hoover into the laws of our land.

I wish to thank and congratulate my colleagues on the committee, particularly our fine chairman, Mr. RANDOLPH, and the ranking Republican member, Mr. COOPER, who have a great interest in perpetuating Mr. Hoover's memory in this way. And I wish to commend the distinguished Senator from Delaware (Mr. ROTH) for his leadership in developing this legislation.

I urge that the Senate give the bill prompt but careful consideration.

The amendment was agreed to.

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

The title was amended, so as to read: "A bill to designate the Federal Bureau of Investigation building now under construction in Washington, District of Columbia, as the 'J. Edgar Hoover Building'."

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

TRIBUTE TO TRIPLER ARMY HOSPITAL IN HONOLULU

Mr. MANSFIELD. Mr. President, I am in receipt of a letter from an old friend, Joe Capsin, of Honolulu, Hawaii, in which he refers to the extraordinarily able treatment he received at the Tripler Army Hospital in Honolulu.

Mr. President, I think that, all too often, we do not give enough credit to those who serve so capably and with such devotion in these hospitals. I ask unanimous consent to have this letter printed in the RECORD.

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

HONOLULU, HAWAII,
May 17, 1972.

HON. MIKE MANSFIELD,
Majority Leader, U.S. Senate, Senate Office Building, Washington, D.C.

DEAR MIKE: I was hospitalized from 27 March to 6 April—this year—and I want you to know I was indeed impressed with

results of the treatment I received from a team of able and dedicated doctors while a patient at Tripler Army Hospital, Honolulu. The team of doctors were:

Major Lawrence Johnson (No. Carolina); Major Richard Helman (Nashville, Tenn.); Major Freeman Howard (Harlin County, Ky.); Captain Pedro Cruz (Ponce, P.R.); Captain Dalton Diamond (Sardis, Miss.); Captain Lee Joyner (Clarendon, Ark.), and Captain Frederick Brown (Searcy, Ark.).

In all my experience in Service hospitals (Army and Navy), which dates back to 1919, I have never met such able and dedicated Service medical practitioners so much so they are deserving of recognition in the Congressional Record. . . .

With kindest personal regards and just every good wish, I am

Sincerely your friend,

JOE CAPSIN.

A TALK WITH GOVERNOR ASKEW OF FLORIDA

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a conversation which the magazine *Listen*, a journal of better living, conducted with the distinguished Governor of Florida, Reubin O'D. Askew, including the questions and answers, and also the two brief summaries contained therein, one entitled "With the Governor" and the other entitled "Freedom—Just Another Word?" be printed in the RECORD.

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

LISTEN TALKS TO REUBIN O'D. ASKEW,
GOVERNOR OF FLORIDA

Governor, do you really enjoy a life of public service?

I enjoy the challenge that it offers, the satisfaction that comes from public service. However, there are times when I enjoy it more than other times.

Did you have specific educational training in the university for this career, and did you have this in mind when you were in school?

Yes, as long as I can remember I've wanted to go into public service, and I went to college with this avowed purpose. As a result, I received a degree in public administration which is a degree in government, with minors in political science, sociology, and business. Later I received a law degree. I thought all of this would be good background for possible entry into public service.

How is the reality now in view of the anticipation?

I think it's a great deal more strenuous than I had envisioned it to be. The thing that you can't fully appreciate until you experience it is the fact that the office is with you wherever you go. I was a member of the Florida Legislature for 12 years—four in the House and eight in the Senate—and served as president pro tempore, so I was not new to responsibility. But it's different when you hold an executive responsibility. The final decision must always be made by you. I am somewhat surprised at the constant pressure that stays with you and the importance of learning to live with it.

What would you say has been your greatest satisfaction in this type of public life?

I believe the greatest satisfaction is to have a part in setting a better tone in government. People want to believe in their government and its leaders. It's a matter of speaking honestly with the people. We try to do this during the campaign and as a result hopefully restore confidence in the minds of people as to their government. Whether they agree or disagree, I would hope that we have established a tone in which

they feel we are honestly trying to find solutions and are working hard to bring about meaningful answers to the pressing problems of today.

As you develop your governmental programs, do you have youth in the background of your thinking?

We certainly do. I look back at what I think is the most substantive achievement of the first year of my administration—the passage of a tax on corporate profits. Florida is the only state in the nation that had a constitutional prohibition against personal income tax of any kind, and I ran on a platform of making our tax base more elastic in taxing corporate profits.

The young man who worked up the background information on this, and to whom I looked, is only 23 years old. This major change in our state was brought about essentially through the commitment of a young man.

What is your personal thought on youth today?

I'm encouraged by the spirit of inquiry of our young people today. I know they have problems and that they are going to have to learn as we all have had to learn. I hope that they will learn quickly to stay away from drugs, because they're a copout. They are an escape from reality, and are anything but what most young people really want. Most of them want to make this world a better place in which to live.

I am encouraged by their willingness to address themselves honestly. One of our biggest problems as adults is that they speak so honestly to us that we sometimes don't know for sure how to respond. We want to couch our replies in certain protective terminology, when they usually go straight to the meat of the coconut. I think that history is going to record that the young people, more than any other segment of our population, will have made the greatest contribution during this period in which we are living.

You mention the drug problem. What do you feel are the major dimensions of the problem?

In the case of the drug problem—we hear so much about drug abuse in terms of marijuana, and in terms of the hardcore drugs. I was one of the first many years ago in Florida who started urging legislation, which is now on the books, to make a mandatory requirement within our health courses to teach the adverse health effects of narcotics. We talked of narcotics then as opposed to alcohol use and cigarette smoking; but I think today, with all the talk about drug abuse, by far the greatest drug abuse problem in this country comes from alcohol. As big as our concern is—and legitimately it should be about drugs other than alcohol—what is happening to the country in terms of the effects of alcohol is staggering. I get taken aback when I see so many parents willing to give advice to young people about drugs and yet give a perfect example of drug abuse in their own right, except that it has become more socially acceptable, although certainly not any more desirable in terms of good health and the strengthening of their character.

Would you say that the drug abuse problem is as much an adult problem as it is a youth problem?

I certainly would—very much so. It's just a matter of what type of drugs are being referred to. I don't think you can say that alcohol is not a drug. It's just that so many people indulge in it that they want conveniently in their mind to separate it from the drug scene. It is a problem, and it will remain a problem. We need to do a better job than we have, not only of rehabilitating people who have become subjects of alcohol, but we also need to do a better job of educating our young people, particularly in schools.

The point I am making is that if the adult population who indulge in intoxicating beverages wish to do what they should do in re-

gard to combating drug abuse, they must be willing to categorize themselves as part of the problem and be willing to face up honestly and reevaluate their own habits if they are to make an impression upon those they seek to counsel.

What's your evaluation of smoking, particularly among young people?

I feel very strongly that smoking is a serious mistake. In some ways smoking has far greater health implications than does alcohol. There's no way you can smoke without doing substantial injury to your body. I think you do injury to your body when you use any form of alcohol, but smoking has come to be socially accepted for everybody. We try to attack it on the basis of a social problem when it's not really a social problem, except when we have people disabled from work with pulmonary and respiratory conditions, which by far are the greatest category of disabling injuries considering work capacity in this country.

I was reared within my own faith to believe that it is a sin to smoke, so consequently I was never faced with that problem. I have never smoked. Aside from the religious aspect, from the purely health standpoint, smoking is probably the worst single habit for the body considered socially acceptable that you can fall into.

Is it my understanding, Governor, that you have been a life-long abstainer from both smoking and drinking?

From smoking I have. I went through a period in my life when, more than anything else to satisfy a curiosity, I tasted alcohol. That's about all it amounted to, and it didn't last long. As far as cigarette smoking is concerned, I've never smoked, and for all practical purposes you could say that I've not indulged in any form of alcohol.

Both my wife and I choose not to smoke or drink, and we don't serve any alcoholic beverages in our home. When we were privileged to become occupants of the mansion in Tallahassee, we chose to continue that practice. As a result, we do not serve any alcoholic beverages in the mansion, which is the subject of a great deal of conversation, both light and otherwise, in Florida; but I've always remarked that you'd be surprised how early people go home when you don't serve liquor.

Have you found this personal stand to be a drawback in your official duties and state functions?

I attend some gatherings where alcoholic beverages are served. It's my own choice not to drink, and I'm not in a position to impose that choice on others; but I think that for whatever it's worth I can at least in my own way set an example to show that it just isn't necessary. A short while ago a very distinguished person and his wife stayed at the mansion; then we had an airplane trip together. He told me three weeks later that both of them had decided to stop drinking, because in the first place they really didn't like it and there was no particular reason to drink. They merely thought it was part of the routine and they would feel out of place if they didn't. But when they saw that my wife and I could do without it, they decided they could do without it too. I've never felt handicapped in any way whatsoever by my desire not to drink or smoke.

We were mentioning the matter of alcohol in connection with drug abuse. How can the average person out in his own community or neighborhood help to reduce social acceptability for its use?

Well, they could encourage people who like to take a drink occasionally to have parties and gatherings without the use of alcohol. Most people don't really give this any serious consideration, and I think they'd find that a trend to nonuse of alcohol will substantially improve conversation and open the way to develop new friends.

When you speak to young people, Gov-

ernor—and I think you frequently speak to youth groups—what do you suggest to them as positive alternatives to the drug way of life?

To develop pursuits that they enjoy and participate in themselves. In the first place, any young person interested in athletics can forget it if he is going to start experimenting with drugs or, in my opinion, cigarette smoking or drinking of any kind. The age in which the prize fighter trains on beer is over. The person who winds up lasting the longest is the one who leads the healthiest life.

Young people need early in their lives to develop interests that give them some confidence—even if it's only in one area. If they have this self-confidence, then they don't experience as much anxiety in this transitional stage. I also feel that it's essential for a young person to make church a part of his life. I personally feel that no one can find fulfillment without a fullness that can only come by a belief that there is a Being which we look to as our Creator. In the formative years of a young person's life, I think he needs to see the fascinating and intriguing thing that can come from discovering himself and his relationship with his Maker. I think it can certainly help him form a foundation with which he can solve most of his problems in life. Faith is not an insurance policy against never having troubles. It is a policy that tells us how we can rely on something larger than ourselves to help solve those problems.

Would you say that religion is the best protection against temptation to drugs?

In my opinion, yes. I don't think there's any greater protection against drugs than a reliance upon God, because then you really don't need to depend on drugs. I also know that for a young person faith usually does not play as much a part in life as it should. I think in addition to this, a young person needs to develop pursuits in which he can excel. It could really be most anything—the importance is not so much in trying to learn everything, as it is in learning one thing well, and in which you feel confident in your own way. All of us need some type of foundation to hold onto.

WITH THE GOVERNOR

This "Listen" talk with Governor Askew of Florida was a 250-mph affair! It was done in the governor's plane at about 14,000 feet, and with the background noise of two jet props and the voices of legislators and staff members on the plane.

Taking off from a secluded corner of the Tallahassee airport, the flight was part of one of the governor's many split-second schedules of state business, the first stops this time being at Tampa and Fort Lauderdale.

We met the governor as he entered his plane, the last person of the flying party that day to board. He is tall and slender, with a confident smile, one that easily catches with everyone around. He had just come from the executive mansion, having attended a series of legislative and staff meetings on judicial reform.

Governor Askew was at the end of his first year in office, and in this short time seemed to have ignited the enthusiasm of his people. The taxi driver back in Tallahassee had told me, "He's the best yet!" A man on the street outside the capitol had remarked, "I didn't vote for him, but I will next time."

His name is already on the national scene, being pushed as a vice-presidential possibility. He has been selected as the keynote speaker for the presidential nominating convention of his party. For him, he is much more interested in doing a good job where he is, as the first-term governor of a key state.

He has plunged into major legislative problems such as tax reform, judicial change, overhaul of the prison system, educational

improvement. He sells his new programs vigorously and persuasively.

Governor Askew has gained a reputation for fair play and sincerity, but no one will say he is easily bent when he holds strong convictions on what he feels is for the public good.

Equally strong are his personal-life convictions, which he holds for himself. These he does not try to impose on others, yet he does make an impact through the quiet power of his own example.

A family man, the governor deliberately plans his program to include time with his wife Donna Lou and two children, Angela Adair (11) and Kevin O'Donovan (9).

A churchman, he holds office in his Presbyterian congregation, and openly upholds religious principle as a requisite for success in public and private life.

An advocate of individual initiative, the governor started early to make his own way. At age nine he worked to support himself and contribute to his family. After high school graduation, he entered the Army as a private in the paratroopers. Following his receiving a B.S. at Florida State University, he served for two years in the Air Force and then went back for his law degree. 1958 saw him elected to the state House of Representatives, and 1962 to the state Senate.

But the plane is now landing at the Fort Lauderdale airport—on schedule, at 6:15 p.m., where in 15 minutes the governor will depart in a state car for the Diplomat Hotel in Hollywood, Florida, to address the opening meeting of a Christian leadership convention.

After that, the state troopers will drive him to Miami Beach, where, after informal legislative consultation at the Balmoral Hotel, he will end his day by going up to his room for his time of Bible reading and devotion—to catch some rest before getting up early to begin at 8:30 in the morning a full series of press conferences scattered across the state from the Beach north to Saint Augustine.

Thus "Listen" has a brief glimpse into a rather typical day for Governor Askew of Florida.

FREEDOM—JUST ANOTHER WORD?

I'm sure many of you are familiar with the song, "Me and Bobby Magee," recorded by the late Miss Janis Joplin. I don't pretend to be a fan of rock music. (I was just getting used to Frank Sinatra.) But there's a line in "Bobby Magee" which I find somewhat disturbing. It says that "freedom's just another word for nothin' left to lose."

I think I understand the frustration and the despair beyond that statement. But I believe that freedom is an opportunity—the ultimate opportunity—the condition in which we have everything to lose, as well as everything to gain.

I believe, along with author Albert Camus, that "freedom is nothing else but a chance to be better, whereas enslavement is the certainty of being worse."

I hope that each of you will take advantage of your freedom in the manner suggested by Camus. I hope you will use it wisely, bravely and intelligently for the betterment of yourselves, your fellowman, your country, and your world.

There are many ways of doing this. Some, such as peaceful demonstrations on a given issue, are dramatic. Others, such as arming yourselves with education, that great right arm of democracy, are less spectacular but more effective in the long run.

The most effective way of exercising your freedom—the vote—will be open to you soon. The vote for 18-year-olds is, I think, long overdue.

Regardless of the means, the important thing is commitment.

As you know, we lost Janis Joplin to the disease of escape, the disease of drug abuse. If there is any one message I want to get

across to you, it is the senselessness of wasting the gift of life in this way. Just as we have no time for flattery, we have no use for drugs—they kill, they cripple, they destroy. I can't make you stay away from them. I can only ask you to think about what you really want out of life, and to act accordingly.

We have lost other young people to the apostles of distrust, hate, and fear. Don't let others turn you from a generation of commitment into one of escape.

Don't cop out for what might have been—hang in there for what can be.

It is hard—it is demanding—it is more difficult than merely sitting on the sidelines taking potshots at those who are in the game. But it is rewarding—believe me.

PRESIDENT NIXON'S TRIP TO MOSCOW

Mr. MANSFIELD. Mr. President, I want to take this means to commend President Nixon for the substantial achievements which he has been able to accomplish so far in his meetings with President Podgorny, Chairman Brezhnev, and Premier Kosygin in Moscow.

Up to this time, bilateral agreements have been reached in the field of the environment, in the field of health, in the field of space, and in the field of scientific cooperation.

It is my understanding that there are other agreements still under consideration—one, a pact reducing the risk of incidents at sea, another having to do with a commercial maritime accord, and another having to do, possibly, with trade agreements.

Of course, the big one, has to do with SALT, seeking to bring about a reduction in strategic arms limitations.

I want to commend the President for what he has been able to accomplish thus far. I know that he has been diligent, that a lot of groundwork has gone into this meeting at the summit. I join the distinguished Republican leader, my good friend and able colleague, the senior Senator from Pennsylvania (Mr. SCOTT), in expressing my thanks for what the President has been able to achieve so far, my hope that what he would like to accomplish in the remaining days ahead will also be possible.

I know also that the President, as he told the joint leadership, will discuss with the Soviet leaders the question of the tragic war in Indochina and also the situation as it exists in the Middle East.

This is a most difficult assignment for the President. He is carrying out his duties with dignity and responsibility.

I wish him well. He has the prayers of the Senate for his success.

Mr. SCOTT. Mr. President, I thank the distinguished majority leader for his expected and usual generosity in support of the constructive achievements of the President in Moscow in which, I am sure, the whole country joins.

I think that most Americans did not realize how many areas were open for cooperation, as evidenced by the fact that a number of the treaties have already been announced and approved and that there are other treaties coming.

This is probably the greatest advance in Soviet-United States relations since the assumption of government by the Soviet Union in that country.

It evidences, I think, a genuine desire

on the part of both the superpowers to lower their voices, to reduce world tensions. I spoke with Mr. Soslov, whom I had asked to see last August, because I am No. 3 in my party and he is No. 3 in his party. I asked him then to consider seriously the possibility of joint space exploration, which I have long advocated, as have many others.

I am delighted that this is now to be put in effect. This will establish the trend of both nations to regard outer space as an area for peaceful exploration rather than war-like involvement.

I said to Mr. Suslov at the time that I thought that while both nations were powerful and both nations were being told by their friends that what they were doing was right, in all truth and fact, all the rest of the world at one time or another is frightened by the power of the two great superpowers.

It is our right and our political obligation to reduce the threat to the rest of the world and to reassure them. Having done so, we then have a moral leadership which we can assert to the rest of the world, so that they, too, will not go too far along the nuclear road in the direction of threatening the security and peace of the world. On the contrary, all nations should put their hands to this nuclear power, to this nuclear plow, so that we may cut new furrows for the world's betterment and enrichment, rather than to continue with the unfortunate overhanging threat to the world's peace.

I join with other Senators in commending the President for all that he has done and is doing.

TRIBUTE TO SENATORS PELL AND JAVITS ON ADOPTION OF EDUCATION CONFERENCE REPORT

Mr. MANSFIELD. Mr. President, I simply wish to commend the outstanding efforts of the distinguished Senator from Rhode Island (Mr. PELL) in leading the adoption yesterday of the education conference report. This measure represented one of the most significant and far-reaching proposals that will come before the Senate during this Congress. Senator PELL, as chairman of the Education Subcommittee, deserves the Senate's highest commendation for this success. Particularly appreciated was Senator PELL's work in carrying out those provisions of the measure designed to provide the best higher education possible for the greatest number of young people—our most valuable resource. But the effort devoted to resolving the pressing issue of schoolbusing was also greatly appreciated.

The same may be said of Senator JAVITS' contribution. As always, the distinguished senior Senator from New York applied the full measure of his skill and ability in behalf of the Senate's position on the substantive matters involved. His talents are of enormous significance. The Senate, again, is deeply in his debt.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the senior Senator from Wisconsin (Mr. PROXMIER) is recognized for not to exceed 15 minutes.

THE U.S. NAVY'S EMPHATIC SUPERIORITY OVER THE SOVIET NAVY

Mr. PROXMIER. Mr. President, all too often when it comes to the complex questions of national security there are insufficient facts available to make sound judgments. Sometimes this is due to our system of classification. Sometimes it is because the issues are terribly sophisticated and technical in nature. And sometimes it is simply a case of being supplied with partial or incomplete data.

The size of the Soviet Navy is just such a case.

We have heard that the Soviet Navy is growing dramatically, challenging the United States in every ocean, and that unless we meet this challenge by abruptly increasing expenditures on our own Navy, we will no longer be able to defend the Nation's interests.

Adm. Thomas H. Moorer, Chairman of the Joint Chiefs of Staff, has recently told the Senate Armed Services Committee:

The continuing growth of Soviet naval capabilities relative to our own is a matter of increasing concern to the Joint Chiefs of Staff. The Soviet Navy has already acquired a global reach. Their ships are now operating on a sustained basis in the Atlantic, Pacific, and Indian Ocean, the Mediterranean and increasingly in the Caribbean. Unless we accelerate the modernization of our fleet, the Soviets will increasingly challenge our control of the seas in those maritime regions essential to the success of our forward defense strategy, as well as in ocean areas closer to our shores.

Inevitably, comparisons are drawn between the United States and U.S.S.R. naval forces. This is a very difficult business. If comparisons are to be accurate, they must range along a number of lines, not only numbers, but tonnage, sophistication, and effectiveness. But this has not been done. We have had too many half-truths. The Pentagon has artificially made it appear that the Soviet Navy is a massive, modern force that directly threatens the United States. Now what are the facts? Who has the naval power? The answer, the United States leads the Soviet Union in almost every major naval category and current building programs will keep us on top.

My information shows that a number of significant variables have been overlooked thereby giving the impression that the Soviet and Warsaw Pact nations are enormously more powerful than they are in fact.

Let us look at some of these comparisons, based on Navy data as of February 1972.

TOTAL NUMBERS AND CAPABILITIES

In terms of overall numbers of ships, we should talk about major combatants or ships of about 1,000 tons or over. This leaves out small vessels used in coastal areas that might distort the total numbers. The United States has 246 surface major combatants compared to 222 for the U.S.S.R.

The capabilities of the U.S. Fleet, however, are far superior. For example:

The United States has four nuclear powered surface ships and is building seven more. The Soviets have none.

The United States has 14 attack air-

craft carriers with up to 95 aircraft each and nuclear weapons. The Soviets have none.

The United States has two antisubmarine carriers. The Soviets have none.

The United States has seven amphibious assault helicopter carriers and is building five more up to 35,000 tons. The Soviets have two cruisers of 15,000 tons with helicopter pads for this category. The Soviets have a large ship under construction in the Black Sea that has not yet been identified. It could be a merchant ship or possibly an aircraft carrier.

The United States intends to add a fourth nuclear carrier, the CVN-70, and a fleet of eight follow-on small carriers called Sea Control ships.

In short, our superiority in aircraft carriers, seabased air operations, and nuclear surface ships is absolute.

CRUISERS

There is considerable confusion about modern day definitions of cruisers. The United States is not building any more traditional cruisers. Instead, we are producing various destroyers, some of which are larger than traditional World War II cruisers. The Soviets, on the other hand, are emphasizing cruisers, but these turn out to be smaller than some U.S. destroyers.

Nevertheless, the Soviet Union has 25 cruisers, but 14 of them are without missile capability. Four of the 25 cruisers are so old that they probably are being deactivated. Ten others are actually smaller—4,800 to 6,000 tons—than the U.S. nuclear destroyers—7,600 to 9,000 tons. The U.S.S.R. also has three converted and three new cruisers of 12,000 to 15,000 tons under construction.

The United States has eight conventional cruisers and one nuclear cruiser. All but one of the U.S. cruisers carry missiles. In addition, the United States is planning to build a number of 10,000-ton cruiser-size, surface-effects ships.

DESTROYERS

In terms of destroyers, the United States has 65 missile-equipped destroyers to the Soviet's 40. Two U.S. destroyers are nuclear and five more under construction. No Soviet destroyers have nuclear propulsion. The Soviets have about 155 older nonmissile destroyers and they are building a new sophisticated class called the *Krivak*, two of which are already operational. The United States has some 115 additional nonmissile destroyers and is building 16 modern DD963—*Spruance*—class vessels and 14 *Knox* class destroyer escorts. The first procurement request for 50 3,400-ton patrol frigates—*PE's*—is in this year's U.S. budget. The *PE's* will be larger than most Soviet destroyers. By mid to late 1970's, the United States will have an advanced surface-to-surface missile called the Harpoon onboard all our major combatants and some of the patrol boats. How about submarines?

SUBMARINES—ATTACK AND CRUISE MISSILE

During World War II, Stalin decided to build 1,200 submarines. This plan was never carried out. However, the submarine remains the major offensive weapon of the Soviet fleet. They currently have 343 submarines, a number

that is decreasing yearly as the World War II vintage submarine becomes obsolete. Of the 343, 190 are old diesel attack submarines of limited operational capabilities and are being retired. They also have 65 nuclear attack submarines of which 40 are cruise missile equipped and they have 28 older diesel attack submarines equipped with cruise missiles.

The United States has at least 56 nuclear attack submarines, none with cruise missiles, and 41 older diesel attack submarines without missiles which are being retired. We are building 21 new SSN-688 class and SSN-637 class nuclear attack submarines. The SSN-688 will be the most modern, sophisticated attack submarine in the world. Plans are even being made to produce a follow-on to the SSN-688 which will have a long-range cruise missile capability.

Overall, the Soviet Union retains numerical superiority in submarines, but the speed, quietness, sophistication, and operational techniques of U.S. attack submarines are entirely higher quality. U.S. submariners get much better tactical training and have better equipment.

STRATEGIC SUBMARINES

The figures for ballistic missile submarines show a disparity in strength favoring the United States. U.S. seabased strategic capability is imposing. We have 41 ballistic missile submarines with missile ranges up to 2,500 nautical miles. The Poseidon version carries 16 missiles with about 10 multiple independently targeted reentry vehicles—MIRV's—each. By fiscal year 1975 we will have 31 Poseidon boats with 4,960 reentry vehicles plus 10 older Polaris boats of 16 launchers, each with three multiple reentry vehicles—MRV's.

The Soviets have about 25 Y-class ballistic missile submarines and 17 more under construction, but their missile range is 1,200 nautical miles less than Poseidon, they have neither MRV's nor MIRV's, they have less accuracy, their boats are noisier and thus are more susceptible to ASW techniques. They do not have as long on-station time as U.S. boats, and they suffer from restricted geographic operating conditions. Older versions, the Hotel and Golf classes are smaller, with even more restricted missile range and operating conditions. Of the entire operational Soviet ballistic missile fleet of 60—roughly 25 Y, 25 Golf, 10 Hotel classes—only 8 to 10 of their ships or 16 percent are on station at any one time. The United States has 32 operational Polaris/Poseidon boats with about 16 or 50 percent on station. A new long-range naval missile, the SS-NX-8 has been tested by the Soviets and may be retrofitted into their Y-class submarine or alternately, placed aboard a new class of submarines.

ALLIED FORCES

A simple point-by-point comparison between United States and U.S.S.R. navies is a seriously incomplete picture, however. Allied combatants ships must also be included. Major NATO combatants number 757 compared to 583 for the Warsaw Pact. This case is aptly demonstrated in the Mediterranean. The total average number of Warsaw Pact and their allied—Egypt, Yugoslavia, Al-

bania—major combatants in the Mediterranean ranges from 43 to 54. The counterpart NATO and our allied forces—one-half French fleet, Spain, Israel—total is 164 or almost four times as many.

In fact, either the French or Italian Mediterranean forces is numerically, at least, the equal of the Soviet Mediterranean fleet.

We must not overlook the British and French strategic forces. The British have four Polaris ballistic missile submarines which carry the A-3 triple MRV. The French have one ballistic missile submarine with 16 tubes and have four more under construction.

ADDITIONAL ADVANTAGES

Let me mention a few other areas in which the U.S. Navy has a decided advantage. We do not operate under the restricted geographic conditions that hamper the Soviet fleet. They must face iced-in ports and narrow transit waters where they can be detected and even bottled in during wartime. We have numerous overseas bases for replenishment, crew liberty, and repairs. Advanced bases also provide for quick reaction time.

The U.S. Navy surveillance and communications systems are far more sophisticated than anything the Soviets have.

We also have a significant lead in the strategically important area of anti-submarine warfare—ASW. The U.S. Navy confidently states that no U.S. Polaris-type submarines are being detected or followed by Soviet submarines. On the other hand, U.S. listening devices and attack submarines do detect, identify, and track Soviet submarines. No one questions our superiority in this field. U.S. capability in tactical ASW is likewise far superior and this moderates, to some degree, the heavy Soviet emphasis on submarines. The 5nm ASROC and 35 nm SUBROC, for example, are ASW innovations used exclusively by the United States.

So far I have pinpointed a number of distinctions between the United States and U.S.S.R. fleets. I think it is apparent that our conventional and nuclear surface fleet is far more powerful, in almost every category, than their Soviet counterparts. I have also shown that in terms of some types of submarines, and possibly surface-to-surface missiles, Soviets lead at present.

MODERNIZATION AND CONSTRUCTION

But what about modernization and construction rates? Are not the Soviets gaining on us rapidly?

The answer: "No." It is true that since the Soviets have decided to modernize some of their fleet and replace older vessels and then show these ships in some new areas of the world, they have attracted a lot of attention. It must be noted, however, that they have had limited open ocean experience, nothing comparable to the U.S. Fleet. The decision to enter new waters was political, not the result of an increasing number of ships. The Soviet fleet still is defensive in character as opposed to the primary offensive capability of the U.S. Fleet. They have held only one major worldwide ocean exercise, OKEAN, in April of 1970. Since then they have only modestly in-

creased their training exercises in foreign waters.

Now for the facts on modernization. Between 1960 and 1969, and according to the U.S. Navy's own data, the U.S. shipbuilding program has exceeded the Soviet's in every type of ship except the surface-to-surface missile ship. During that period we completed:

Five attack carriers—the Soviets none;
Six helicopter carriers—the Soviets two;

No surface-to-surface missile ships—the Soviets 14;

Fifty-five surface-to-air missile ships—the Soviets 15; and

Eighteen antisubmarine warfare ships—the Soviets none.

The U.S.S.R. has expanded shipyard capacity particularly for Y-class submarines, to accommodate their modernization program but there was Soviet naval buildup as a result of the Cuban missile crisis of 1962.

The Soviets have some good weapons, particularly their antiship cruise missiles which directly threaten our aircraft carriers. And they have been modernizing their fleet selectively including the use of more efficient gas turbines. But there has been no crash program. There has not even been a buildup in numbers. They do not belong in the same category with the U.S. Navy, a worldwide balanced open ocean force with advanced bases, sea knowledge, staying power, and air coverage.

WELL-KNOWN TECHNIQUE

The Pentagon's buildup of the Soviet Navy is a strange but well-known technique. Clearly, if the Soviet Navy is suddenly that much of a threat, our own Navy has not been wisely using its funds, even though they get more money from Congress than the other two services.

It is more likely that the Pentagon is again crying "wolf" in the hope of stampeding Congress into buying the new billion dollar aircraft carrier, the CVN-70, and the multibillion-dollar undersea long-range missile system—ULMS. The Navy has conducted a skillful and extensive lobbying campaign in Congress but we must not be swayed by their incomplete data.

This kind of exaggeration drives the defense budget up every year. But even worse, it is a misstatement of the facts. We are No. 1 militarily, and we should not be afraid to say so.

FACTS IN LETTER UNANSWERED

I have written Admiral Zumwalt, the Chief of Naval Operations, challenging the Pentagon to give the full story about the Soviet Navy—a net assessment as this administration prefers to call it.

The admiral has replied but he has not offered a rebuttal to any of the facts. The point is that while he has written that he disagrees he offered not one single specific fact in rebuttal—not one.

Thus, while he states that he believes that many of the assessments in my letter are incorrect, he offers only to "brief me."

I am writing back and insisting that he reply to my facts in writing. I was briefed by Admiral Zumwalt on the F-14. First of all, he brought a flotilla of admirals,

captains, and commanders to my office. There was so much gold braid that I calculated that almost half the funds for Navy pay and allowances must go to these gentlemen.

GOLD-BRAIDED BRIEFINGS

Then he gave me a "selected" briefing. He justified that biggest lemon of all lemons, the F-14 fighter plane, which will cost at least \$16 million a copy. The way he did it was to take some relatively unimportant factors to try to show that it was superior to the F-4 in those single facets.

It reminded me of the way baseball records are kept. They now talk about the record for left-handed catchers who hit singles in the fourth inning of the fifth game of a seven-game World Series against a rookie left-hander.

It was that kind of "selected" information the briefing used to justify the F-14.

I am, therefore, refusing a briefing which, if like the last one, never would produce any solid answers and which was largely a gold-braided snow job.

I am insisting that the admiral answer me in writing and put it down on paper where we can see it, analyze it, and not be overwhelmed by uniforms and charts.

The main thrust of my remarks should now be clear. Why should we sharply increase the spending for our Navy when we are so emphatically superior to the Soviets in so many ways? The facts dictate otherwise. Let us be prudent in our fiscal judgments and not overreact to inflated threats.

I ask unanimous consent that the exchange of correspondence with Admiral Zumwalt be placed in the RECORD at this point. I also ask that the May issue of the Defense Monitor, which contains a breakdown of United States-Soviet naval forces be inserted in the RECORD. The Defense Monitor is published by the newly formed Center for Defense Information, headed by Rear Adm. Gene R. LaRocque, U.S. Navy, retired, who, I think, is going to make a tremendously useful contribution to our understanding of the real facts on defense.

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

U. S. SENATE,

Washington, D.C., May 19, 1972.

Adm. ELMO R. ZUMWALT,
Chief of Naval Operations,
The Pentagon,
Washington, D.C.

DEAR ADMIRAL ZUMWALT: I do not believe that the Department of Defense has presented Congress and the public with a full and complete comparison of the naval programs of the NATO countries and the Warsaw Pact. My research shows that a number of significant variables have been overlooked, thereby giving the impression that the Warsaw Pact nations are enormously more powerful than they are in fact.

I intend to make a full presentation to the Senate on this subject May 25th, demonstrating that the present balance of naval forces is dramatically weighted on the side of the U.S. and NATO countries. I invite you to comment on the following points which I will make, and I will submit your reply to the Senate at the same time so that comparison can be drawn. It is imperative that you respond no later than noon Wednesday, May 24th.

Our conventional and nuclear surface fleet is far more powerful, in almost every category, than their Soviet counterparts. Even though we have 246 major surface combatants and the Soviets have 222, the capabilities of the U.S. vessels are far superior.

For example, the U.S. has four nuclear powered surface ships and is building seven more. The Soviets have none. The U.S. has 14 attack aircraft carriers with up to 90 aircraft each. The Soviets have none. The U.S. has two anti-submarine carriers. The Soviets have none. The U.S. has seven helicopter carriers and is building five more up to 35,000 tons. The Soviets have two converted cruisers of 15,000 tons with helicopter pads. A large new Soviet ship under construction in the Black Sea has not yet been identified. It could be a merchant ship or possibly an aircraft carrier.

A numerical comparison of cruisers points up further misleading statements. The Soviets have 25 to our 9 but only one large Soviet cruiser has any missile capability while all but one of the U.S. cruisers carries missiles. Four of these Soviet cruisers are so old that they probably are being deactivated. Ten Soviet cruisers are smaller in size than many U.S. destroyers.

Considering destroyers, Soviet ships are less numerous (65 to 40) and much smaller in size.

The figures for submarines also show a disparity in strength favoring the United States. U.S. ballistic missile capability is imposing. We have 41 ballistic missile submarines with missile ranges up to 2500 n.m. The Poseidon version carries 16 launchers with about ten Multiple Independently-targeted Reentry Vehicles (MIRVs) each. By 1975 we will have 31 Poseidon boats with 4,960 reentry vehicles plus ten older Polaris boats equipped with triplet multiple reentry vehicles (MRVs). The Soviets have about 25 Y-class ballistic submarines and 17 more under construction, but their missile range is 1200 n.m. less than Poseidon, they have neither MRVs or MIRVs, they have less accuracy, their boats are noisier and thus susceptible to ASW techniques, they do not have as long on-station time as U.S. boats, and they suffer from restricted geographic operating conditions. Older versions of Soviet submarines, the Hotel II and the Golf II classes are smaller with even more restricted missile ranges and operating conditions.

It must be noted that the Soviets do possess some 68 cruise missile submarines which present a threat to U.S. surface craft. They also have a large but quickly obsolescing number (190) of diesel attack submarines of greatly limited capabilities. The U.S. has 56 nuclear attack submarines, more than twice the Soviet's 25. Furthermore, U.S. models are of across-the-board better quality and we are building a more modern submarine class (SSN-688) at a fast pace.

In view of these specific facts, the United States has a clear naval advantage over the Soviet Union in tonnage, conventional fire power, basis, modernization and nuclear warheads. If you dispute this apparent advantage in any respect, please give me your detailed rebuttal.

A simple point-by-point comparison between U.S. and Soviet navies is a seriously incomplete picture however. Allied combatant ships must also be included. Major NATO combatants number 767 compared to 583 for the Warsaw Pact. The case is aptly demonstrated in the Mediterranean. The total average number of Warsaw Pact and Allied major combatants in the Mediterranean ranges from about 43 to 54. The counterpart NATO and Allied forces total is 164 or almost four times as many. In fact, the French and Italian Mediterranean forces are at least, individually, the equal of the Soviet Mediterranean fleet!

Just as present comparisons greatly favor

NATO forces, long-term projections also show that this dominance is likely to prevail. The U.S. has 63 major new combatants authorized and under construction ranging from nuclear aircraft carriers to the ill-fated DE-1052 Knox class escorts. This is not to mention the \$1 billion new nuclear aircraft carrier or \$942 million as a down payment on a \$11.9 billion ULMS fleet the Department of Defense is requesting in the Fiscal Year 1973 budget.

I am enclosing a table prepared by the Center for Defense Information on which I base some of my conclusions.

Please give whatever evidence you have to contradict this table and the conclusion that the present U.S. Navy building programs are more than enough to keep the U.S. far ahead of the Soviet Union in significant categories of naval warfare for the foreseeable future.

Sincerely,

WILLIAM PROXMIRE,
U.S. Senator.

CHIEF OF NAVAL OPERATIONS,
Washington, D.C., May 23, 1972.

Hon. WILLIAM PROXMIRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PROXMIRE: Thank you for your letter of May 19, 1972 giving me the opportunity to comment on the points you propose to make in your presentation to the Senate on May 25th.

I am sure you recognize that I am in substantial disagreement with many of the statements in your letter. The Secretary of Defense, the Chairman of the Joint Chiefs of Staff, the Director of the Central Intelligence Agency, the Secretary of the Navy, other Navy witnesses and I have presented all the facts we know concerning the relative naval posture of the United States and our allies and potential adversaries to the Senate Armed Services and Appropriations Committees in executive session. This testimony is in the process of security review and the unclassified portions will be published by the cognizant committees in conjunction with their reporting out the military procurement authorizations and appropriations bills.

I regret that the time available from receipt of your letter to the deadline you have set for receipt of my reply is not sufficient for me to address adequately the issues you have raised. Further, since the President is at this moment in Moscow engaging in a series of extremely serious discussions on a number of sensitive subjects, it would be inappropriate for me at this time to engage in correspondence concerning the issues raised in your letter.

Let me assure you that I am perfectly willing to discuss the issues with you after the President returns. In order to do so, it will be necessary to assemble in one presentation the pertinent facts. Therefore, I will be happy to discuss these issues with you and answer any questions you may have.

Since I believe that many of the assessments in your letter of May 19 are incorrect, I would suggest that you avail yourself of this briefing before making the presentation to the Senate. Should you decide, however, to proceed with your presentation without this briefing, I would appreciate your including this reply with your presentation to the Senate.

E. R. ZUMWALT, JR.,
Admiral, U.S. Navy.

[From the Defense Monitor, May 1972]
THE SOVIET NAVAL THREAT: REALITY AND ILLUSION

Admiral Thomas H. Moorer, Chairman of the Joint Chiefs of Staff, has told Congress that "a major shift in the naval balance between the United States and the Soviet Union" is taking place.

"Unless we accelerate the modernization of

our fleet," he told the Senate Armed Services Committee on February 15, 1972, "the Soviets will increasingly challenge our control of the seas in those maritime regions essential to the success of our forward defense strategy, as well as in ocean areas closer to our shores."

On the basis of these arguments, the Defense Department has asked Congress for \$9.7 billion in new Navy procurement funds for fiscal 1973, about \$1 billion more than in 1972, which was in turn about \$1 billion more than in 1971. These funds are part of a Navy "modernization" program: 42 major combat ships and 21 submarines now under construction or authorized by Congress and more than 60 major surface ships and a new fleet of ballistic missile submarines contemplated (see tables 4 and 5).

The Center for Defense Information has made its own study of the naval balance and has reached the following conclusions:

The balance is heavily in favor of the United States.

The Soviet Union is doing little which would significantly change the balance in the next few years.

There is little evidence to support the request for a large increase in money for ships designed to protect US power overseas and to greatly expand US strategic weapons capability.

A LOOK AT THE BALANCE

Defense Department testimony to Congress on the Soviet naval threat stresses such trends as an increase in the number of Soviet major combat surface ships in the last five years (from 185 to 215, including two new helicopter carriers, seven new missile cruisers, 18 new missile destroyers and 36 new escorts). It stresses Russia's numerical advantage in submarines (about 343 Soviet to 138 US), new Soviet anti-ship missiles, and increases in Soviet naval operations in the world's oceans.

But these presentations fail to give a fair picture of the relative strengths of these two navies. The diagrams and data on the following pages give a fair picture. They show that:

1. The Soviet Union has no nuclear-powered combat surface ships and is not reported to be building any. The United States has four and is building seven more.

2. The United States has 14 attack aircraft carriers which carry from 40 to 90 jet aircraft each, used for striking land or sea targets. Two nuclear carriers are under construction. The Soviet Union has no attack carriers and no sea-based fixed-wing aircraft. The Defense Department has asked for funds in 1973 to start building the power plant for a fourth nuclear attack carrier. It also has asked for funds to design a new fleet of at least eight smaller follow-on carriers to be called Sea Control Ships.

3. The United States has two anti-submarine carriers which carry helicopters and fixed-wing anti-submarine aircraft. The Soviets have two anti-submarine carriers which are actually cruisers with large helicopter landing decks. One 35,000-ton ship is under construction in the Soviet Union which may be a carrier or some other type of ship.

4. The United States has seven "assault" helicopter carriers designed to move marines ashore. Five more, twice the size of the existing ones, are under construction. The Soviet Union has no comparable ships.

5. The United States has nine cruisers. The Soviets have 25. But four of the Soviet cruisers are pre-World War Two and are probably being retired. Ten of the Soviet cruisers are smaller than many US destroyers. The US Navy wants to build two 2200-ton prototypes of what would eventually be a cruiser-size hovercraft called a "surface effects ship."

6. Soviet missile-firing destroyers are fewer and smaller than their US counterparts. Congress has already authorized 30 new destroyers (DD963 Spruance Class), which are larger than any destroyers of the Soviet Union. The US Navy is asking for funds for 50 new "pa-

trol frigates" which will be larger than most Soviet destroyers. By the late 1970s all US destroyers and patrol frigates are to be equipped with the new Harpoon surface-to-surface missile.

7. The present US fleet of 41 strategic ballistic missile submarines has 2800 separately targetable warheads.¹ Russia's ballistic missile submarines have about 500 warheads (see Table 1). Also, a greater percentage of the US ballistic missile submarines are on station at a given time than is the case with the Soviet submarines. By 1976, the number of separately targetable US submarine-launched warheads will increase to almost 7000. This figure does not reflect the proposed new ULMS ballistic missile submarine system which will be the subject of a subsequent edition of *The Defense Monitor*.

8. The Soviets have a fleet of 68 submarines armed with anti-shiping "cruise" missiles. The United States decided in the 1950s not to develop a capability in this area and abandoned its Regulus missile program. Recently, the Pentagon decided to go ahead with development of a new cruise missile for a new attack submarine.

9. The US has more than twice the number of nuclear-powered attack submarines as the Soviet Union. The Russians have 190 diesel attack submarines as compared to 41 for the US, but these are being phased out of both navies. The total number of Soviet attack submarines has decreased from 430 in 1960 to 283 in 1972, and Admiral Moorer states that he expects this number will continue to decline as newer submarines are introduced at a slower rate than older units are withdrawn. The US is building a new

class of nuclear attack submarines (SSN 688 Los Angeles Class).

CONSTRUCTION

Admiral Moorer told Congress: "The rate of modernization in the Soviet surface fleet is expected to accelerate during the next few years."

The Russians are building mainly light cruisers and destroyers. These include Kresta II cruisers, and Krivak and Kashin destroyers. Recently these have been built at a rate of about one per year in each class. Defense Department reports have suggested another "possible" cruiser construction program and a "possible" carrier.

But in view of the U.S. construction program already in progress, Soviet "acceleration" would have to be enormous to make a significant difference in the overall balance.

REGIONAL BALANCES

When talking about a shifting balance, Defense Department witnesses limit themselves to comparing the US and Soviet navies. Yet, many NATO allies have modern effective navies that must be taken into account. When NATO and Warsaw Pact forces are compared the balance clearly favors NATO (see Table 2).

The balance is even more striking when naval forces in the Mediterranean, for example, are examined alone (see Table 3). (Not shown in the table are the more than 50 small patrol boats armed with anti-ship missiles which the Soviet Union has given many of her allies in the area. These boats normally operate relatively near shore.)

OTHER FACTORS

The map on page seven shows that Soviet fleets suffer geographic and climatic handicaps—limitations not faced by the US Navy. Some fleets are partially ice-bound in winter. Others can be bottled up in home waters because of narrow passages through which they must travel. These "choke points" also facilitate NATO's monitoring of Soviet fleet movements.

In discussing the US-USSR naval balance,

Defense Department witnesses neglect to consider the US Coast Guard—a force which possesses over 50 ocean-going cutters of naval destroyer size, armed with guns and anti-submarine weapons.

CONCLUSIONS

The overall naval balance favors the United States. The Soviet Union is not likely to change this status in the near future.

The naval "balance" argument does not, therefore, justify, by itself, the kind of naval buildup which the Defense Department has under way now or plans in the future. However, Defense Department testimony makes clear that the Navy has other purposes in mind. Admiral Elmo R. Zumwalt Jr., Chief of Naval Operations, told Congress that the Navy's four "capabilities" are:

"Assured second strike" (This refers to the Polaris-Poseidon fleet retaliating with strategic missiles after a Soviet nuclear attack on the United States.)

"Control of sealines and areas"

"Projection of power ashore"

"Overseas presence"

The first "capability" is defensive. In view of the overwhelming second strike capability which the U.S. possesses, the new ULMS program is not needed at this time. The American public deserves a much clearer definition of the other Navy "capabilities": What kind and degree of "control of the seas" has the U.S. decided to pursue? Under what conditions and in what areas of the world will it "project power ashore"? What portion of the present Navy and what portion of the "modernization" program is designed for overseas presence? These are questions which must be publicly asked and answered before additional programs are approved by Congress.

"Every addition to defense expenditure does not automatically increase military security. Because severity is based upon moral and economic, as well as purely military strength, a point can be reached at which additional funds for arms, far from bolstering security, weaken it."—President Eisenhower.

¹ To put in context with overall U.S. strategic capability, Secretary Laird gave these comparative figures for nuclear weapons for mid 1972:

Total offensive strategic nuclear weapons (warheads):
U.S. 5,700
U.S.S.R. 2,500

TABLE 1.—CURRENT BALLISTIC MISSILE SUBMARINE COMPARISON

Type	Number of submarines	Missile type	Missile range	Number of launchers per submarine	Total number of launchers	Number of independent warheads per submarine	Total number of warheads
U.S.:							
Poseidon.....	12	Poseidon.....	2,500 nautical miles.....	16	192	192	2,304
Polaris.....	21	A-3.....	2,500 nautical miles.....	16	336	16	336
Polaris.....	8	A-2.....	1,500 nautical miles.....	16	128	16	128
Total.....	41				656		2,768
U.S.S.R.:							
Yankee.....	26	SS-N-6 (Sawfly).....	1,300 nautical miles.....	16	416	16	416
Hotel II.....	9	SS-N-5 (Srb).....	650 nautical miles.....	3	27	3	27
Golf II.....	25	SS-N-5 (Sefrb).....	650 nautical miles.....	3	75	3	75
Total.....	60				518		518

¹ Figures as of June 1972.

² Figures as of February 1972.

TABLE 2.—MAJOR NAVAL COMBATANT COMPARISON

[Figures as of February 1972]

NATO

	Total	United States	United Kingdom	France	Canada	Denmark	Netherlands	Italy	Norway	Portugal	Greece	Turkey	West Germany
Attack and ASW carriers.....	20	16	2	2	0	0	0	0	0	0	0	0	0
Helicopter carriers.....	12	7	3	2	0	0	0	0	0	0	0	0	0
Cruisers.....	16	9	3	2	0	0	2	0	0	0	0	0	0
Destroyers and escorts.....	460	214	76	48	20	2	18	24	5	11	12	10	20
Submarines.....	259	138	34	20	4	6	5	10	15	4	2	10	11
Total.....	767	384	118	74	24	8	25	34	20	15	14	20	31

WARSAW PACT

	Totals	U.S.S.R.	Bulgaria	Czechoslovakia	East Germany	Hungary	Poland	Rumania
Attack and ASW carriers.....	0	0	0	0	0	0	0	0
Helicopter carriers.....	2	2	0	0	0	0	0	0
Cruisers.....	25	25	0	0	0	0	0	0
Destroyers and escorts.....	206	195	2	4	3	0	2	0
Submarines.....	350	343	2	0	0	0	5	0
Total.....	583	565	4	4	3	0	7	0

TABLE 3.—MAJOR NAVAL COMBATANTS IN MEDITERRANEAN AREA

	NATO and U.S. allies					Warsaw Pact and U.S.S.R. allies					
	Total	NATO ¹	Spain ²	Israel	Morocco	Total (U.S.S.R.) ³	Warsaw Pact (U.S.S.R.) ³	Egypt	Yugoslavia ⁴	Albania ⁴	Others ⁴
Attack and ASW carriers.....	5	4	1	0	0	0-0	0-0	0	0	0	0
Helicopter carriers.....	3	3	0	0	0	0-1	0-1	0	0	0	0
Cruisers.....	3	2	1	0	0	2-4	2-4	0	0	0	0
Destroyers and escorts.....	106	86	17	2	1	14-17	5-8	7	2	0	0
Attack Submarines.....	47	41	3	3	0	27-32	7-12	12	5	3	0
Total.....	164	136	22	5	1	43-54	14-25	19	7	3	0

¹ NATO includes U.S. 6th Fleet; United Kingdom forces normally in the area; one-half of the French Navy; and the naval forces of Italy, Greece, and Turkey.

² One-half of the Spanish Navy.

³ U.S.S.R. totals are normal and highest observed.

⁴ Yugoslavia and Albania are included though the political situation with the U.S.S.R. may be strained at the moment.

⁴ Others include Syria, Libya, Algeria, Tunisia, and Lebanon.

TABLE 4.—Summary of major US Combatant ships authorized or presently under construction

- 2—Nuclear Attack Carriers.
- 5—Large Amphibious Helicopter Assault Carriers.
- 5—Large Nuclear Guided Missile Destroyer Leaders.
- 16—Large All-Purpose Destroyers (DD963 Spruance Class).
- 14—Large Escorts (DE 1052 Knox Class).
- 12—Large Nuclear Attack Submarines (SSN788 Los Angeles Class).
- 9—Medium Nuclear Attack Submarines (SSN637 Sturgeon Class).

TABLE 5.—Summary of major US combatant ships, fiscal year 1973 requested

\$299 million for long lead items for one additional nuclear attack carrier (CVN-70). (Eventual total program will cost an estimated \$951 million.)

\$10 million for contract design for a "first buy" of eight new follow-on carriers called Sea Control Ships (SCS). (Eventual total program will cost an estimated \$1 billion.)

\$50 million for two 2200-ton prototypes of a new major surface combatant called Surface Effect Ship (SES), which will be a large hovercraft. (Eventual total program cost is not available.)

\$945 million for advanced development of a new strategic-missile nuclear submarine called Undersea Long-Range Missile System (ULMS). (Eventual total program will cost an estimated \$11.2 billion as "presently constituted.")

\$612 million for procurement of seven additional all-purpose destroyers of the DD963 Spruance Class. (Eventual total program will cost an estimated \$2.7 billion.)

\$192 million for the lead ship of a new fifty ship class called Patrol Frigate (PF). (Eventual total program cost is estimated at \$2.4 billion.)

\$1.05 billion for procurement of six additional nuclear attack submarines of the SSN688 Los Angeles Class. (Eventual total program will cost an estimated \$6.8 billion.)

(All total program cost estimates are based on Department of Defense figures.)

TABLE 6.—U.S. AND U.S.S.R. MAJOR NAVAL COMBATANTS (Figures as of February 1972)

	United States	U.S.S.R.
Surface:		
Aircraft carriers.....	16	0
Helicopter carriers.....	7	2
Cruisers (with missiles).....	8	11
Cruisers (without missiles).....	1	14
Destroyers and escorts (with missiles).....	65	40
Destroyers and escorts (without missiles).....	149	155
Surface total.....	246	222
Submarines:		
Nuclear submarines (with ballistic missiles).....	41	35
Diezel submarines (with ballistic missiles).....	0	25
Nuclear attack submarines (with cruise missiles).....	0	40
Diezel attack submarines (with cruise missiles).....	0	28
Nuclear attack submarines (without missiles).....	56	25
Diezel attack submarines (without missiles).....	41	190
Submarine total.....	138	343
Major naval combatant total.....	384	565

¹ Estimated.

THE CENTER FOR DEFENSE INFORMATION

The enormous size and complexity of the military effort in this country has outrun the institutions established for citizen understanding and control of public policy. An informed public opinion on national defense and foreign commitments is lacking in our society.

For these reasons the Center for Defense Information has been established. The Fund for Peace has encouraged and made possible the initiation of this Center. Further funding will be provided by private foundations and interested individuals. The Center will be under absolutely no financial or other obligation to any government, military, industrial or individual special interest.

The Center will concentrate exclusively on

analyzing and circulating public information on matters of national defense and overseas commitments, as well as scrutinizing our national defense program on a day-to-day basis. Its appraisals will challenge existing assumptions about national defense and provide the basis for rational alternative policies and budgets, to be measured against those of the Department of Defense.

The Center will disseminate its research and information to the broadest public possible through position papers; a journal, *The Defense Monitor*, of which this is the first edition; and material designed for the news and other media. In addition, the Center will respond to requests for information on defense matters. Future editions of *The Defense Monitor* will include analysis of the defense budget, ULMS (Underwater Long-range Missile System), the B-1 Bomber, technological superiority, the proposed attack carrier, U.S. forces overseas and military commitments to foreign nations, as well as other topics of vital national and military concern.

The Center and its rapidly developing inventory of information will be a reliable and non-partisan resource for all individuals and groups, insisting upon a military that will genuinely defend and strengthen American society, not weaken it by overcommitments and waste of resources.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order there will now be a period for the transaction of routine morning business not to exceed 15 minutes, with statements therein limited to 3 minutes each.

REFORM OF PENSION AND WELFARE FUNDS OF AMERICAN WORKING MEN

Mr. JAVITS. Mr. President, I am moved to speak this morning because of

an interesting series of events which took place yesterday in New York relating to the reform of pension and welfare funds of American working men and women. The funds involve over 30 million workers, close to 50 percent of the nonagricultural work force, in round figures, and something estimated at in excess of \$134 billion in assets in the pension and welfare systems of the United States.

I was due to speak yesterday at the sixth Annual Conference on Employee Benefits run by two magazines in the field in the Hotel Americana in New York. Because of what is the well-known situation here in this Chamber, where I am the ranking Republican member of the committee which was dealing with the conference report on the higher education bill and the antibusing controversy, I could not personally deliver the speech. Instead it was delivered by one of my legislative aides, Frank Cummings, who, indeed, was the man who developed this whole concept; so it was quite fitting that he read my speech.

This morning, the report of what took place yesterday is published in the New York Times under the headline "Private Pension System Termed Fraud by Nader." The reference there, of course, is to Ralph Nader, who is well known as a consumer's advocate. The speech which was delivered in my behalf by the representative of my office describing the major pension fund reform bill authored by Senator WILLIAMS of New Jersey and myself was not mentioned. In the New York Daily News report, Mr. Nader is quoted as referring to the bill as "warmed over soup."

I consider the omission in the Times and the story in the News to so unbalance the understanding by the people and the affected workers of the situation, as to constrain me to make it clear in this very public way, because to label the private pension system—which certainly needs reform—a "consumer fraud"—is to make legislation of an epithet. That is taking advantage of the fact that Mr. Nader is identified with the idea of exposing consumer frauds. To label as a consumer fraud something which is not, which sadly needs reforming, however, and to approach it as a consumer fraud and as if it were something for which somebody should go to jail, is going to dam up any hope for true, effective reform, and hurt millions and millions of workers by completely misrepresenting to them what really is the situation.

The fact is that there is no consumer fraud involved, and to create such an impression is itself a gross misrepresentation, and a great disservice to the thousands of business and labor leaders and others who have poured years of hard effort into improving and strengthening private pension plans.

What Mr. Nader's statement fails to appreciate is the historical and economic factors which underlined the impetus for the growth of private pensions, and it is this failure—along with the sensational headlines—which leads to the completely distorted picture Mr. Nader has painted.

In the early 1940's and 1950's—when

the private pension concept really took shape—it was safe for most employers to assume that the average worker seldom changed jobs but rather chose to remain with one employer for all or most of his working career. It was safe to assume that the pace of technological and economic change was sufficiently gradual to alleviate concern over possibilities of premature plan termination without adequate funds to pay benefits. It was safe to assume that the traditional application of State trust law doctrine would insure against the mishandling of plan funds. And—most importantly—it appeared that any problems or defects in private pension plan structure could be handled adequately by the network of Internal Revenue Service regulations which formed the conditions for employers receiving tax deductions for their pension plan contributions.

Most of the plans that were created in the 1940's and 1950's were built on these assumptions. Today, none of these assumptions are realistic any longer. As a result, the terms of pension plans are simply inadequate in the main, and in some cases there is inadequate funding, inadequate fiduciary standards, and great danger of benefit loss to workers relying on these plans.

It is one thing to chastise the pension plans for being too slow to recognize the changed circumstances of modern industrial life and for failing to institute needed changes in light of these circumstances. It is quite another thing to crucify these plans on the cross of consumer fraud.

The fact is that substantial numbers of workers—perhaps the majority—will not get benefits from their pension plans, but that is not because these programs have been misrepresented, but only because the terms of the plans themselves fail to vest the workers after reasonable years of service.

The epithet consumer fraud is simply put out as a carrier for Mr. Nader's pet scheme as to how he wants to reorganize pension and welfare funds. If we were to adopt Mr. Nader's proposal—and I doubt that anyone will want to—we would turn upside down and emasculate the private pension system and the fundamental incentives for its further growth and development. For one thing, Mr. Nader proposes a system with immediate vested rights for workers. Since the turnover rate of casual or transient workers is the highest—close to 90 percent according to our Senate Labor Subcommittee findings—the sheer cost of vesting these workers would be enormous and the whole chance to get pension plans which are worthy would be blown.

In order to accomplish the funding of these arrangements—solely to achieve the vesting of these casual or transient employees—it would be necessary to move away from the fixed-benefit promise made by most private pension plans today, to a fixed-contribution pattern—in which the amount of employees' benefits would be based exclusively on the contributions made to the plan. This would run completely counter to the progressive trends in the pension field.

would destroy thousands of collective bargaining agreements designed to secure adequate income supplements to social security, and would turn back the clock over 40 years to the primitive beginnings of private pensions in this country.

In addition, Mr. Nader proposes the "collectivization" of all private pension contributions into a limited number of so-called private government-insured institutions, licensed by the SEC, and chosen by the worker as an investment medium. In effect, Mr. Nader would create a series of governmentally regulated mutual funds to hold and invest all pension moneys.

Now I want to give a greater voice to workers in the operation and investment of their pension funds, but governmental regulation of these funds by the SEC, in the manner proposed by Mr. Nader, inevitably means the setting of investment standards by that agency. The implications of such massive governmental intervention into the arena of free investment decisionmaking so essential to the successful operation of our capital markets would be catastrophic to the plans. This would exploit a serious problem in order to discredit a high prospect of even greater profits from private institutions.

Mr. President, this situation indicates that nobody is entitled to a free ride on a reputation. The fact that Mr. Nader has a reputation for being an advocate of honesty to consumers does not give him a license to distort this situation by labeling it a consumer fraud, because to do so can injure millions of workers. It is greatly unfair because a great deal is being done about this pension plan reform.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. MANSFIELD. Mr. President, I yield the Senator my 3 minutes.

Mr. JAVITS. I thank the Senator.

The interests of the workers are not being overlooked. Almost 2 years ago the Senate authorized a major inquiry into pension and welfare funds, under the auspices of the Senate Committee on Labor and Public Welfare, with the Senator from New Jersey (Mr. WILLIAMS) as chairman, and myself as the ranking Republican member of the committee. The Senate has devoted \$500,000 so far to this work. Personally, I started work on this problem 7 years ago.

There has been a tremendous unearthing of just how this private pension system operates and why the absence of the reasonable vesting of many millions of workers has led to such critical hardships. There is no question about that. The administration has come forward with its own bill for reform.

The Senator from New Jersey (Mr. WILLIAMS) and I have, as a culmination of 7 years of work, introduced a major reform bill on May 11, 1972. There have been extensive Senate hearings on this matter before the Committee on Labor and Public Welfare, and before the Ways and Means Committee of the other body, which held hearings involving witnesses

from the Treasury Department and others, including myself.

I have little doubt that we will have affirmative reform and important legislation on this whole subject in the Congress within this year, perhaps, because we are that close to it, and that is our disposition. Certainly it will happen next year.

Under those circumstances, just to label something a blanket consumer fraud, as I say, is to mistreat the very people intended to be benefited with that kind of epithet, by damning up the possibility of intelligent legislation for years, and using that epithet as a means to carry Mr. Nader's own pet scheme literally, for no other reason than that.

Mr. President, we have no sacred cows, Mr. Nader or anybody else. Everybody has to be responsible for what he says and its implications.

In order to set the record straight, I have made my statement this morning. I ask unanimous consent that my speech as delivered yesterday may be made a part of my remarks, fully explaining the work and reforms which are imminent in this field. I also ask unanimous consent that a summary of the bill introduced by the chairman of the Labor and Public Welfare Committee and myself may be made a part of my remarks.

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

THE CONGRESS AND PRIVATE PENSIONS—
CONFRONTATION OR COOPERATION?

(Address of Senator JACOB K. JAVITS)

Thousands of American workers are writing to me and saying, in essence: I am worried about my pension—I have worked a long time for the same employer, who advised me I was earning a pension, but now I am told I didn't qualify for it, or there isn't enough money there to pay it, or I am told that if I leave, after all those years, to take a better job in a different company I will forfeit all my pension rights.

The question is not whether there will be cooperation or confrontation between American pension plans and Congress; the question is whether there will be a confrontation between the plans and their own "beneficiaries." They are the ones who are complaining. They are the ones who have something to lose. And they are the ones about whom we must care—for if we do not find a way to insure that private pension plans will provide them a decent retirement income, then we will end up funding their retirement needs through much-less-desirable and much-less-satisfactory means.

The morale factor involved here is very high. It is well recognized that there is a serious erosion of morale among American workers. It has also become apparent that further social security taxes to support really adequate social security payments will strain individuals and employers and even jeopardize the position of both, in the private enterprise system by which they personally profit the most.

With 30 million workers now under private pension plans and \$130 billion in assets—growing at the rate of over \$10 billion a year and with further growth under a new reform law inevitable—the impact upon the income needs of our older citizens could be decisive.

Accordingly, private pension plan reform deserves the highest priority to restore the morale and interest of the American worker.

S. 3598—THE NEW WILLIAMS-JAVITS PENSION
REFORM BILL

The bill for private pension reform which I introduced at the opening of this Congress as S. 2—itsself the culmination of seven years of work—has now been succeeded on May 11, 1972, by the bill introduced by Senator Harrison A. Williams, Jr. (D.-N.J.), Chairman of the Senate Committee on Labor and Public Welfare, with me, as the ranking minority member of the Committee. This bill, S. 3598 (the "Retirement Income Security for Employees Act of 1972"), at its introduction, was co-sponsored by a bipartisan coalition of 14 Senators from the Committee, and I stated at that time that this represented "the support necessary to bring this bill to the Senate floor—which we certainly should be able to do this year."

The new bill represents several months of intense study, discussion and consultation. In structure and format, and in the substance of many of its major provisions, it resembles closely S. 2, my prior bill on the subject, which has been pending before the Senate Labor Subcommittee. There are, however, some differences of degree and approach and also some innovations which are not to be found in S. 2.

Does the pension industry—the pension planners, administrators and consultants—have a stake in this bill? Of course they do, for it is their industry which is about to become subject to minimum standards for the first time. And any time the Government steps in with regulations and regulatory officials, there is always the whole panoply of problems that come with administrative regulation: a proper sensitivity to the practical needs of those being regulated; a proper understanding of "what actually goes on;" a decent concern for administrative efficiency, and a recognition that slow-moving decision making can be even worse than no regulation. In short, if regulation is to be of any real help, it must be feasible, fair and efficient.

Feasibility

First, as to feasibility. Can we afford it, without stifling the pension industry, without killing the less-funded plans, and without either stunting the growth of existing plans or preventing the birth of new ones?

As co-author of the new bill, I pointed out that the Treasury Department testifying before the House Ways and Means Committee on the cost of the varying vesting proposals, stated that the probable cost of my own bill, S. 2, which provides graded vesting beginning at 10% after 6 years—would be less than 1% of payroll. Presumably the cost of the new Williams-Javits bill would be even less as vesting does not begin until 2 years later. We all know that wages have risen over 6% every year since 1965. In each one of these last seven years—on the basis of either my bill or the new bill—vesting could have been achieved simply by allocating one of these percentage points to pension vesting—leaving the other 5 percentage points to wages.

Moreover, the new legislation has involved some further tailoring, and I have no doubt that it can fit the cost level which American business is prepared to bear—indeed, even the very cost level which it is now already bearing. Take any level of contributions to a pension plan, and apply vesting standards to it, and the result is not a requirement that more money be put in the plan, but rather that the same money be allocated more equitably. No bill now pending in the Congress tells any employer what level of benefits he must promise; the bills only state that, if an employer promises a certain benefit level, it must be vested after a certain length of service.

If there is any added cost then, it can only arise from the fact that pre-existing

plans already have established benefit levels, without vesting, and it may be unrealistic to require them to reduce the "promise" of those plans to a more modest level, in order to deliver upon that promise to more participants. As to these plans, the new bill provides for very substantial cost-amelioration measures.

For example, the new bill permits an option to existing plans to continue the plan for older workers without having to meet the new vesting requirements while, at the same time, requiring a new plan to be created for new employees which would comply with the vesting requirements. Older workers under this option could remain under the old plan or move into the new plan. While the bill mandates that the rate of contributions to both old and new plans be the same, it does not mandate that the level of benefits be the same, and therefore, a method has been devised to protect older workers against the possibility that benefits might—and I emphasize the "might"—be reduced in order to absorb the cost of vesting younger workers, while new workers also get fair protection.

Other devices to ameliorate cost problems are provided in connection with the funding requirements of the new bill. For example, employers unable to make the required contributions for any particular year may be permitted to spread the deficit equally over a 5 year period and this type of relief can be provided for 5 consecutive years before the Secretary of Labor is required to determine whether more drastic procedures are necessary to protect the fund's actuarial soundness.

These are just a few examples; there are others, including providing for phase-in periods and making vesting applicable only with respect to service after the effective date of the Act. I suggest that every effort has been made to avert the imposition of excessive economic burdens on existing plans, and it is in that spirit that I reaffirm my conviction that effective vesting, funding and reinsurance provisions can be enacted which will not impair the viability of the private pension plan system, and, indeed, that their enactment will contribute greatly to strengthening the system.

A tone of confrontation would assert: no minimum standard is feasible, because all are too costly. A spirit of cooperation asserts: of course there must be a minimum standard, but let's find a feasible way to bring it about within a reasonable time. The Congress will not be intimidated by the former, but we should certainly prefer the latter.

Fairness

What is fair vesting, funding and adequate protection for a pensioner? At the very least, I think most of us have come around to the view that reserving pensions for the few who qualify for the "gold watch" after a lifetime of work for just one employer is not fair to the many others who devote long years—10, 15 or 20—but less than a full lifetime to a single employer. Yet I know that most of the experts in the industry believe—and with a good deal of merit—that a pension plan cannot—or at least should not necessarily—provide retirement benefits for the "casual" employee, the "short-timer," the employee with no substantial connection with the company which created the pension plan. The question is simply where to draw the line. I have proposed "graduated vesting"; initial vesting of a small percentage after 6 years and then a gradual increase until full vesting after 15 years. (The new Williams-Javits bill provides for initial vesting after 8 years but otherwise is similar to my formula.) This approach has the advantage, in my view, of protecting the employee from

losing "everything" because he misses the "magic number" of years by only a brief period after long years of work; and still, this system requires very little in the way of cost for the early years—even until the 10th year of credited service. There is nothing sacred about the particular formulae incorporated in the legislation. In a spirit of cooperation, we can still tailor this formula to make it as decent and fair as resources permit. In a "showdown," on the other hand, I believe this formula has enough appeal to stand.

In this connection, I reiterate my opposition to the Administration's vesting proposal—the so-called "Rule of 50". Certainly it is the least costly of the various vesting proposals, but that is because it is the least effective. Also, it carries with it some real danger of exacerbating age discrimination in hiring.

In my judgment, it is wrong to approach the legislating of appropriate vesting standards on the basis of what costs the least. Obviously, effective vesting will cost something more—and both employers and workers will have to share in bearing these additional costs. But they will get something of inestimable value in return. The employer will obtain improved morale and productivity on the part of his work-force; the employee will obtain the pension security he desires so desperately.

Ineffective vesting will satisfy no one. If enacted into law, it will mean simply that Congress will be called on again and again to strengthen the statute until it is truly effective.

Efficiency

Finally, as to efficiency. My proposal, S. 2, called for the establishment of a U.S. Pension Commission and the consolidation of all pension regulations—including all the old rules under the tax laws and the Disclosure Act—in a single agency which would give the pension administrator "one-stop service."

On this point, I have always believed that, in the long run, the pension industry and I would find substantial common ground. I know the traditional distrust which industry holds for the establishment of any new government agency, and any new bureaucracy. But it is that very feeling which, I suggest to you, should form the basis for supporting the Commission proposal. For we already have a large pension "bureaucracy" in the IRS, handling tax qualifications; we already have a large "bureaucracy" in the Labor Department, handling the Disclosure Act, and bonding requirements; and then there is the SEC handling variable annuities, and so on and on. Those bureaucracies are already there; shouldn't we consolidate the authorities in one coordinated body? The vesting-funding-reinsurance regulations will require somebody to administer their requirements; should it not be the same agency for them all? And shouldn't this be a group of real professionals, who know how the industry works, and what its needs are, and who are, at least to some extent, outside the "political" branches of the Government?

However, I must be candid with you on this subject: the Commission approach has not generated at this time a sufficiently wide-spread base of support, and I do not regard it as a "fighting issue" on which the fate of the substantive reform provisions should hang.

Unlike S. 2, the new Williams-Javits bill places responsibility for administration and enforcement in the Secretary of Labor rather than in an SEC-type commission. There are reasonable arguments that can be made in support of the concept of lodging this new regulatory authority in the Secretary of Labor and after due consideration I agreed with Senator Williams that the Secretary of Labor is a logical candidate for exercising this authority.

Of course, I believe that the arguments in

support of the independent commission approach are still valid. And it may well be that as we move forward into the active consideration of this legislation that there will be renewed interest in this proposal. We will have to wait and see. I emphasize, however, that I am not at all dismayed by placing these new responsibilities in the Secretary of Labor and I foresee no problems whatsoever in moving ahead toward enactment of legislation on this basis.

Expanded coverage

It has been suggested that the drive for pension reform has ignored a more important problem—expanded coverage—which should deal with the problems of the 50 percent of the Nation's work force not covered by private pension plans at all.

I support expanded coverage, and support incentives for such coverage, such as those tax incentives suggested by the President in his message to the Congress on the subject. But incentives are one thing, and mandates quite another. Our private pension system has always been "voluntary," in the sense that the decision whether to have a pension plan has always been a private voluntary decision, and the decision as to the level of pension benefits has also always been a private voluntary decision. Indeed, the bill I have co-authored in no way diminishes that private voluntary character—it merely says to private pension plans: once you voluntarily decide to promise something, the law requires that you live up to the reasonable expectations built upon that promise.

Further, the movement for expanded coverage mandated by law would not, in my view, be of significant value if it would simply expand expectations without expanding delivery—thus multiplying the number of disappointments.

On the other hand, if pension plans really begin to "deliver," and employees learn that a pension plan is a real promise, which will deliver real benefits, I have no doubt that expanded coverage will inevitably follow, without any legal compulsion, for labor unions, employees and other participants will insist on coverage, and will be much more willing to forgo some of their real wages and real wage increases to obtain, in return, even more important real retirement benefits. That is the way to get expanded coverage under a voluntary private pension system.

Employees of small business

Who and where are those 50 percent of the American work force who are not "covered" by private pension plans? According to BLS, it appears that the overwhelming majority of employers without private pension plans are in the small business sector—many of whom lack the profit levels which enable larger employers to take advantage of the tax incentives for private plans, or whose work force is too small to provide a basis for "spreading" (thus, minimizing) administrative costs of pension plan operation.

Part of the solution, no doubt, is in the Administration's proposal (S. 3012) giving tax deductions to employees who contribute to individual saving retirement plans or to employer plans. Yet there is some doubt as to whether low-income employees are likely to see enough benefit to take advantage of such deductions.

The real solution for small business in my judgment may be in a private voluntary nationwide cooperative pension program somewhat along the lines established by the college teachers' retirement system (TIAA-CREF), to which any employer together with his employees could make tax-deductible contributions. Such a program could be run entirely on a private basis, like a fraternal benefit plan, without the hazard of any significant administrative expense to contributing

employers. My staff and I are now exploring the possibility of legislation which will assist in the development of this kind of a system for the small employers who presently account for the great bulk of the "non-covered" members of the work force.

In sum, I have no doubt that we can develop a fair, feasible and efficient system of private pension plans, and of private pension plan regulation. And under that kind of regulation, private plans will develop even more rapidly than in the past—and coverage will expand without mandating coverage and particular benefit levels. The central question is not whether we mandate plans, but whether we require that pension promises be kept, and the reasonable expectations built upon those promises not be disappointed.

So there needn't be a confrontation between the pension industry and the Congress. There shouldn't be confrontation between the private system and the workers, either. And the legislation will be better—fairer, more feasible, more efficient—if we work it out together.

SUMMARY OF MAJOR PROVISIONS OF THE WILLIAMS-JAVITS PENSION REFORM BILL—RETIREMENT INCOME SECURITY FOR EMPLOYEES ACT

PURPOSES

The purposes of the "Retirement Income Security for Employees Act" are:

1. To confer upon the Secretary of Labor the duty and responsibility to implement and administer the programs and provisions of this Act designed to improve and coordinate the establishment, administration, and operations of private employee pension and welfare plans, and provide for the enforcement of its provisions through administrative and judicial remedies.

2. To improve employee benefit plans by creating standards which will promote and adequately protect the interests of workers covered by such plans by making provisions for:

(a) Prescribed minimum vested benefits to employees after they have worked reasonable periods of time with an employer;

(b) The protection of the worker's earned rights to benefits in his or her pension plan by a combination of minimum and required standards of funding, and a Federal program of insurance to prevent losses of unfunded vested benefits where the plan terminates;

(c) A voluntary system of portability and reciprocity of credits to enable workers to transfer their earned retirement credits among different employers;

(d) Minimum standards and safeguards against abuses in the administration and management of employee benefit funds, and requirement of more comprehensive disclosure and detailed reporting of the plan, including full financial disclosure of the plan's operations, and also sufficient explanation to workers of their rights, obligations, and benefits.

(e) Effective judicial enforcement of the Act's provisions by the government and the workers affected.

Title I—Organization, powers, and duties of the Secretary of Labor

Sec. 101. The Secretary would have the responsibility to promote programs and plans for the establishment, administration, and operations of employee benefit plans. It would require the registration of such plans with the Secretary upon compliance with requirements set forth in the statute. The Secretary would also direct, administer, and enforce a pension insurance program and others relating to portability, vesting, funding, and fiduciary and disclosure requirements. The Secretary is empowered to conduct inquiries reasonably necessary to ascertain violations of the Act and use subpoena powers if necessary, and bring authorized actions to enforce the Act, prescribe rules governing ac-

tuarial standards, certify actuaries as qualified to furnish reports required under the Act, and furnish Congress with annual reports and studies.

Office of Administration

Sec. 103. Within the Department of Labor, there shall be an Office of Pension and Welfare Plan Administration to be headed by an Assistant Secretary of Labor, appointed by the President, with Senate advice and consent, to exercise power and authority delegated the Secretary of Labor for the administration and enforcement of the Act.

Coverage and exemptions

Sec. 104. Unless exempt, the provisions of the Act apply to any pension or profit-sharing-retirement plan established or maintained by an employer, a union, or both together in any industry or activity affecting interstate commerce. The fiduciary provisions of the Act apply to all employee benefit plans unless exempt.

The Act does not apply to plans administered by federal or state governments; plans administered by religious organizations; plans for the self-employed; plans covering not more than 25 participants; plans established outside the territorial jurisdiction of the United States for citizens of other countries; certain plans for key executives and plans for members of labor organizations which are financed exclusively from the members' dues.

The funding and plan termination insurance requirements are not applicable to profit-sharing or money purchase plans, because of the nature of these plans.

Registration of plans

Sec. 105. Requires covered pension and profit-sharing-retirement plans to file and register with the Secretary and upon a finding that the plan is qualified for registration, the plan is issued a certificate of registration by the Secretary. The criterion for granting a certificate of registration is compliance with the requirements of the Act. Every plan must apply for plan termination insurance as a condition for registration.

Certificate of rights

Sec. 108. The Secretary shall require by regulation that each plan furnish a vested participant, upon his termination of service with the plan, with a certificate reciting the benefits due the participant and the location of the entity responsible for payment and the date when payment shall begin.

Title II—Vesting and funding requirements

PART A—VESTING

Eligibility

Sec. 201. No pension or profit-sharing-retirement plan may require as a condition for eligibility in the plan a period of service longer than six months or an age greater than 21, whichever occurs later.

Vesting schedule

Sec. 202. All pension and profit-sharing-retirement plans are required to vest rights in participants with respect to service on or after the effective date of the title at the rate of a 30 percent vested interest commencing with eight years of service, and increasing by 10 percent each year thereafter in order that 100 percent vesting is attained after 15 years of service.

It further provides that no more than three of the eight years required to qualify for a 30 percent vested right need be continuous years of service, but that service prior to the age of 21 may be ignored in determining eligibility for a vested right unless the participant or his employer has made contributions to the plan with respect to service prior to age 21.

Any plan may allow more liberal vesting than required by the Act.

PART B—FUNDING

Sec. 210. Every employer is required to provide contributions for funding of his pension plan in a manner adequate to liquidate all pension benefit liabilities which may accrue under the terms of the plan. Employers must fund all normal service costs annually and must fund initial unfunded liabilities existing on the effective date of this Title, or in any plan established after the effective date of the Title, within 40 years from the applicable date. If any amendment to the plan results in substantial increase to the plan's unfunded liabilities, the increase shall be funded separately as if it were a new plan and shall be regarded as a new plan for purposes of the plan termination insurance program established under this Act.

If a plan has an experience deficiency (resulting from actuarial error) for any particular year, the deficiency must be liquidated in no more than a five-year period.

Within six months after the effective date of the Title or within six months after the date of plan establishment, whichever is later, the plan is required to submit a report by an actuary who has been certified by the Secretary, stating information necessary to determine the appropriate application of the funding requirements to the plan. Plans are also required to be reviewed every five years by certified actuaries who are to report the funding obligations that must be met and any surplus or experience deficiencies. The Secretary is authorized to exempt certain plans from these filing requirements.

Discontinuance of plans

Sec. 211. The Act requires all funds of terminated pension plans to be distributed according to the following priorities:

First, to retirees or persons eligible to retire on date of plan termination; second, to participants who have vested rights under the plan but who have not reached retirement age; and, third, to other participants. In addition, employers are held liable for contributions owing to the plan that were required to be made by virtue of the funding requirements of the Act, but which were not made as of the date of plan termination.

PART C—OPTIONAL ELECTION TO DIVIDE PENSION PLAN

Sec. 215. Employers with plans in existence at the effective date of the Act would be given an option. They would be permitted to retain their old plans in existence without complying with the vesting provisions of this Act, but would be required to comply with all other provisions of the Act. In addition, the employer would be required to establish a new plan to conform to the vesting requirements of the Act. All new employees, and any old employees who wish to join the new plan, would be included. The new plan would supplement the prior plan, providing all new employees with the protection required by the vesting provisions of the Act. The old plan would be allowed to phase out as older employees who elected to remain in the old plan retire.

PART D—VARIANCES

Sec. 216. The Secretary is authorized to grant an initial delay of up to three years to comply with the vesting or funding requirements of the Act where initial compliance with these requirements would be unduly burdensome, impractical, or would otherwise adversely affect the interests of employees.

Sec. 217. Upon a showing that an employer cannot make the required annual contribution to the plan, the Secretary is authorized to permit the deficiency to be funded over a period of five years, provided that the Secretary is satisfied that such a waiver will not adversely affect the interests of employees and will not impair the financial position of

the plan termination insurance fund. No waiver may be granted for more than five years, and where a plan has been granted five consecutive waivers, the Secretary may determine:

1. Whether merger or consolidation of the deficiently-funded plan with another plan of the employer is feasible and would not adversely affect the interests of participants involved;

2. Whether in order to protect the interests of participants and the position of the plan termination insurance fund, it is necessary to order the plan to terminate; and

3. Such other action as may be appropriate to carry out the purposes of the Act.

No amendments increasing plan benefits are permitted during any period that a funding waiver is in effect.

The Secretary is required to promulgate regulations governing funding of fixed-contribution multi-employer plans to assure that such plans are provided with sufficient assets to cover benefits under the plan. In promulgating such regulations, the Secretary is required to set a funding period that will actuarially reflect an adequate basis for funding the plan's benefit commitments and which takes into account the particular situation pertaining to the plan, industry, and circumstances involved. In no event is the Secretary authorized to prescribe a funding period for a fixed-contribution multiemployer plan which is less than 40 years, and no such plan is permitted to increase benefits beyond a point for which the fixed contribution rate would be actuarially inadequate unless such rate is increased commensurately.

The Secretary may determine also that employer's withdrawal from a multiemployer plan will significantly reduce the rate of aggregate contributions to the plan. He may then require the fund to be allocated between the nonworking and working participants, and treat the nonworkers' share of the fund as terminated for insurance purposes, and the remaining portion of the fund as a new one for funding, variances, and insurance purposes.

Title III—Voluntary portability program for vested pensions

Program established

Sec. 301. There is established a voluntary program for portability of vested pension credits. The program will be administered by and under the Secretary's direction and designed to facilitate the voluntary transfer of vested credits between registered plans. Plans registered under the Act may voluntarily apply for membership in the program and upon approval be issued a certificate of membership by the Secretary.

Acceptance of deposits

Sec. 302. Upon request of a plan participant, plans which are members of this program are required to pay, to a central portability fund administered by the Secretary, monies representing the value of the participant's vested rights when he is separated from the plan prior to retirement. The Secretary will prescribe the terms and circumstances of deposits to be made.

Special fund

Sec. 303. The Act establishes a Voluntary Portability Program Fund under the supervision of the Secretary into which payments will be made in accordance with regulations prescribed by the Secretary under the portability program. The Secretary shall be the trustee of the fund, and shall administer the fund and report to the Congress annually of the fund's operations and fiscal status. The Secretary is authorized to deposit the amounts received in financial institutions insured by the FDIC or FSLIC but not more than 10 percent in any one financial institution.

Individual accounts

SEC. 304. The Fund would establish individual accounts for each participant with respect to whom it has received monies under the portability program.

Payments from individual accounts

SEC. 305. As the request of a participant transferring into a new plan, the Secretary is required to pay out of his account the accumulated amounts to purchase pension credits from the new plan which are actuarially equivalent. Unless the monies in a participant's account have been transferred to another employer's plan at the participant's request, the Secretary is required to use the monies in the participant's account to purchase a single-premium life annuity from a qualified life insurance carrier when the participant reaches age 65.

Technical assistance

SEC. 306. The Secretary is authorized to furnish technical assistance to unions, administrators, and all others affected by this Act who wish to develop portability or reciprocity arrangements of their own.

Title IV—Plan termination insurance

Program established

SEC. 401. There is established a Private Pension Plan Termination Insurance Program administered by the Secretary.

Condition of insurance

SEC. 402. The insurance program insures participants against losses of vested benefits arising from plan termination. Vested rights acquired prior to the effective date of the Act or which exceed the minimum vesting requirements provided for by the Act are not insured.

The amount of vested benefit insurance is limited to 50 percent of highest average monthly wage of participants earned over a five-year period or \$500 monthly, whichever is the lesser.

No insurance shall be paid if the plan is terminated less than three years from date of establishment or registration unless the Secretary determines that a registered plan was otherwise in substantial compliance with Act and that the reserve position of the insurance program will not be adversely affected.

Insurance will not cover vested rights created by any plan amendment which took effect less than three years prior to plan termination.

No coverage is extended to participants who own 10 percent or more of employer voting stock.

Assessment and premiums

SEC. 403. Plans shall pay an initial uniform assessment to be prescribed by the Secretary to cover administrative costs of the program. The Secretary shall prescribe an annual premium rate based upon unfunded vested liabilities. For the first three years that there are unfunded vested liabilities subject to insurance, the insurance premium shall not exceed 0.2 percent of the plan's unfunded vested liabilities. After the initial three-year period, the Secretary may prescribe an annual rate based upon experience, and unless Congress objects within 60 days, the new premium shall become effective.

The Secretary is required to consult with appropriate private and government agencies on matters relating to the assessment and premium rates before prescribing rates.

Payment of insurance

SEC. 404. Insured plans must receive authority from the Secretary to terminate, and the Secretary must determine that statutory requirements have been complied with and that the prospective termination is not designed to avoid or circumvent the Act.

The insurance to be paid shall be the difference between the plan's assets and unfunded vested benefits owed at the time of plan termination.

Recovery

SEC. 405. Where employers in terminated plans are not insolvent, they may be liable for reimbursement of a portion of insurance benefits paid. The liability of the employer is to be based on the ratio of the plan's unfunded vested liabilities to the employer's net worth, and the employer is required to reimburse the Secretary for that percentage of the unfunded vested liabilities which is represented by the foregoing ratio.

The Secretary shall make arrangements with employers on equitable terms for the reimbursement of insurance paid.

Pension benefit insurance fund

SEC. 406. Within the Treasury Department, there is established a fund for the deposit of premiums, assessments, etc., made under the Act and for payment of such claims thereunder.

Title V—Disclosure and fiduciary standards

The new Disclosure and Fiduciary Requirements of this Act are accomplished amendment to the Welfare and Pension Plans Disclosure Act. (WPPDA).

Disclosure

SEC. 501. Annual reports required to be filed are required to be accompanied by a certificate designating the Secretary as agent for service of process in any action arising under this Act.

SEC. 505. Plan descriptions under this Act are required to be comprehensive and written in a language and manner calculated to be understood by the average participant. In addition, the prior filing requirements are revised to authorize plan amendments to be filed in accordance with regulations prescribed by the Secretary. Heretofore, plan amendments had to be filed within 60 days after they were effective.

SEC. 506. There are two significant changes to the WPPDA made by this section. The first is a new requirement that the annual financial report must include an opinion of the plan's financial condition by an independent accountant based upon the results of an annual audit. Second, plans must include in their reports more detailed financial information, particularly in connection with party-in-interest transactions, and more detailed actuarial information relating to the plan's funding method and its overall financial soundness.

SEC. 507. The requirements of the WPPDA relating to the furnishing of reports and information to employees is substantially broadened to require administrators to furnish to every participant upon his enrollment in the plan a summary of the plan's important provisions written in a manner calculated to be understood by the average participant (this requirement covers major amendments as well), including an explanation of a participant's rights and obligations under the plan and the circumstances which may disqualify him from benefits, and to furnish to participants every three years a revised, up-to-date summary of the plan's important provisions (including major amendments).

Additionally, the plan administrator must furnish to participants and beneficiaries, upon request, copies of the plan description, annual report, or bargaining agreement, trust agreement, contract, or instrument under which the plan is established and operated. The plan administrator may make a reasonable charge to cover the costs of such copies.

Plan administrators are also required to furnish participants with notices of any vesting or funding variation the plan has received under other provisions of the Act.

SEC. 508. Amends Section 14 of the WPPDA to restructure the Advisory Council on Employee Welfare and Pension Benefit Plans so

that it will serve as an advisory council for both the WPPDA and the Retirement Income Security for Employees Act. The Advisory Council is expanded from its present number of 13 members to 19 members. New permanent categories of membership are added to include the fields of actuarial counseling, investment counseling, and accounting. The period of advisory council meetings is changed from its required twice a year to meetings of at least four times a year.

Fiduciary standards

SEC. 509. Adds new Section 15 to the WPPDA which establishes fiduciary standards for employee pension and welfare plans.

In general, requires plans to be established pursuant to a trust agreement and requires plan funds to be treated as a trust for the exclusive purpose of (1) providing benefits to participants and their beneficiaries and (2) paying reasonable administrative expenses.

Requires a fiduciary (i.e., a person who is responsible for handling plan funds) to act solely in the interests of participants and beneficiaries and as a prudent man in a similar situation and other like conditions would act. The fiduciary must adhere to trust terms which are consistent with the Act and to refrain from transactions where his personal interests would conflict with the interests of the participants and beneficiaries. However, transactions which are otherwise prohibited may be permitted by the Secretary if he finds that the participants' interests would be served by such action. A fiduciary is prohibited from investing more than 10 percent of a pension fund's assets in securities of the employer.

In general, fiduciaries may be reasonably compensated and entitled to receive benefits which belong to them by reason of being participants in a plan and may also make certain loans to participants or beneficiaries or make reasonable arrangements with parties-in-interest for office space or other services.

Any fiduciary who breaches his trust is personally liable for losses resulting from such breach, and co-fiduciaries are jointly and severally liable except that a co-fiduciary may avoid liability by objecting promptly to any action which may constitute a breach of trust.

Exculpatory clauses in trust agreements are prohibited; however, fiduciaries are permitted to allocate specific responsibilities among themselves, and, thereby, subject to approval by the Secretary, limit the responsibility of each fiduciary.

The bill further prohibits any person who has been convicted of certain specified crimes from serving as an administrator, officer, trustee, employee, or consultant, of or with respect to a plan, for five years following his conviction or release from imprisonment, unless the Secretary determines that a waiver is justified.

Finally, the bill requires all investments and deposits of plan funds to be made in the name of the fund or its nominee and prohibits employees of either the employer or an employee organization from receiving commissions, or brokerage fees with respect to plan investments; and provides for a transitional period as determined by the Secretary for a plan to dispose of conflict-in-interest investments.

Title VI—Enforcement

SEC. 601. The Secretary is empowered to petition the federal courts to compel a pension or profit-sharing-retirement plan to comply with the Act or effect recoveries of monies which may be due under the Act.

Sections 602, 603, 604, and 605. When the Secretary has reason to believe that a pension, profit-sharing, or other employee benefit plan is violating the Act or the plan's governing documents, he may seek relief in the federal courts to compel the return of assets to the fund, to require payments to be made, to require the removal of a fidu-

ciary, and to obtain other appropriate relief. Plan participants also may seek relief in federal and state courts against violations committed by a fiduciary, including his removal from office. They may also seek relief to recover benefits required to be paid under the plan in the same courts. The Secretary has the right to remove an action pending in a state court to the federal courts for relief provided under this Act.

Sections 607 and 608. Administrators and fiduciaries have the right to obtain judicial review of the actions of the Secretary. The bill provides a statute of limitations of five years for actions arising under the Act.

Section 609. This Act supersedes state laws covering the same matters. However, the Act does not exempt or relieve any person from complying with any state law regulating insurance, banking, and related matters, and does not remove state jurisdiction over plans not subject to the Act. State courts are not prevented from asserting jurisdiction in compelling the accounting of a fiduciary or requiring clarification of the plan. The Secretary or a plan participant may remove such a case from the state to the federal court if it involves the applicability of the Act.

Mr. JAVITS. Mr. President, I thank the majority leader for yielding his time to me.

SENATOR ERVIN: HE STILL SPEAKS WITH A FRESH VOICE

Mr. MANSFIELD. Mr. President, the Tampa Tribune-Times issue for May 7, 1972, published an article by Robert Shogan about our distinguished colleague, the senior Senator from North Carolina (Mr. ERVIN), entitled "Senator ERVIN: He Still Speaks With a Fresh Voice."

I ask unanimous consent that the article be printed at this point in the RECORD.

There being no objection, the article was ordered printed as follows:

[From the Tampa Tribune-Times, May 7, 1972]

SENATOR ERVIN: HE STILL SPEAKS WITH A FRESH VOICE

(By Robert Shogan)

WASHINGTON.—At an age when many veteran senators are content to echo their past rhetoric and reiterate old positions, 75-year-old North Carolina Sen. Sam Ervin is demonstrating a fresh voice and dynamic presence.

The folksy Southern Democrat oratory backed by a keen legal mind is still vintage Ervin. And sometimes his actions seem paradoxical given a record that leans toward the Establishment side of national life.

But in recent days—in cases ranging from basketball to big-business favoritism—he has emerged as a zealous defender of constitutional guarantees protecting individuals against corporate bullying and the legislative branch against executive encroachment.

In the celebrated International Telephone and Telegraph Corp.-Richard Kleindienst case, it was Ervin who successfully insisted that executive privilege could not keep White House aide Peter Flanigan from testifying before the Senate Judiciary Committee.

Although never known as a friend to labor, he battled on behalf of America's tallest working men. In recent Congressional hearings, he condemned the proposed pro basketball merger on the grounds it would create a monopoly unfair to wage earners—in this case, professional athletes.

And his eloquence so intrigued the Supreme Court that the Justices kept him talking after his allotted time. The case involved

the Pentagon Papers that Alaska Sen. Mike Gravel had read into the Congressional Record. The Justice Department was seeking to question a Gravel aide, Ervin said:

"Nothing comes nearer to scaring a poor Senator or Representative to death (than giving) the Executive branch, with all its power and might, and the Judicial branch, with all its power and might, the authority to pass officially on his conduct."

Last year, he opposed Army surveillance on private citizens and debated against a Presidential order expanding the authority of the Subversive Activities Control Board.

"This executive order manifests a fear of freedom," he said. "It manifests a fear of the American people."

Asked to explain behavior that sometimes seems paradoxical, the tall, ruddy Senator declared, "I am in possession of a great affliction, a Scotch-Irish conscience which will not permit me to follow after a great multitude to do what I conceive to be evil."

For all his stature as a civil libertarian, Ervin has opposed virtually every piece of civil-rights legislation in the Senate. Critics say it is conventional Southern political wisdom. But Ervin says:

"They gave to the Federal government supervision of things that ought to be left to individuals. Racial relations, like other human relations, can only be settled in a satisfactory manner by the persuasive power of reason and not by the force of the power of law."

But civil-rights advocates like Washington lawyer Joe Rauh are not impressed. "How can a man understand the civil liberties of white people and not understand the civil rights of black people?" asks Rauh, general counsel of the Leadership Conference on Civil Rights. "Ervin is a man whose mind is in chains. If he could ever get out of the chains, he'd be the greatest man in the Senate."

Today, after 18 years in the Senate, Ervin is a courtly politician who brings small-town attitudes and zealous love of the law to bear on complex present-day concerns. He was born in the mountain country around Morgantown, N.C., where his father practiced law for 65 years.

After heroic service in World War I (he was twice wounded and received the Silver Star and Distinguished Service Cross) he earned a law degree at Harvard, married his sweetheart, Margaret Bell, and eventually was named to the North Carolina Supreme Court after serving in the legislature. In 1954, he was appointed to a vacant Senate seat and was immediately thrust into controversy.

The Senate was examining the performance of Sen. Joseph McCarthy and Ervin finally voted for censure.

Off the Senate floor, he lives quietly with "Miss Margaret," sips an occasional bourbon and ginger and appears capable of winning re-election—he's up in 1974—for as long as he chooses to run. When the question of re-election came up a few years ago, one state official remarked:

"Hell, I'd just about forgotten that Sam had to run like everybody else. Sometimes you get the feeling that he holds that seat by divine right."

Despite criticism that he is often out of step with the times, Ervin's image as an incorruptible man who follows the dictates of his God-fearing conscience often undermines his critics. He has been staunchly against women's lib legislation, and a militant North Carolina lady recently said she wrote a tart letter of protest to him.

"But then I just ripped it up," she confessed. "In the first place, it wouldn't have done any good because he thinks he's right. And in the second place, do you know how funny it makes you feel to realize that you've called Sam Ervin a male chauvinist pig on paper?"

ST. ANDREWS PRESBYTERIAN COLLEGE CONFERS AN HONORARY DEGREE UPON SENATOR SAM J. ERVIN, JR.

Mr. MANSFIELD. Mr. President, at its commencement on May 21, 1972, St. Andrews Presbyterian College of Laurinburg, N.C., conferred its honorary degree of doctor of laws upon our distinguished colleague, the senior Senator from North Carolina (Mr. ERVIN), who delivered a commencement address entitled "Our Heritage is Freedom."

I ask unanimous consent that a copy of the citation recording the reasons for the conferring of the degree be printed at this point in the RECORD.

There being no objection, the citation was ordered printed as follows:

SAMUEL JAMES ERVIN, JR.

The original purpose of the degree of *Legum Doctor* was to serve as a means of recognizing learning or attainment in the law. Today the degree is commonly awarded in recognition of distinguished service in the fields of government, politics, and public administration. The man St. Andrews chooses to honor with this degree today uniquely satisfies both the old and the new qualifications, as student of the law, jurist, Constitutional authority, legislator, and Senator.

Sam J. Ervin, Jr., was born in Morganton, Burke County, North Carolina, where he received his early education and where he began his career as a lawyer and judge. Graduated from the University of North Carolina in 1917, he served eighteen months in France during World War I. He was twice wounded. His decorations include the Fourragère, the Silver Star, and the Distinguished Service Cross.

In 1922 he earned a law degree from Harvard University. He was a representative from Burke County during several terms of the N. C. Assembly, and he served as U. S. Representative in the 79th Congress. He was successively, judge of Burke County Court and of the N. C. Superior Court, and for six years was an associate justice of the N. C. Supreme Court. He has been in the U. S. Senate since 1954.

A statesman is judged by what he fights for and by what he fights against. Throughout his life Sam Ervin has been for the law and for its goals of order and justice and freedom, for he believes that law and the respect for law are the basis of order in a free society. He believes that the individuals respect for law must be balanced by the law's reverence for the individual's rights.

It is significant that Sam Ervin's first major speech in the Senate challenged the threats and intimidation of the then powerful Senator Joseph McCarthy. As a member of the select committee to study censure charges against Senator McCarthy, he helped to bring a period of national hysteria and near insanity to a close.

As a staunch defender of the Bill of Rights, he has warned against the network of intelligence-gathering systems being developed by government and private agencies, saying that "In these systems, where they contain the record of the individual's thoughts, beliefs, habits, attitudes, and personal activities, there may well rest a potential for political control and for intimidation that is alien to a society of free men." In the name of Constitutional civil liberties, he has fought to uphold freedom of speech, thought, and privacy. In the spirit of the First Amendment he opposed the prayer amendment proposed in 1966 by Senator Dirksen. Sam Ervin was quoted at the time as saying, "I am a possessor of a great affliction—a Scotch-Irish [Presbyterian] conscience, which will not

permit me to follow after a great multitude to do what I conceive to be evil."

He has fought to preserve the Fourth Amendment guarantee against government assaults on privacy. He has defended federal employees against an inquisitive bureaucracy, and he has opposed military snooping, "no-knock" legislation, preventive detention, government censorship of the press, and other police state techniques. It should not be forgot that as a member of the N.C. Assembly in the early twenties he helped to defeat a bill that would have possibly brought the Scopes "monkey trial" to North Carolina, and that in recent years he was responsible for Congressional action that finally extended full civil rights to American Indians.

His decisions and actions throughout his career have been based on the first ten amendments to the U.S. Constitution, the ground where true conservatives and true liberals meet.

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

Mr. ERVIN. 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. MANSFIELD. 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.

EXTENSION OF PERIOD FOR TRANS- ACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the morning hour be extended to not beyond 11 o'clock.

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

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from Tennessee at that time, 11 a.m., may be allowed to offer his amendment and that following that amendment the Fisherman's Act, under the distinguished chairmanship of the Senator from Washington (Mr. MAGNUSON) be taken up again.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. TOWER. Mr. President, reserving the right to object, and I shall not object, I have an amendment, and I have geared my whole day to this agreement.

Mr. MAGNUSON. Well, Mr. President, I will say to the Senator from Texas that I did not know of any proposed amendments to our committee bill until the Senator from Texas asked me about it late yesterday. I understand the Senator from Mississippi (Mr. EASTLAND) has been interested in the matter also. I have taken a look at the amendment, and I feel that I can accept it.

Mr. TOWER. That is what I understood.

Mr. MAGNUSON. I will say to the majority leader that one problem we have is that the Senator from Virginia (Mr. SPONG) conducted most of the hearings on this bill, and he is not here today.

Mr. MANSFIELD. Is this the only amendment the Senator knows of?

Mr. MAGNUSON. I am sure we can accept the amendment on the shrimp matter.

Mr. MANSFIELD. Are there any others?

Mr. TOWER. The Senator from Alaska (Mr. STEVENS) has one.

Mr. MAGNUSON. We can accept the Stevens amendment, also, because we are going to put that in the bill, and we can lay it aside.

Mr. MANSFIELD. Very well, Mr. President, I withdraw my request. We have the agreement to continue the morning hour until 11 o'clock, if need be. 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. MANSFIELD. Mr. President, is there further morning business?

The ACTING PRESIDENT pro tempore. There is a quorum call in progress.

Mr. MANSFIELD. I ask unanimous consent that the order for the quorum call be rescinded.

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

PETITIONS

Petitions were laid before the Senate and referred as indicated:

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

A resolution adopted by the Common Council of the City of Buffalo, N.Y., praying for the enactment of legislation relating to lead poisoning research; ordered to lie on the table.

A resolution adopted by the Town Board of Cheektowaga, N.Y., praying for the enactment of legislation relating to the construction of sewage treatment facilities in the State of New York; ordered to lie on the table.

REPORT ON ESSENTIALITY OF SPECIALTY STEELS INDUSTRY TO NATIONAL SECURITY—REPORT OF A COMMITTEE (S. REPT. NO. 92-804)

Mr. HARRY F. BYRD, JR. Mr. President, the Subcommittee on General Legislation has submitted to the full Committee on Armed Services a report on the essentiality of specialty steels industry to national security. This report has been approved by the full committee and I submit this report and ask unanimous consent that it be printed.

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

EXECUTIVE REPORTS OF COMMITTEES

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

By Mr. LONG, from the Committee on Finance:

Lee H. Henkel, Jr., of Georgia, to be an Assistant General Counsel in the Department of the Treasury (Chief Counsel for the Internal Revenue Service);

George P. Shultz, of Illinois, to be Secretary of the Treasury;

Charles E. Walker, of Connecticut, to be Deputy Secretary of the Treasury;

William H. Quealy, of Virginia, Arnold Raum, of Massachusetts, and Irene Feagin Scott, of Alabama, to be judges of the U.S. Tax Court;

John Michael Hennessy, of Massachusetts, to be an Assistant Secretary of the Treasury; and

Edwin S. Cohen, of Virginia, to be Under Secretary of the Treasury.

By Mr. HRUSKA, from the Committee on the Judiciary:

Otto R. Skopil, Jr., of Oregon, to be a U.S. district judge for the district of Oregon; and James M. Burns, of Oregon, to be a U.S. district judge for the district of Oregon.

EXTENSION OF TIME FOR THE COMMITTEE ON LABOR AND PUBLIC WELFARE TO FILE ITS REPORT ON S. 3419, THE CONSUMER SAFETY ACT

Mr. JAVITS. Mr. President, the Committee on Labor and Public Welfare is due to report on S. 3419, the Consumer Safety Act, on May 30, 1972. By arrangement between the Chairman of the Committee on Labor and Public Welfare and the Chairman of the Interstate and Foreign Commerce Committee, I ask unanimous consent that the Committee on Labor and Public Welfare may have up to and including June 1, 1972, to report.

Mr. GURNEY. Mr. President, reserving the right to object, may I inquire from the Senator why he asks the additional time?

Mr. JAVITS. Because May 30 falls on Tuesday, and we are unable to have a meeting on that day; and the Committee on Government Operations has until May 31, which is the day before, and both committees are required to report, and the chairman of our committee feels that we need the time in order to report.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

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. BENNETT (for himself, Mr. JAVITS, Mr. PERCY, Mr. TAFT, Mr. MATIAS, and Mr. BEALL):

S. 3643. A bill to encourage and assist States and localities to coordinate their various programs and resources available to provide human services in order to facilitate the improved provision and utilization of those services and increase their effectiveness in achieving the objectives of personal independence, economic self-sufficiency, and the maximum enjoyment of life, with dignity, and for other purposes. Referred, by unanimous consent, to the Committee on Labor and Public Welfare; and, if and when reported by that committee, to the Committee on Finance.

By Mr. HUGHES:
S. 3644. A bill to amend the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act and other related Acts to concentrate the resources of the Nation against the problem of alcohol abuse and alcoholism. Referred to the Committee on Labor and Public Welfare.

By Mr. FULBRIGHT (by request):
S. 3645. A bill to further amend the United States Information and Educational Exchange Act of 1948. Referred to the Committee on Foreign Relations.

By Mr. BEALL (for himself and Mr. MATHIAS):

S. 3646. A bill to provide for the establishment of the Clara Barton House National Historic Site in the State of Maryland, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. BUCKLEY (for himself, Mr. BENNETT, Mr. BROCK, Mr. CURTIS, Mr. ERVIN, Mr. GURNEY, and Mr. THURMOND):

S. 3647. A bill to amend chapter 85 of title 28, United States Code, relating to the censure, suspension, and disbarment of attorneys. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BENNETT (for himself, Mr. JAVITS, Mr. PERCY, Mr. TAFT, Mr. MATHIAS, and Mr. BEALL):

S. 3643. A bill to encourage and assist States and localities to coordinate their various programs and resources available to provide human services in order to facilitate the improved provision and utilization of those services and increase their effectiveness in achieving the objectives of personal independence, economic self-sufficiency, and the maximum enjoyment of life, with dignity, and for other purposes. Referred, by unanimous consent, to the Committee on Labor and Public Welfare; and, if and when reported by that committee, to the Committee on Finance.

ALLIED SERVICES ACT

Mr. BENNETT. Mr. President, on behalf of my colleague Mr. JAVITS and other Senators and myself, I am today introducing the Allied Services Act, which is designed to assist State and local governments in achieving a coordinated and integrated system for the delivery of the broad range of social service-oriented programs financed by the Federal Government.

During the past 20 years, the Federal Government has created a vast system of categorical programs designed to meet the increasing demands of social problems. They have been aimed at the elimination of such problems as drug abuse, inadequate educational opportunity, mental retardation, alcoholism, substandard health care, housing conditions, nutrition, family counseling, and the list goes on and on totaling well over 250 individual programs at HEW alone.

It can be accurately said that there is a Federal program designed to deal with virtually every social problem in this country. The fact that these problems still exist points out two things: first, there is much which has yet to be done, and second, that there is a question about whether or not there is the necessary coordination between programs to allow the delivery of services in a way which will be responsive to the human needs they are designed to serve.

The fact that more than 80 percent of the Department of Health, Education, and Welfare's clients require more than one service points out the increasing need for a sensible service delivery system that can offer a central location for the distribution of both information and assistance. It is unfortunate, but true that a majority of those individuals who

need more than one service never reach the second service agency, and those who do, find that there are no shared case histories, no coordinated approach to the providing of assistance. Having to go through the painful retracing of individual case histories before receiving aid is demoralizing to the individual whom the programs are designed to assist, and it is also a waste of time, energy and the taxpayer's money.

The President has proposed a number of initiatives which, taken together, are designed to eliminate many of the basic faults in the present system.

His general revenue sharing proposal would return to the States and localities a significant amount of Federal money to be used by State and local officials in accordance with their local needs. The special revenue sharing proposal would do the same thing in six specific areas of public services.

The administration, under President Nixon's direction, has strengthened the Federal Government's regional structure and has initiated a comprehensive review of all Federal assistance programs in an effort to simplify and decentralize them.

Mr. President, in an effort to see to it that there is a continuation of the philosophy of increased responsiveness and coordination, I am sponsoring the Allied Services Act. I am confident that the passage of the act will create the capacity at State and local levels to discern problem areas, to eliminate duplication, and to fill existing voids in the broad range of human services that are now offered through the host of categorical grant-in-aid programs.

I am also sponsoring the Allied Services Act because I believe that we must maximize the effect of the programs and eliminate unnecessary administrative costs so that more services to people can be supported. This bill is designed to achieve that goal. If resources are pooled, administrative costs must go down. It is wasteful to have more than 250 HEW categorical grant-in-aid programs administered at the State and local level by separate structures which do not pool resources, which have separate administrative and accounting procedures, which file an inordinate amount of differing forms with the Federal Government and which require different planning effort, separate caseworkers, and separate facilities. The Allied Services Act is designed to reduce this extraordinary duplication by allowing the Governor to pool the planning resources and funds from the various human service categories, by allowing the Secretary of HEW to waive some of the administrative guidelines and regulations which require administrative duplication and duplicated costs, and by allowing a voluntary transfer of funds of up to 25 percent from one of the participating programs to another in order to reduce duplication and to fill existing voids.

Mr. President, I am sure that this is the beginning of a reform which we all have known has been needed for some time. Governors and mayors who have struggled for years in an effort to co-

ordinate and participate in the vast range of human services available in their areas, I am certain will be pleased to see this as the first major step in the badly needed process of reform.

Mr. President, I ask unanimous consent that the summary of the proposed Allied Services Act of 1972 be printed in the RECORD.

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

SUMMARY OF THE PROPOSED "ALLIED SERVICES ACT OF 1972"

The proposed "Allied Services Act of 1972" is intended to encourage States and localities to coordinate the provision of human services to individuals and families which will assist them in attaining the greatest feasible degree of personal independence and economic self-sufficiency, or which will prevent individuals and families from becoming increasingly dependent upon public and private programs for both financial support and personal care.

The Act would define various key terms. For instance, the term "human services" includes any services provided to achieve or maintain personal and economic independence. The "coordinated provision of services", means the provision of human services needed by individuals and families, in such a way as to (1) facilitate access to and use of the services, (2) improve the effectiveness of the services, and (3) use service resources more efficiently and with minimal duplication. These definitions help to restate the goals of the Act in clear terms—to lessen dependency through more effective service delivery.

Title I of the bill provides authority for the Secretary to make various types of project grants which may be needed by States and localities to plan and develop the capacity for the coordinated provision of services. There is also authority to provide technical assistance for planning or implementing a specific coordinated services program. Also, the Secretary is given authority to evaluate, directly or by grant or contract, the programs established under this Act. In addition to any salary and expense money he may wish to devote to evaluation, the Secretary may also use for this purpose amounts not in excess of 1% of the amounts appropriated to carry out the Act.

Title II describes the State and local allied services programs contemplated under this Act. Section 201(a) describes the steps which must be taken by the Governor as conditions precedent to the submission of a State allied services plan. First, he must divide the State into service areas (within which human services programs will be coordinated), after taking into consideration factors such as the distribution throughout the State of service needs and service resources, the boundaries of planning areas or areas for the delivery of individual service programs, and the location of units of general purpose local government.

In the process of delineating service areas, he must inform units of general purpose local government of his plans and consider their comments and recommendations. The service areas should conform, to the extent found practicable by him, to any other areas within the State established for the planning or administration of human services programs. Second, he must determine, after consultation with the various public and private service agencies, whether a local allied services plan will be developed for any given service area. In the event that it is, then the Governor designates a local agency to take the lead in developing and assuring implementation of the local plan. Third, the Governor must designate a State agency which is under his direction and which will

have responsibility for developing a State allied services plan incorporating local plans and implementing the State plan.

Section 201(b) provides that to be designated as described above, a local agency must be an office or agency of a unit of general purpose local government (or combination of such units) which has been chosen to act in this capacity by the chief elected official (or officials) of the unit (or units), or of a public or nonprofit private agency (which, for this purpose, is under the direction of the designated State agency), which can plan for and provide a broad range of human services, and must give assurance, satisfactory to the Governor, that it has the necessary ability to develop and carry out the local plan. The Governor may designate a public or nonprofit agency, other than an office or agency chosen by a unit (or units) of general purpose local government, only if he finds that there is no such office or agency which has the capacity to carry out a local allied services plan.

The local allied services plan must be approved by the State agency and incorporated into the State plan before any of the forms of Federal assistance described below can accrue. The local plan must specify the agencies and organizations which have agreed to participate in the coordination effort, describe the service needs and resources within the service area, enumerate the programs to be included under the plan, and provide reasonable assurance that progress will be made in coordinating the provision of services. This assurance is to be provided by describing the specific functions and services to be coordinated, the benefits to individuals, and the administrative efficiencies to be achieved by the coordination.

It is the intent of this bill to have the active and continuous involvement of voluntary organizations, client groups, service consumers, and local social service providers in the planning and administrative processes of the program. Therefore, to ensure the program's responsiveness to the particular needs of each community, each plan must be accompanied by assurances that interested agencies, organizations, and individuals were afforded the opportunity to comment upon the plan prior to its submission to the State agency and will have an effective channel through which their views can be known with respect to the ongoing administration of the plan.

Section 202(a) prescribes the requirements applicable to a State allied services plan. An approvable plan must, (1) through a brief summary of the incorporated local plans, describe the current status of the coordinated provision of services, and the steps which will be taken to achieve a greater degree of human services coordination, (2) provide assurance that under each local plan services under the assistance titles of the Social Security Act will be coordinated with services under: any other three human services programs, any other HEW supported programs which the Secretary may specify, and any other such programs, regardless of whether they are receiving Federal support, which the State may desire to include, and (3) provide that the State agency will provide any other relevant information which the Secretary may request.

Subsection (b) directs that an opportunity to review and comment upon a State plan submitted for approval be afforded to the head of any Federal department or agency which is extending assistance to a program included within that plan.

Subsection (c) directs the Secretary to approve a State plan if he finds that: (1) the Governor has complied with the preliminary organizational requirements prescribed in section 201, (2) the plan meets all the specified requirements, and (3) the plan is designed to accomplish the purposes of the Act to achieve expansion of its coverage to other

services and other service areas on a reasonable basis.

Subsection (d) provides certain penalties if the Secretary finds failure to comply substantially with the provisions of an approved State plan (or included local plan). He may in his discretion apply these penalties to the entire State plan or only those parts of the State or local plan or service areas affected by the noncompliance. In such instances, the subsection would provide: no Federal planning funds may be consolidated or intermingled with other such funds for human services planning, no Federal funds may be transferred among programs, no requirements may be waived, and no further payments or grants may be made (in the fiscal year for which the plan is approved) for so long as the failure to comply continues.

Section 203 describes the various types of Federal assistance which become available upon approval of a State allied services plan. Four types of assistance are available:

First, authority would be given both the Secretary and State and local governments with allied services plans to consolidate planning funds extended by the Department of Health, Education, and Welfare. Thus, the Secretary may make a single, consolidated grant of HEW funds available for planning for or under any program included in the approved State or local allied services plan. As a corollary, a State or a unit of general purpose local government, with an approved allied services plan, may use planning funds provided, by the Department of Health, Education, and Welfare and available for any program included in its plan, for planning in connection with the provision of human services under any included program.

Second, a State or local agency with an approved plan may transfer up to 25% of the Federal assistance available for use under any HEW-assisted program included in the plan to be expended in carrying out any other included programs. Assistance transferred under this authority carries with it the matching rate established under the program for which it was originally appropriated, so that no incentive to transfer will be created merely by disparities in matching rates which exist among the included programs.

The transfer authority does not apply, however, to the open-ended assistance programs under the Social Security Act, or to assistance provided under title I of the Elementary and Secondary Education Act (consistent with the Administration's special education revenue sharing bill).

Third, the Secretary is authorized to waive requirements of Statewide, single or specified State or local agency, or technical or administrative requirements imposed in connection with any included program which, at the Federal level, is administered by the Secretary and which the State or local agency certifies impedes implementation of its allied services plan. Thus, it would not affect the basic protections provided by the Civil Rights Act of 1964 or any other generally applicable legislation; nor would it apply to programs administered by other Federal departments or agencies.

Finally, the Secretary may make discretionary grants to meet costs of planning or preparing to carry out allied services plans, or to meet the administrative costs of coordination under a State or local plan, which cannot be met from other available funds. The State must indicate how it plans to allocate the funds applied for among the various designated local agencies with approved plans. These grants are not to be used to meet the non-Federal share requirements of any Federally-assisted program and may not be made to any State for more than two years except where the Secretary finds it is necessary to enable the State to carry out a significant expansion of its allied services plan.

Section 204 provides joint funding authority. It is almost identical to that contained

in the juvenile delinquency law, the Economic Opportunity Act, the Older Americans Act, and the Law Enforcement Assistance Act. It goes somewhat further than those statutes in two respects: (1) it would permit joint funding of several grants made by the same agency, and (2) it would permit waiver of technical grant or contract requirements imposed by statute as well as by regulation.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the bill introduced by Mr. BENNETT and others, the Allied Services Act, be referred to the Committee on Labor and Public Welfare and that if and when it should be reported by that committee, it be referred to the Committee on Finance.

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

By Mr. HUGHES:

S. 3644. A bill to amend the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act and other related acts to concentrate the resources of the Nation against the problem of alcohol abuse and alcoholism. Referred to the Committee on Labor and Public Welfare.

COMPREHENSIVE ALCOHOL ABUSE AND ALCOHOLISM PREVENTION, TREATMENT, AND REHABILITATION ACT AMENDMENTS OF 1972

Mr. HUGHES. Mr. President, I rise today to introduce the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act Amendments of 1972 to extend and increase the authorities under that act.

With the enactment of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act in 1970, Congress provided the Department of Health, Education, and Welfare with the tools and resources needed to begin reducing the tragic toll of alcoholism in this Nation.

During our deliberations on this bill, we learned that more than nine million persons suffer from alcoholism in this country. One-half of all traffic fatalities and one-third of all homicide victims have significant amounts of alcohol in their bloodstreams at the time of autopsy. Alcoholics die 10 to 12 years earlier than the average American. One in every 13 employees is an alcoholic. Losses to industry alone because of alcoholism have been computed at between \$7 and \$9 billion a year. One in three suicides in our country involves an alcoholic. The ratio of alcoholics to non-alcoholics committing suicide is 58-1.

As required by that law, the Department of Health, Education, and Welfare has compiled and sent to Congress the first of several reports required on "Alcohol and Health." In the preface to this report, Merlin K. DuVal, Assistant Secretary for Health and Scientific Affairs, recognizes that—

While we are horrified by the abuse of such drugs as hallucinogens, narcotics, and stimulants by our youth, we pay little heed to the most abused drug of them all: Alcohol.

The new Institute on Alcohol Abuse and Alcoholism, created by this act, under the inspired leadership of Dr. Morris E. Chafetz, has made an impressive beginning in carrying out the mandate of the act.

All 50 States have submitted comprehensive statewide programs to attack this problem under the formula-grant provisions of the act.

Thousands of inquiries are being received concerning grant proposals from all over the country. The National Advisory Council on Alcohol Abuse and Alcoholism has approved over \$20 million grant proposals to date.

The millions of suffering alcoholics and their families and loved ones have been given new hope by the leadership displayed by the Federal Government. We must not let them down now.

The programs and moneys authorized by the 1970 act extended for only 3 years. The amendments which I introduce today would extend and increase the authorities under the act for an additional 3 years, and seek more effectively to concentrate the resources of the Nation against the problem of alcohol abuse and alcoholism.

Despite the progress which has been made, efforts to deal with this major national problem are still too fragmented and poorly supported. A national campaign is underway to modify cultural attitudes that encourage and tolerate the abuse of alcohol. Local and State governments are becoming more responsive to the problem and are seeking Federal leadership and support to understand and approach alcohol abuse and alcoholism from a health standpoint. This momentum is crucial and must be reinforced.

I am therefore recommending a number of changes which I believe are necessary to achieve a more coordinated approach to the broad health, economic, social, and cultural aspects of alcohol abuse and alcoholism in American society.

First, the Secretary should have sufficient flexibility to accomplish this approach. I am recommending that the new Institute be identified as in the Department rather than in one of the Department's agencies. The intent is not to withdraw the National Institute on Alcohol Abuse and Alcoholism from the National Institute of Mental Health, or to settle on its location in the Department. The intent is merely to give the Secretary flexibility in its placement should he find it desirable to give the Institute more visibility.

In addition, it is important organizationally to recognize that the problem of dealing with alcohol abuse and alcoholism goes beyond mental health services and involves other services and agencies both in and out of the Department. Thus, I am recommending the designation "in the National Institute of Mental Health" be changed to "in the Department of Health, Education, and Welfare."

Second, the original act did not address the matter of personnel except for a Director, to run the Institute. My experience over the past year and a half in dealing with the Institute has convinced me that a section should be added to make clear the need for additional personnel.

Third, the original act did not incorporate the project and contract authorities administered by the National Institute on Alcohol Abuse and Alcoholism. Instead, they remained as part C of the

Community Mental Health Centers Act. This has caused a good deal of confusion around the country, and works against a more focused and coordinated program approach to this problem. I am, therefore, recommending that these authorities be transferred to the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act, as administratively more sound, and to reduce any confusion over the purposes of these authorities.

Recommended authorizations of \$480 million in formula grants for the next 3 fiscal years are based on estimates of what is needed to deal with alcohol abuse and alcoholism from a health standpoint. The State of Washington alone, for example, has indicated that it will need \$58 million over the next 3 years to implement a State comprehensive program. Formula grants have been very helpful to the efforts of the States and the \$480 million over 3 years is probably a modest estimate of what the States can effectively use and need. Likewise, the \$420 million over 3 years in project grant and contract support is modest. Many communities are only starting to address this problem and to develop coordinated community-based programs in close association with their respective State agencies. This takes time and support so the amount requested for project support is reasonable in this sense. These total appropriations, balanced against other national priorities, will help to redress the neglect of this problem which in economic waste alone has been estimated by the National Institute on Alcohol Abuse and Alcoholism to cost \$15 billion a year, including highway accidents, treatment facilities, welfare, industrial loss, and so forth.

This support will do a great deal to bring the problem of alcohol abuse and alcoholism under control.

Finally, I recommend the strengthening of the provision that would require admission to hospitals of alcohol abusers and alcoholics who are suffering from emergency medical conditions. At present, violators are only threatened by a cutoff of Federal financial assistance under this act. This would have little influence. The original House and Senate bills applied this restriction to all Federal support, and the recently enacted Drug Abuse Office and Treatment Act—Public Law 92-255—does have the more inclusive provision apply to hospitals which refuse admission of drug abusers who are suffering from emergency medical conditions.

In addition, the National Council on Alcoholism, the Alcohol & Drug Problems Association of North America, and the National Advisory Council on Alcohol Abuse and Alcoholism, created by this act, have recommended the more inclusive provision.

Individuals who have an alcohol problem should be able to obtain care in routine care facilities but are often excluded. This has contributed to the development of many special and unnecessary facilities, often far removed from other community resources. The amendment to this provision is important to obtaining the help that could and should be provided by these facilities. I would hasten to add that this is only one of

several needed steps in obtaining care from community service facilities that continues to be denied solely on the basis of an individual's alcoholism.

Lack of health insurance coverage and individual physician reluctance to medically treat individuals who have alcohol problems may be greater barriers than a hospital admission policy. These forms of discrimination and unnecessary exclusions might be considered in related health service legislation before this body.

Mr. President, since the passage of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act, the Nation has made an impressive beginning in controlling the suffering caused by this disease. But it is only a beginning and we must not let the hope it has given millions of Americans die now. These amendments will give the Department of Health, Education, and Welfare the tools necessary to continue this work.

By Mr. FULBRIGHT (by request):
S. 3645. A bill to further amend the U.S. Information and Educational Exchange Act of 1948. Referred to the Committee on Foreign Relations.

Mr. FULBRIGHT. Mr. President, by request, I introduce for appropriate reference a bill to amend further the U.S. Information and Educational Exchange Act of 1948.

The bill has been requested by the Assistant Secretary of State for Congressional Relations and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the letter from the Assistant Secretary of State to the Vice President dated May 10, 1972.

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

S. 3645

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 703 of the United States Information and Educational Exchange Act of 1948 is hereby amended to read as follows:

SEC. 703. There are authorized to be appropriated to the Secretary of State \$38,520,000 for fiscal year 1973 to provide grants, under such terms and conditions as the Secretary considers appropriate, to Radio Free Europe and Radio Liberty. Except for funds appropriated pursuant to this section, no funds appropriated after the date of this Act may be made available to or for the use of Radio Free Europe or Radio Liberty in fiscal year 1973.

MAY 10, 1972.

HON. SPIRO T. AGNEW,
President of the Senate.

DEAR MR. PRESIDENT: There is transmitted herewith for the consideration of the Senate a proposed bill for the authorization of United States Government grants to Radio Free Europe and Radio Liberty for fiscal year 1973. It may be noted that this proposed bill is, in effect, an extension of Public Law 92-

264 which was signed by President Nixon on March 30, 1972.

We propose the extension of this legislation because we believe the broadcasting activities of these two organizations should be continued and that it is in the interest of the United States Government to support them. The bill is proposed in this form because it would appear from the legislative history of Public Law 92-264 that it is the form which most nearly meets the wishes of the Congress.

The bill is submitted at this time in order that the Congress may carry out its intention, expressed in the report of the Joint Conference Committee, to give consideration to this legislation prior to the end of the current fiscal year.

The Department has been advised by the Office of Management and Budget that this bill is in accord with the President's program.

Sincerely yours,

DAVID M. ABSHIRE,
Assistant Secretary for
Congressional Relations.

By Mr. BUCKLEY (for himself,
Mr. BENNETT, Mr. BROCK, Mr.
CURTIS, Mr. ERVIN, Mr. GUR-
NEY, and Mr. THURMOND):

S. 3647. A bill to amend chapter 85 of title 28, United States Code, relating to the censure, suspension, and disbarment of attorneys. Referred to the Committee on the Judiciary.

Mr. BUCKLEY. Mr. President, on June 10, 1971, I introduced a bill to amend chapter 85 of title 28, United States Code, relating to the censure, suspension, and disbarment of attorneys. It is known as S. 2039. This bill was subsequently cosponsored by the Senator from Utah (Mr. BENNETT), the Senator from Tennessee (Mr. BROCK), the Senator from Nebraska (Mr. CURTIS), the Senator from North Carolina (Mr. ERVIN), the Senator from Florida (Mr. GURNEY), and the Senator from South Carolina (Mr. THURMOND).

I now introduce a bill which will serve as a substitute for S. 2039. The substitute is cosponsored by the same Senators who cosponsored S. 2039.

Since S. 2039 was introduced, contact has been made with officials of the American and New York Bar Associations who suggested modifications which I have incorporated in this new legislation. These modifications do not weaken S. 2039 in any significant way; and their incorporation will insure much broader support for this legislation.

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

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

S. 3647

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 85 of title 28, United States Code, is amended by adding at the end thereof the following new section: Par. 1364, Censure, suspension, and disbarment of attorneys.

"(a) The chief judge of each United States district court shall have charge of all matters including confidentiality, except as to matters already public knowledge, relating to discipline of members of the bar of that court.

"(b) Any member of the bar of a district court who shall be convicted of a felony in

any State, Territory, District, Commonwealth or Possession, shall be suspended from practice before the district court of which he is a member and upon the judgment of conviction becoming final, shall cease to be a member of the bar of that court.

Upon the presentation to the district court of a certified or exemplified copy of the judgment of such conviction, the respondent attorney shall be suspended from practicing before that court and upon presentation of proof that the judgment of conviction is final the name of the respondent attorney so convicted shall, by order of the court, be struck from the roll of members of the bar of that court.

"(c) Any member of the bar of a district court who shall resign from the bar of any State, Territory, District, Commonwealth or Possession, while an investigation into allegations of misconduct is pending, shall cease to be a member of the bar of that court.

Upon the presentation to the district court of a certified or exemplified copy of the order accepting such resignation, the name of the respondent attorney so resigning shall, by order of the district court be struck from the roll of members of the bar of that court.

"(c) Any member of the bar of a district court who shall resign from the bar of any State, Territory, District, Commonwealth or Possession, while an investigation into allegations of misconduct is pending, shall cease to be a member of the bar of that court.

Upon the presentation to the district court of a certified or exemplified copy of the order accepting such resignation, the name of the respondent attorney so resigning shall, by order of the district court be struck from the roll of members of the bar of that court.

"(d) Any member of the bar of a district court who shall be disciplined by a court in any State, Territory, other District, Commonwealth or Possession shall be disciplined to the same extent by the district court of which he is a member unless an examination of the record resulting in such discipline discloses (1) that the procedure in the foreign jurisdiction was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; or (2) that there was such an infirmity of proof establishing the misconduct as to give rise to the clear conviction that the district court could not consistently with his duties accept as final the finding in the foreign jurisdiction; or (3) that the imposition of the same discipline as was imposed in the foreign jurisdiction would result in grave injustice.

Upon the presentation to the district court of a certified or exemplified copy of the order imposing such discipline in a foreign jurisdiction the respondent attorney so disciplined shall, by order of the court, be disciplined to the same extent by the district court, provided, however, that within 30 days of the service upon the respondent attorney of the order of the district court disciplining him, either the respondent attorney or the United States Attorney for the district or a bar association designated by the chief judge in the order imposing such discipline may apply to the chief judge for an order to show cause why the discipline imposed in the district court should not be modified on the basis of one or more of the grounds set forth in this paragraph (d).

"(e) Any member of the bar of a district court who shall be convicted of a misdemeanor in any State, Territory, District, Commonwealth or Possession, upon such conviction may be disbarred, suspended or censured as a member of the bar of the district court.

Upon the presentation to the district court of a certified or exemplified copy of the judgment of such conviction, the chief judge shall designate the United States Attorney for the district or a bar association to prosecute a proceeding. The United States Attorney or bar association shall obtain an order requiring the respondent attorney to

show cause within 30 days after service thereof upon him, personally or by mail, why he should not be disciplined. Upon the filing of such certified or exemplified copy of the judgment of conviction, the chief judge may, for good cause, temporarily suspend the respondent attorney pending the determination of the proceeding. Upon the respondent attorney's answer to the order to show cause, the chief judge may set the matter for hearing within sixty days before a court or of one or more judges, or may appoint a master to hear and report his findings and recommendations. After such a hearing or report, or if no timely answer is made by the respondent attorney or the answer raises no issue requiring a hearing, the court shall take such action as justice may require. In all proceedings hereunder, the certificate of conviction shall constitute conclusive proof of the respondent attorney's guilt of the conduct for which he was convicted.

"(f) Any member of the bar of a district court who is guilty of conduct violative of the Code of Professional Responsibility of the American Bar Association or any other standards of conduct that may from time to time be adopted by a district court or by the Judicial Conference of the United States may be disbarred, suspended or censured.

Complaints alleging that an attorney has been guilty of such conduct shall be presented to the chief judge, and if he deems the charges of misconduct of sufficient weight, he shall refer them for preliminary investigation and recommendation to the United States Attorney for the district or a bar association in such district. The recommendation of such United States Attorney or bar association shall be presented to the chief judge and such United States Attorney or bar association will prosecute any formal proceeding ordered by the chief judge by petition setting forth the charges against the respondent attorney and an order requiring him to show cause within 30 days after service upon him, personally or by mail, of the petition and order why he should not be disciplined. Upon the respondent attorney's answer to the petition, the chief judge shall set the matter for hearings within 60 days before a court of one or more judges, of which the chief judge may be a member, or may appoint a master to hear and report his findings and recommendations. After such a hearing or report, or if no timely answer is made by the responding attorney or the answer raises no issue requiring a hearing, the court shall take such action as justice may require.

"(g) In any case in which an attorney is ordered suspended or disbarred under this section, the district court issuing such order shall notify the Director of the Administrative Office of the United States Courts, who shall notify each of the other United States courts of the action taken. Any attorney with respect to whom an order for suspension or disbarment is issued in accordance with this section shall be prohibited from practice before any United States court during the period that such suspension or disbarment is in effect.

"(h) Whenever it appears that an attorney-at-law admitted to practice in the court of any State, Territory, District, Commonwealth or Possession is convicted of any crime in a district court or is disbarred, suspended or censured in a district court, the Clerk of the district court shall transmit to the court of any State, Territory, District, Commonwealth or Possession where the attorney was admitted to practice, a certified copy of the judgment of conviction or order of disbarment, suspension or censure and statement of the attorney's last known office and residence addresses.

"(i) A visiting lawyer admitted pro hac vice to participate in the trial or argument of a particular cause in a district court shall be subject to the disciplinary jurisdiction of

that court. Where an attorney admitted pro hac vice is guilty of misconduct in the argument or trial of a particular cause in any district court, the court may discipline the attorney under this section.

"(j) Proceedings under this section shall be deemed to be proceedings in which the United States is concerned within the meaning of section 547 of chapter 35 of this title. Any indigent attorney against whom a petition has been made hereunder shall be entitled to proceed in forma pauperis in accordance with the provisions of section 753 of chapter 79 and section 1915 of chapter 123 of this title."

Sec. 2. The analysis of chapter 85 of title 28, United States Code, is amended by adding at the end thereof the following: "1364. Censure, suspension and disbarment of attorneys."

ADDITIONAL COSPONSORS OF BILL

S. 1295

At his own request, Mr. TOWER was added as a cosponsor of S. 1295, a bill to establish the Amistad National Recreation Area in the State of Texas.

S. 3537

At the request of Mr. ROBERT C. BYRD, the Senator from Minnesota (Mr. MONDALE) was added as a cosponsor of S. 3537, to amend the National School Lunch Act and the Child Nutrition Act of 1946.

ADDITIONAL COSPONSOR OF AMENDMENTS

AMENDMENT NO. 999

Mr. ROBERT C. BYRD, Mr. President, at the request of the Senator from Idaho (Mr. CHURCH), I ask unanimous consent that at the next printing the name of the Senator from Florida (Mr. CHILES) be added as a cosponsor of amendment No. 999, intended to be proposed to 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.

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

AMENDMENT NO. 1202

At the request of Mr. ROTH, the Senator from Wisconsin (Mr. PROXMIER) and the Senator from Michigan (Mr. HART) were added as cosponsors of amendment No. 1202 intended to be proposed to the bill (S. 3526) to provide authorizations for certain agencies conducting the foreign relations of the United States.

ADDITIONAL STATEMENTS

THE INEVITABILITY OF TAX INCREASES

Mr. STENNIS, Mr. President, on December 9 of last year, I made a statement

in the Senate on the inevitability of tax increase. At that time, I cited the tremendous growth in Government spending, with no slowdown in view due to our national priorities that envision new and larger programs for our security and better life.

My thoughts have been reinforced by a study released today by the Brookings Institution. The study, entitled "Setting National Priorities: the 1973 Budget," finds that revenue in this country is far smaller than programs in operation, planned, or envisioned. According to the study, which is not partisan and makes no specific recommendations, if Congress enacts legislation this year for the programs proposed by the administration, the normal momentum of existing programs would push the Federal budget up to the \$300 billion mark by fiscal year 1975. Revenues collected under the current tax system would not pay for those programs, nor would any new initiatives envisioned to combat domestic ills have a chance of being financed without a tax increase.

The finding of this study, Mr. President, should be taken seriously. If the study is correct, and I think it is, the administration and we in Congress must exercise fiscal restraint and the American people must be prepared for the inevitability of a tax increase or be prepared for a decrease in services and expenditures by the Federal Government.

Today's New York Times contains a front-page article about the Brookings study and its conclusions. I ask unanimous consent that the article and a statement I made in the Senate on December 9, 1971, be printed in the RECORD.

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

STUDY FINDS UNITED STATES MAY FACE A NEED FOR BIG TAX RISE

(By Edwin L. Dale, Jr.)

WASHINGTON, MAY 24.—A major study by the Brookings Institution concludes that the Federal Government has already "over-committed" for the next two years all the revenues it can expect from a growing economy and cannot spend more on solving social or other problems without a big tax increase.

The study finds that if Congress enacts this year only programs proposed by President Nixon, and no more, the Federal budget—given the normal momentum of existing defense and civilian programs—will reach \$300 billion by the fiscal year 1975.

This would be \$17-billion more than revenues in that year under present tax law, even if the economy were prosperous and operating at full employment.

CONCLUSION UNCHANGED

A long analysis of "options" available for possible reduction of defense spending does not change the general conclusion. The minimum defense budget suggested, though lower than that projected by the Administration, would still leave no room in the years immediately ahead for big programs to help the poor, improve education, solve the "fiscal crisis" of the cities and the like.

The study is really a book 468 pages long. Entitled "Setting National Priorities: The 1973 Budget," it is the third annual volume of its kind produced by a team of economists under the direction of Charles L. Schultze, former Director of the Budget. Most of the economists served in recent Democratic Administrations, but the book has no partisan flavor.

Its tone is pessimistic. Not only does it find the budget outlook unpromising, but in long chapters on domestic problems the book also repeatedly finds "dead ends" in the form of uncertainty about the right solutions or lack of enough money or both.

A major conclusion of the study—in a chapter entitled "What Happened to the Fiscal Dividend"—is that for the first time Federal Government spending on civilian programs now rises inexorably faster than revenues from a growing economy. Part of the reason, but only a part, is a steady series of Federal income and excise tax cuts in 1964, 1965, 1969 and 1971.

Until about 1966, the normal experience of the Federal Government was to see its revenues rise faster than expenditures except in wartime or economic recession. That is no longer the case, the book finds.

One chapter in the book suggests a series of alternative ways of raising taxes, ranging from a selected set of tax reforms through higher income tax to a new value-added tax in several possible forms.

As with the rest of the book, none of the options is chosen as the best. The most ambitious reform package would raise \$13.4-billion, of which \$10.2-billion would come from individuals, and a few of its provisions would affect many non-wealthy taxpayers.

CHOICE WILL BE DIFFICULT

The basic conclusion is unequivocal: "In the decade ahead the choice will be much more difficult. Lasting new Federal initiatives can be financed only with a tax increase."

For the first time, the Brookings "budget book" also says that the possibilities of finding the necessary money by reducing or eliminating some older Federal nondefense programs are not promising.

After listing various proposals for lower spending in such areas as farm and maritime subsidies and special aid to some school districts, and referring to the vast costs of helping the poor or other programs discussed in the book, it concludes:

"The total sums involved [in the possible expenditure reductions] are small compared to the cost of new program proposals listed above. Moreover, the unsuccessful experience [with Congress] of several Administrations in trying to reduce some of these subsidies does not warrant optimism about the possibility of realizing substantial budgetary savings."

In a final chapter, the Brookings study concludes:

"Giving up the search for solutions to urgent social problems would be both irresponsible and dangerous, but taking refuge in pat, simple answers—decentralize, regulate, coordinate, spend more, spend less—seems unlikely to lead to a workable new strategy. It is time for a new and more realistic look at the Federal Government and the ways in which it can hope to carry out its activities effectively."

Observing that the big change in Government activities since the middle of the last decade has involved an effort to "find ways of changing the behavior of individuals and of institutions," the book concludes: "The Federal Government has not yet evolved satisfactory ways of bringing about these fundamental behavioral changes. Indeed, the history of the nineteen-sixties makes clear that current Federal approaches are not particularly effective."

FULL EMPLOYMENT ESTIMATES

In line with a view of the Federal budget that is accepted widely, including in the Nixon Administration, the Brookings study assumes that Federal budget deficits are not always necessarily bad but that they can be seriously inflationary when the economy is operating at full employment. Thus, all its revenue estimates are on a "full employment" basis.

It finds revenues falling short under present tax law, on this basis, in the next two years and very likely in the next four years. Even without any other new programs, the book concludes, a big increase in Social Security benefits now gaining ground in Congress could "use up" the regular revenue growth through the fiscal year 1977.

Apart from the defense analysis, this year's Brookings budget book has separate chapters bringing up to date the enormous amount of work that has been done by scholars, Congressional committees and the Administration in six major domestic areas. In each case, the problems—even apart from money—have great complexity.

They are:

Income support. This category covers the issue of welfare reform. One conclusion is that any system providing more income to the poor and at the same time preserving incentives to work would cost far more than the welfare reform bill backed by the Administration.

Health insurance. In this category the Brookings book comes closest to advocating a specific plan aimed at solving two central problems: Making sure that the poor get adequate care and avoiding financial crisis for the middle income family that experiences prolonged illness.

Child care. A wide range of problems and options is explored.

Fiscal problems of cities. One conclusion is that neither the Administration's revenue-sharing plan nor the one recently approved by the House Ways and Means Committee meets the main problem, which is that the revenue "crisis" is in the central cities rather than in the suburbs of smaller towns.

Financing elementary and secondary education. A major conclusion is that any Federal plan to alleviate the burden of the local property tax runs into insuperable obstacles in finding a fair distribution formula.

The environment. A central theme is that the Government is drifting too far in the direction of absolute "thou shalt not" type of regulation to curb pollution, which is "a task beyond the capability of any administrator," rather than using the approach of taxation or other monetary penalties or incentives to induce polluters to change their ways.

THE INEVITABILITY OF TAX INCREASES

Mr. STENNIS. Mr. President, at the time that the Senate originally passed the Revenue Act of 1971, I voted against it. Having studied the bill as it emerged from conference, I have decided to vote affirmatively on the conference report. I believe this bill should pass, and that the tax cuts incorporated in it will be beneficial to the economy by spurring its growth. But, I must state that the stimulus of tax cuts can only be effective in the short-run, and that tax increases are inevitable. We can cut taxes now but will later have to bear the responsibility of increasing them.

The philosophy behind the tax cut in the Revenue Act of 1971 is that decreased taxes will leave more spending money in the hands of the consumer, and the increased spending will stimulate the economy. The increased spending would bring in revenues in such forms as the excise tax, but the question is whether the amount of increased revenue tax generated by the growth in the economy will be sufficient to cover the increased cost of Government programs or to cover the gap left in tax revenue by the cuts incorporated in the bill.

Facts and figures that I have studied and will briefly discuss to make my point lead me to believe that the current tax cuts may well stimulate the economy in the short-run, but in the long run these cuts cannot be maintained, or if they are maintained, our

Government spending must be drastically reduced and new programs envisioned by the administration, the public, or both, and by many Members of Congress, must be abandoned.

The national debt, created by the difference between spending and revenues, is now \$418 billion, up \$100 billion from 1965. For fiscal year 1972, with unemployment running 6 percent, the budget deficit is estimated to be \$28.1 billion. In fiscal year 1971, the deficit was \$24.2 billion.

Having so high a national debt—and increasing it so much each year—necessitates paying a huge amount of interest each year. For fiscal year 1971, the gross interest expense on our national debt was almost \$40,000 per minute, or a total of about \$21 billion. That \$21 billion that paid the interest could have bought all HEW programs except social security or covered all allowances and pay, except retirement, of all military personnel including Reserves for fiscal year 1971.

The larger the gap between revenues and spending, the larger the deficit is each year to add to the national debt. Federal spending is rising sharply each year and is running at about \$232 billion this fiscal year. Expenditures increased at an annual rate from the first quarter to the third quarter of 1971 of 11 percent, more than double the 4.7 percent annual rate from mid-1968 to early 1970. If spending is increasing at this rate, revenue—to cover the expenditures—must also increase.

Fiscal spending has been increasing from \$10-\$20 billion per year, as follows: Fiscal year 1970—\$197 billion; fiscal year 1971—\$212 billion; fiscal year 1972—\$232 billion (estimated).

If this trend continues, and there are no indications to the contrary, the budget for fiscal year 1973 will be as high as \$245 billion. Revenue this fiscal year is estimated at \$204 billion and would have to increase about \$12 billion in fiscal year 1973 just to hold the deficit at its current \$28 billion level.

The trend of increased Federal spending, which has occurred throughout the Government and its many functions and interests, is best seen in the human resources area—an undeniably important area of high public priority. In the six years from fiscal year 1966 to 1972, education and manpower costs have doubled; income security costs, which include welfare and retirement, have more than doubled; health costs have increased sixfold. These demands will increase rather than decrease.

Briefly looking at the defense budget, it was lower in fiscal years 1971 and 1972 than it had been previously (fiscal years 1967-70). I have done what I could to bring about reasonable reductions and shall continue to do so. Secretary Laird has said that the request for the military will go up next year. I hope this is error. There are other unfunded obligations of large sums and these will continue to increase.

One large part of the national defense figure is military retirement, which increases yearly. From fiscal year 1966 to 1972, the cost of paying military retirement more than doubled. And the accrued, unpaid military retirement rose from \$66 billion in fiscal year 1966 to \$113.8 billion in fiscal year 1972.

I have given just a few examples of the trends in Government spending, but it is evident that we are spending more and more. The current tax cut can only be effective in the short-run as a stimulus to the economy and will, I believe, inevitably give way to tax increases to cover the rising cost of Government programs. I think the people should be fully advised of this fact now so that they may fully understand the situation and make their plans accordingly.

SENATOR SCOTT WORKS FOR VETS

Mr. HANSEN. Mr. President, as the President continued to reduce the number of men on active duty in the Armed Forces, we are faced with the great task and responsibility of finding jobs for these men when they return. The veteran does not have an easy time, having been out of circulation for an extended period of time.

The Senator from Pennsylvania (Mr. SCOTT) is one who recognized the need for a greater emphasis by Congress on veterans' needs. In the 88th Congress, for example, he sponsored legislation creating a Senate Committee on Veterans' Affairs. Today, we have such a committee. I ask unanimous consent to place in the RECORD a summary of the Republican leader's record on aid to veterans.

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

VETERANS AFFAIRS

THE 92D CONGRESS

Legislation

S. 377—To equalize the retirement pay of members of the uniformed services of equal rank and years of service.

Votes

Voted to provide reentry rights for veterans who left college to enter the Armed Forces and for preference for financial or other assistance in programs financed from Federal funds if they were receiving such assistance prior to induction.

Voted to provide special education assistance programs to veterans by VA and HEW.

THE 91ST CONGRESS

Legislation

S. 338—To increase the rates of educational assistance allowance paid to veterans.

S. 1205—To provide for a Supreme Sacrifice Medal for widow or kin of deceased.

S. 2800—To provide paraplegia rehabilitation allowance of \$100 a month for veterans of World War I, World War II and Korea.

S. 2813—To increase amount payable on burial and funeral expenses for veterans from \$250 to \$400.

S. 2890—To define "active duty" so as to allow reservist or member of National Guard or Air National Guard of any state to enjoy educational benefits.

S. 3709—To prevent a decrease in the dependency and indemnity compensation of any dependent parent of a deceased veteran or in the pension of any veteran or widow of a veteran as the result of the increase in the Social Security benefits provided by the Social Security amendments of 1969.

Votes

Voted to provide additional veterans' education and training assistance.

THE 89TH CONGRESS

Votes

Voted for the Veterans' Pension and Readjustment Assistance Act of 1967.

Legislation

S. 969—To provide for at least one veterans' service center in each state.

S. 3580—To provide additional readjustment assistance to veterans who served during the Vietnam era.

Votes

Voted to provide education and readjustment benefits to those who served in the southeast Asia theater of operations as determined by the President.

Voted to provide that benefits of the Cold

War Veterans' Readjustment Assistance Act be through grants rather than loans.

Voted for the Cold War Veterans' Readjustment Assistance Act.

THE 88TH CONGRESS

Legislation

S. Res. 48—Creating a standing Committee on Veterans' Affairs in the United States Senate.

THE 87TH CONGRESS

Legislation

S. 3289—To grant national service life insurance to veterans heretofore ineligible.

Votes

Voted against reducing by \$10 million funds for medical administration and miscellaneous operating expenses of the Veterans' Administration.

THE 86TH CONGRESS

Legislation

S. 688—To provide for establishment of national cemeteries in Pennsylvania.

S. 269—To equalize pay of retired members of uniformed services.

Votes

Voted for the Veterans Pension Act of 1959.

Voted to offer to veterans of World War II and to veterans of the Korean War an opportunity for one year to take out national service life insurance at their attained age.

MINORITY BUSINESSES

Mr. MUSKIE, Mr. President, although the Federal Government, some State governments, and private corporations have become involved in aiding black-operated business, a meaningful program for today's economy has not been developed enabling minorities to compete effectively on a higher economic level. Blacks today make up 12 percent of the population but they control less than 1 percent of the country's economic assets.

The Honorable C. Delores Tucker, secretary of the Commonwealth of Pennsylvania, recently addressed the Chicago Economic Development Corporation Conference on "Space Age Industries' Challenge to Minority Businesses." Mrs. Tucker, a thoughtful spokeswoman of minority economic advancement, describes the problem and describes a necessary ingredient in any meaningful solution: The education and training of black entrepreneurs, technicians, and tradesmen. Her comments are based on sound logic and useful insights, and it would be worthwhile for all of us to read and discuss her views. I ask unanimous consent that her speech be printed in the RECORD.

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

ADDRESS BY C. DELORES TUCKER

It's a great honor to address such a distinguished group at this second annual symposium on "The State of the Black Economy."

We hear a lot about that black economic state of ours, that "State of Black Capitalism", but I'm afraid it's still just a state of mind—an imaginary provincial realm, a satellite colony of white corporate America, a gerrymandered whistlestop on the wrong side of the tracks.

Now if we could believe the Nixon administration, we might suppose that a bold new economic torrent of black capital is flooding into the national fiscal mainstream and making great waves in the corporate watersheds of the land, enormous black trib-

utaries pouring into the big-money reservoirs and returning great currents of profit back to the black community.

Well, I've seen a ripple or two, but a couple of ripples don't make a wave. The river of American enterprise flows along untouched. Black capitalism is a myth, and will be for a long, long time. There is only one kind of capitalism in this country and that is American capitalism. If it has any color—it's green.

Blacks may make up 12% of the population but they still control less than 1% of the country's economic assets. Only one black-controlled corporation (Johnson products, a cosmetic firm) is listed on a major stock exchange, and its annual sales are only \$10 million (or a fraction of the sales of the top 500 corporations). Black insurance companies, pointed out as shining examples of black economic power, have one two-tenths of 1 percent of the insurance industry's total assets.

The great majority of black businesses make less than \$25,000 annually. Less than a third of all minority enterprises are profitable enough to hire workers—two-thirds are sole proprietorships or partnerships. Black-owned firms employ about 40,000 of our 25 million black brothers and sisters, the white/black dollar ratio is an incredible 333 to 1.

In terms of receipts, the most important black-owned firms are filling stations, automobile dealers and mom-and-pop food stores—hardly competition for the multinational white corporate structure!

Yet in terms of income, black America is the 10th largest economy in the world. Over \$39 billion a year goes into black pocketbooks. And that \$39 billion represents real economic clout.

It could make the difference between profit and loss for most consumer products, and white industry knows it—look at the growing number of black faces turning up in TV ads for the top brand-name products.

The problem is that over \$38 and a 1/2 billion of that \$39 billion goes right back out again into the white economy.

They say that money turns over six times in the Jewish community, 5 times in the general white community but only once in the black community. The black consumer market is there and the black gross national product is growing, but less than one percent stays to benefit the community.

And this is one of the roadblocks to successful black enterprise: the lack of support from his own brothers and sisters, who patronize white stores. First and foremost, we need more black unity.

Black business should be the business of everyone in the area, from the minister on down, because it means more jobs, more earnings, mores pending, more contributions to churches and neighborhood projects.

The Jewish community is a beautiful example of how valuable group commitment and concern can be.

Too many blacks still seek out the white lawyer or doctor, assuming white means better. White does not mean better.

A white is no better than a black who is trained.

We must insist upon the training to compete with whites on equal terms. A black who provides a first class service or a top-notch product will find that most buyers and investors are not concerned with color.

The white businessman gets all the expert consultation he can. But a false pride often prevents the black businessmen from seeking or accepting outside advice or assistance, despite his need for management skills and knowledge of business techniques. He may lack resources to realistically appraise his situation, or fail to assess his product, market, location or consumer needs. There is prevailing unfamiliarity among black businessmen with the total marketing concept—advertising, sales promotion, merchandising and marketing research.

Let us emulate the strengths of the white corporate structure—not the old private enterprise dog-eat-dog image but cooperation. Actually, successful white business has grown, not by destroying the competition but by merging with it into interlocking directorates and mutually supporting agreements to maximize capital flow, growth and expansion for all.

Black business fails for the lack of enough risk capital and credit to survive the first lean years. . . . The money is too little, comes too late, and is too expensive to borrow even when available at top interest for short-term loans.

Since limited capital is a major problem for blacks, we have even more need to pool our resources; blacks should set up a joint professional practice in law or medicine:

Establish clinics or cooperatives to share the costs and equipment for maximum dollar effectiveness. Two or three doctors or dentists can give better service cheaper than an individual operation—so can two or three servicemen in one body repair shop or electronics shop.

We must develop our own black financial institutions—savings and loan banks. Or as an alternative, get blacks who are tuned in to black needs and problems into the higher levels of white-run banks, so that the black needs and problems are understood and served.

We must get into the white corporate structure to understand the uses of real economic power decisions so as to share in this power and help make those decisions.

Under the best of conditions, small businesses have a high failure rate: the bankers' rule of thumb is that 50% go under in the first year, and 70% after two years. Blacks have never operated under the best of conditions.

A recession for the country is a depression for the ghetto. The recent economic "downturn" with its resulting unemployment and welfare cuts, sharply reduced the purchasing market available to inner city businesses. To make things worse, tight money conditions cut off funds further just as the new black capitalists needed them most. Fire and theft insurance premiums are exorbitant in cities. Nixon's campaign talk about black capitalism brought high hopes but little else.

In fact, it encouraged some blacks without adequate capital or background preparation to attempt a business career. Every marginal business failure only reinforces the traditional fears of black inadequacy among both blacks and whites.

Dr. Andrew Brimmer has made a very convincing and logical case against the idea of black capitalism surviving in the all-black ghetto areas. Many black businessmen have experienced the truism of Dr. Brimmer's keen insight and had to close their business because they closed their eyes to the economic reality of doing business—"as usual."

Yet an extremely large portion of small businessmen continue to try retail business, despite a sharp decline in the number of retail establishments across the nation, the growth of shopping centers, discount department stores and supermarkets, made possible by the automobile and consumer mobility, will, probably continue at the expense of the small neighborhood retailer. Only the most efficient, best trained and best financed can survive.

The mom-and-pop store in today's world is comparable to the horse and buggy in an era of moon travel. In one way or another, the Federal Government subsidizes all areas of big business—oil, airlines, defense industries, railroads, millionaire farmers, and so on. It has an equal responsibility to subsidize black enterprise. But black enterprise has a responsibility too—to become politically informed so that you can push for legislation favorable to black business interests.

The white businessman has always had political savvy, and used it. Black businessmen can't afford to leave that crucial area to their politicians.

As the first black woman to hold a cabinet post in Pennsylvania, I know how integral a role politics plays in every area. As chairman of our State employee's retirement fund, which invests a billion dollars a year in businesses, I can make sure that the philosophy of those businesses includes blacks. There are thousands of pension funds, retirement funds and other funds across the country. It is to your interest to learn where those billions of dollars are being invested. If it is in racist corporations, work to see that such investments stop. If they are not going into sound black businesses, why not?

There are many other areas where effort should be made. The majority of black people have not had an opportunity to learn enough, or to use what they do learn. Black business should wholeheartedly back all good educational programs.

Training is becoming more available, but we must keep pushing. The unions can and must be made to move more rapidly. The new Vo-Tech schools offer tremendous opportunities for youngsters to learn new skills and get into well-paying occupations that have been traditionally closed to blacks. The days of the unskilled laborer are gone, but the craft skills are in greater demand than ever, and pay more than many white collar jobs.

A good plumber or carpenter or electrician can almost name his own hours and price.

Everyone—black and white—seem to be desperate for a reliable auto repairman, TV repairman or painter. How many such craftsmen do we have? It is imperative that we support Vo-Tech schools, the OIC, and all available training programs.

Blacks may lack capital but they have more than their share of artistic talent and imagination. We must encourage the talented young dress designers in this community. Photography is another field where talent means as much or more than capital.

We have very many great chefs and cooks but few top-rate black restaurants. There is no question that whites as well as blacks would support a really excellent, well-run restaurant.

Blacks are famous for their contributions to the entertainment field. Why don't we have more really good black entertainment clubs? More good black motels? More data processing services for small businessmen? Accountant services, auditing, and report-compiling services and advice are very much needed in the black community.

Black businessmen should look closely at consumer services. As consumer incomes increase, more and more of their income goes into services.

Blacks who offer consumer services are not at such a disadvantage as in retailing or manufacturing because their wit and ingenuity will make up for capital.

Black business should unite, not only for its own growth, but against any black exploitation of the black community. We have been oppressed by so many for so long that we cannot tolerate any oppressors among ourselves. The desire to maximize profits at community expense—the white robber baron's "the people be damned" point of view—has no place in our vision of a better black future. Improving the overall economic lot of millions of average black citizens is far more important than the achievement of high corporate standing for a few. No segment of our population can prosper while another lives in hopeless stagnation.

As Parren J. Mitchell said, "let us in black enterprise not wait until a black Ralph Nader starts to run us through the mill before assuming our social responsibilities. Let us recognize the legitimacy and indeed the

morality of the union organizing of workers. Let us recognize that if we practice hypocrisy, deceit and exploitation against our black brothers we shall be hated as much, if not more, than others who exploited and deceived the less fortunate, the unlettered, the unsophisticated."

Black businessmen must assume the leadership in our perplexed and distressed urban enclaves if they are to survive, and survive they must for quite a while because 80% of black people live in these areas.

Let us follow the example of our white business brethren who have traditionally exercised their influence and played a dominant leadership role in shaping the destiny of their community. Obviously, this is not to say that they shaped it wisely; many of our basic problems were created by their long years of racist misjudgment and "malignant neglect".

Too long have we played a silent role in shaping the destiny of our communities. Too long have we let pseudo-leaders . . . sociologists, false political prophets, certain segments of our ministerial representation, and perennial do-gooders . . . wave voluminous proposals, studies and position papers before us, claiming to have the solutions, or make glowing headline speeches about their theoretical concepts without understanding that black people don't suffer from theories—they suffer from a condition.

As Frederick Douglass said, we can only make change possible by becoming a part of the change-making process, through eliminating those racist institutions—political, social and educational—that hold back progress.

Black businessmen particularly have a direct interest in such change in the survival of the cities, for the same conditions which threaten the life of the city—threaten the survival of every black business.

Radical changes in our operations and thinking will be required. We must begin to think in terms of mergers and conglomerates, black with black—black with white—in order to centralize the specialized expertise and resources to develop more efficient and competitive economic units of operation. In a period when men are chartering plans to colonize the moon, we cannot afford to practice business by the 1880 concepts of individual proprietorship.

For just as "no man is an island" so—no community is an island; entirely unto itself. Every community is a piece of the continent, a part of the whole. Should a clog be washed away by decay, the earth is the less for it. The death of one community diminishes all, for the community is involved in the total society. Therefore, never ask for whom the bell tolls. It tolls for thee.

I am confident that you will seize the awesome challenges and opportunities before you, as you have so gallantly in times past. And I am confident that, working together, you will succeed.

THE GENOCIDE CONVENTION: AN AGE OF INTERNATIONALISM

Mr. PROXMIER. Mr. President, the decade of the 1960's was a difficult period for America in the area of foreign policy. As the Vietnam war continued to escalate our position of influence and leadership diminished. Now that we are slowly withdrawing combat troops from Southeast Asia and realize our tragic mistake of involving ourselves in the bloody quagmire of Vietnam, there are some who advocate a new policy of isolationism.

But this is not the time to retreat to the safety disinterest and isolationism. Though we have wandered off the proper

course for foreign policy in the past, there is no reason why we should not re-order our goals and build a constructive and peaceful program with our friends around the world. The visits of the President of the United States to Peking and Moscow will hopefully pave the road to peace and mutual understanding. With luck, it will mark the beginning of an era of international cooperation; an era which should have begun years ago.

Internationalism can be fruitful. While we maintain the sovereign integrity of our great Nation we can productively participate in the creation of a better world community. Our continued commitment to the United Nations is one avenue for such efforts and with the President's diplomatic trips abroad new doors are opening. But we should not neglect any opportunity for such involvement, and the Treaty for the Prevention and Punishment of Genocide represents a fine statement of international concern. Our ratification of the treaty would link us with civilized nations around the world who decry violence and mass slaughter.

Therefore I urge Senators to move immediately to endorse this humanitarian declaration.

UNITED STATES-U.S.S.R. ENVIRONMENTAL AGREEMENT

Mr. BUCKLEY. Mr. President, I wish to say how very delighted I am with the first fruits of President Nixon's current visit to Moscow. I refer to the agreement on cooperation in the field of environmental protection between the United States of America and the Soviet Union.

Between our two countries, we occupy about one-quarter of the land surface of the globe. Our economies generate 41 percent of the world's gross national product, and I suspect that our combined contributions to the pollution of the world's waters and air is equally significant.

The problems involved in learning how best to control pollution, and how best to protect our natural environment are highly complex, and require the broadest possible cooperation. These problems are apolitical in nature. They do not involve a competition between ideologies. They are of a kind that all men irrespective of the systems of government under which they live must and can learn to work on together.

Thus, the fact that the two leaders of the two major blocs of nations should join together in working to protect the environment should in itself dramatize to all nations the importance of coming to grips with the impact of man's activities on the natural order. This is especially significant at this time, because of the probability that the Eastern bloc of nations will not be participating in the United Nations Conference on the Human Environment which is scheduled to take place in Stockholm next month.

I see great practical benefits resulting from the agreement. We have a great deal to teach the Russians in many areas of coping with air and water pollution.

By the same token, they have a very special expertise in the Arctic regions which can be enormously beneficial to us as we begin the development of the Arctic regions of Alaska.

I believe that this agreement illustrates the kind of area where international cooperation with the Soviet Union is possible and desirable because of a sober evaluation of common interests and common objectives.

President Nixon has said:

Together we hold this good earth in trust.

It is my hope that the first step in environmental cooperation between the United States and the Soviet Union will be seen by history to have been one leading to a truly international recognition of the President's words. The importance of the environment is, quite simply, beyond politics and transcends ideology. I applaud the President's initiative in this field and look forward to helping in any way I can to make this agreement become a working reality.

FUNDS FOR HEALTH

Mr. TUNNEY. Mr. President, on Tuesday, May 23, 1972, I appeared before the Senate Appropriations Subcommittee on Labor-HEW Appropriations to testify in support of increased funding for health programs.

In particular, my testimony dealt with the need for funds for sickle cell anemia, mental health programs, medical and health professional education, and rural and migrant health care.

I ask unanimous consent that the testimony be printed in the RECORD.

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

STATEMENT OF SENATOR JOHN V. TUNNEY

Mr. Chairman, I appreciate very much the opportunity to testify before you today to testify on health appropriations. I have been here before and I know how deeply committed you and other members of this subcommittee are to the cause of adequate health care for every citizen. Your task is a difficult one because the needs are so many and so great. I would like to talk principally about three areas of special concern to me: sickle cell anemia, mental health, and education of health professionals.

I—SICKLE CELL ANEMIA

Mr. Chairman, there is a blood disease in this country that kills half of its victims before the age of twenty.

Few survive beyond the age of forty and most are crippled long before death.

It was found to be a deadly killer more than sixty years ago.

It is called sickle cell anemia and it strikes approximately one of every 500 black persons in this country.

Medical researchers estimate that over 2 million Americans carry the so-called sickle-cell trait. And yet the vast majority of Americans have no idea what sickle-cell anemia is; they have never heard of it.

The people who suffer most from this disease do not live in the suburbs; they do not belong to country clubs; they do not go to private schools; many of them do not have family doctors; many of them never receive any adequate health care. They are black, and until very recently they have been ignored.

In October of last year thirty Senators

joined me in taking a first step toward ending that neglect, the introduction of S. 2676, the National Sickle Cell Anemia Control Act. During the next few weeks, the first hearings ever held in Congress on sickle cell anemia were held by two Senate subcommittees and on December 8, 1971, the Senate voted 81 to 0 to approve it. Similar unanimous action was taken in the House and on May 16, 1972, just last week, the President signed it into law as P.L. 92-294.

As the author of that legislation, I am particularly gratified by the swiftness with which the Congress acted in passing that legislation.

Now we must move with equal speed to provide the full funds needed to implement that law. The suffering and despair of the victims of sickle cell anemia, compounded by tragic ignorance of the disease by many Americans, demands that we fulfill the promises contained in this new law.

Mr. Chairman, during the past year and a half since we began working on this legislation, the public has finally begun to learn some of the facts about this tragic disease. Newspapers, magazines, radio and television programs have begun to focus increasing attention on the nature of sickle cell anemia and the great need for support to combat it.

It has been a long process. You will recall, I am sure, that just one year ago, under the leadership of Senator Kennedy, the Senate attempted to increase funds for sickle cell research only to lose that increase in conference with the House.

Happily, that situation has now changed, I think. In voting 391-0 in favor of the National Sickle Cell Anemia Control Act, the House made it clear, I believe, that sickle cell anemia at last occupies the priority in the Congress that it has long deserved.

And for that reason, I believe we must provide adequate funding for this new law. Its passage has given new hope to the thousands of sickle cell victims throughout the nation. Let us not be a party to dashing those hopes by failing to provide the money to implement that law.

Mr. Chairman, it is clear in my mind that if we had a disease that affected one out of every 500 white children, and that if fifty percent of those children died at about the age twenty and almost all of them died before the age of forty, with the kind of excruciating pain and complications that occurs with sickle cell anemia, we would have had a massive research effort long, long before this.

Let me give you some examples of the need for funding.

Dr. Roland Scott of Howard University, a man who has dedicated his life for over twenty years to combating this disease, described the efforts at Howard's Center for Sickle Cell Anemia in hearings which I held as chairman of the public health subcommittee of the Districts of Columbia Committee. Dr. Scott is chairman of the Department of Pediatrics and Child Health at Howard. I might add that at the present time Howard University is responsible for training nearly half of all the black physicians in the United States.

Dr. Scott estimated that the cost of establishing and supporting a full scale program at Howard would cost \$4.4 million initially and approximately \$2 million thereafter. Last year Howard University spent \$200,000 for sickle cell research. Less than one percent of that money came from the federal government.

Take another example. The Director of the District of Columbia Health Services Administration testified before my subcommittee that he could not even get \$15,000 from NIH last year to piggyback a sickle cell test on an existing program testing children in Washington for lead paint poisoning. All he wanted to do was include a very simple test that would have reached thou-

sands of children for almost no additional cost. But he was told there was no money.

Mr. Chairman, these examples demonstrate two things. First, there is a tremendous need for funds, but secondly, there is a particular need here in the District of Columbia. I can think of no more appropriate place to begin the fight against sickle cell than here in the Nation's capital, the city with the largest percentage of black population of any city in the country.

But the need is national as well. Dr. Elmer Anderson, Chairman of the Research Foundation for Sickle Cell Anemia in Los Angeles, has testified about the efforts of that foundation in the Los Angeles area. In 1970, he said, the total income for the foundation was \$6,000. That amount was equal to the hospitalization cost of just two sickle cell crises for a single patient. Dr. Anderson put it most eloquently:

"So what we are emphasizing, gentlemen, is not the idea that we are asking for \$25 million for programs for testing, research, and education; but a chance to get this disease in its right perspective so that we can save lives. We are very late in finally now becoming aware of what we should be doing. I think at this stage of the game it would benefit us all to appreciate the fact that we should stop politicking and devote our energies toward creating centers where these people can go for screening and good definitive treatment and research facilities where they can do research specifically for sickle cell anemia and not as an afterthought while considering another project to work on."

Similarly, Dr. Robert Rhodes of Meharry Medical College in Nashville, Tennessee, a school that has graduated approximately 43 percent of the black physicians practicing in the United States, has summarized the need for full funding in this way:

"In summary, for all too long, sickle cell anemia has been virtually ignored as an important disease among a major segment of this Nation's population. The victim, maligned and used in many instances as only a 'good source of interesting research material.' The time certainly has come to give adequate support to such programs as will provide both care for the victim and continue to expand our knowledge of this patient and his disease. It is hoped that the current spurt of interest in sickle cell disease will remain high and provide the victim with support so long denied."

Dr. Rhodes went on to cite a World Health Organization estimate that sickle cell anemia kills over 80,000 children annually worldwide.

Mr. Chairman, all of those witnesses spoke from sad experience of the need for adequate funds for research, for screening, for counseling, for treatment and for public education. But perhaps the most eloquent statement of the reasons why this Committee should provide full funding for this program was by the mother of a child with sickle cell anemia who testified before the Health Subcommittee:

"Kaaren must have been about eight months old when she had trouble with her elbows swelling . . .

"Shortly after that, Kaaren began to have bronchial infections, which would develop into pneumonia. One night she actually went into a coma.

"We struggled along with this, off and on, for two and a half years, thinking that the child would grow out of it. We had no idea of anything, except that she was weak.

"This is what the doctor said, she was just a weak child.

"In 1947 my husband and I moved to Magnolia, Arkansas . . .

"Kaaren's health began to deteriorate. She was sick most of the time and had to have a blood transfusion about every six to nine weeks.

"She would perk up immediately after the blood transfusion, and then go back down

again, so that in approximately two months, she would return to the hospital for another transfusion.

"At this point no one said anything about sickle cell anemia.

"The doctor said he thought she had rheumatic fever. He changed it and said it was malaria . . .

"When we moved to Tyler, she became desperately ill, and we knew no doctor. A friend of mine suggested I use her doctor, who incidentally was an internist. I did not know what that meant at the time. It turned out that this man, a Jewish doctor, diagnosed sickle cell anemia. That was the first time we had ever heard of it . . .

"He admitted he knew very little about it. He sat down with us in his office with a textbook, and read maybe ten lines, and that was it . . .

"In 1958, the pediatrician we used tested everyone, all six of us. This is when we learned that I have a trait, my husband has a trait, Kaaren, the oldest child, has the disease, the second child has nothing, the third child has the disease, and the youngest child has a trait . . .

"We were informed she would never live to see womanhood; that if she did, very shortly thereafter she would die, and that there was nothing anyone could do, so, you know, get yourselves together, and get ready to face it."

Mr. Chairman, the bottom line is this. The Administration has proposed \$15 million for sickle cell anemia for FY 1973. Of that amount, \$6 million is to be used for research and \$9 million for services, presumably for screening, counselling, public education, and clinical programs. Those amounts are clearly inadequate.

They might be adequate for a token effort, but they fall far short of a national commitment to combat sickle cell anemia. The Congress has called for that national commitment unanimously in both Senate and House. It is now time for us to match the words in the new law with the money to make it work.

Furthermore, despite the clearest possible need for action, the vast majority of the funds appropriated for the current fiscal year have not yet been spent. The latest word I have is that possibly as much as 80 percent of the 1972 funding for sickle cell anemia will not be committed until next month, the last month of the fiscal year. So we have already lost almost a full year in the battle.

Frankly, Mr. Chairman, I would like to see this new law funded at the maximum level. I know the realities in which you operate, and I therefore would ask you simply to do the best possible job. However, I would urge that at a minimum the committee add an additional \$10 million to the President's request: \$5 million for additional research as provided in Section 1102 of the Act and \$5 million for screening, counselling, and public education under Section 1101.

Although far less than the full amount authorized under the Act, these additions would bring the total amount allocated next year for sickle cell anemia to \$25 million. Such an addition would in no way be excessive and would go a long way toward fulfilling our commitment to the victims of sickle cell anemia and their families.

II—MENTAL HEALTH FUNDING

Mr. Chairman, on July 13, 1971, I testified before this Sub-committee regarding the effects of crippling cuts in the national mental health program proposed in the Administration budget for Fiscal Year 1972. Through the wisdom of this Sub-committee and its counterpart in the House of Representatives, and with the strong support of a large number of both citizen and professional groups, these cuts were restored last year by the Congress.

In the fall of last year, despite the manifest intent of Congress, attempts were made

by the Administration to restrict expenditure of these funds. Again, strong and broad-based popular support forced release of the appropriated funds and the development of the mental health program was allowed to continue.

I am before you today because the Administration's budget for Fiscal Year 1973 again imposes severe restriction on vitally needed programs of mental health research, training, and service. During the year that has passed since my last appearance before you, I have had a chance to gain some familiarity with the status of our efforts toward mental health. I have a few comments which occur to me on some of the major recent accomplishments and greatest unmet needs in our quest for better mental health for all Americans. I have divided those comments into research, training, and service. I would add, however, that these three facets are inextricably linked. To attempt to trade one off against another in some false sense of economy runs grave risks of reducing both the strength and the effectiveness of mental health programs.

Research

In research, mental health differs significantly from other health areas in that the gap between knowledge and its practical application is far less wide. This results from both the incredible complexities of the human mind and brain, and the fact that only in the past two decades has major research in mental health been undertaken. Productive interdisciplinary research teams have only relatively recently undertaken broad-based studies of the factors associated with major mental illness, or the contributors to such pressing social problems as drug abuse, alcoholism, and violence.

Progress has been made. In recent years the effectiveness of lithium in the treatment of the previously difficult to manage manic-depressive psychoses has been well documented by careful research, and it now appears that this drug may also be useful in treating at least some of the 300,000 Americans each year who suffer severe depression.

The use of the drug L-DOPA for relief of the previously severely crippling symptoms of Parkinson's Disease resulted from intensive research, and further studies of this chemical and its relatives promise greatly increased understanding of the basic biochemical mechanisms of the brain.

Dr. Julius Axelrod, working in the intramural laboratories of the National Institute of Mental Health and winner of the 1970 Nobel prize in medicine, has recently discovered that the human brain has the potential capacity to produce hallucinogenic substances from chemicals normally present in brain fluids. The possible role of this process in the disordered thinking of schizophrenic patients is presently under intensive study.

Methadone appears to offer at least stabilization of a significant number of the estimated 500,000 heroin addicts in the United States, while pharmacologic research holds promise for the development of long-acting true narcotic antagonists. Meanwhile, research is continuing the search for the basic factors underlying addictive behavior.

But much is still unknown. Nearly 40 percent of the hospital beds in the United States are occupied by individuals suffering from major mental illness, and it is estimated that one in ten Americans will require psychiatric hospitalization at some time during his life. There are more than five million alcoholics in our country today and an additional four to five million individuals for whom alcohol abuse is a serious problem.

Mental health problems of young people in our society are another major area. Drug abuse among teen-agers is a tragic fact of life for thousands of American families. Death due to over-dose or the physical com-

plications of addiction has become the leading killer of young people between fifteen to twenty years of age in several of our larger cities. The upsurge of violence and crime by young people is also a sad fact. Three-quarters of those arrested for major felonies, larceny, and negligent manslaughter are less than twenty-five years old.

Arrest rates are highest for those fifteen through seventeen, and next highest for ages eighteen through twenty. One need not be a psychiatrist to recognize the meaning of those statistics.

None of these problems is simple. None has an easy answer. But whether you measure the cost in either economic or human terms, continued support of both fundamental and targeted research on problems of mental health and illness is an excellent investment. The Administration proposes a budget of 144 million dollars for NIMH research support in FY 1973. This is inadequate to even cover inflationary increases over the past year and would provide no new funds for expanded research efforts. Both the National Association for Mental Health and major professional groups have urged the addition of ten to fifteen million dollars in new funds to support mental health research in the coming year. Even this modest increase would allow the beginning of nearly four hundred new research projects. This support seems to me minimal in the face of past accomplishments, great promise, and overwhelming need.

Training

The United States remains woefully short of professionally trained mental health manpower. While the number of psychiatrists, psychologists, psychiatric social workers, and mental health nurses has increased markedly since the end of World War II, the demand for skilled services has increased as well. Effective treatment programs in drug abuse, alcoholism, crisis intervention, and crime and violence, if they are to succeed, require—in fact demand—skilled professionals. In addition, we must provide mental health care to those for whom it has been only barely available—minority groups, children and adolescents, and those living in rural areas.

I strongly support these new treatment programs. But I would consider it tragic indeed if manpower shortages led to our producing yet another second-class care system for those most acutely in need. Highly trained and skilled professionals are required not only for the development of new mental health knowledge through research, but also for the application of this knowledge to new treatment programs and the complex, but vitally important function of program evaluation.

It has recently been suggested that less highly trained para-professional mental health workers can significantly replace professionals in treatment programs. The usefulness of new kinds of health workers in increasing the effectiveness of professionals has been clearly demonstrated and significant new roles for para-professionals in community mental health have evolved. I think, however, we should be wary about the concept of their fully replacing professionals in the extremely complex task of effective mental health care. The risk of producing a second-class system seems to me to be great.

The public demand for help with psychological and social problems has been demonstrated in California in the very rapid rise in various encounter and other group programs, not infrequently led by individuals with little or no professional training. Recent research has demonstrated that, contrary to popular belief, such quasi-mental health activities are not necessarily harmless, and may, in fact, delay the seeking of professional assistance for major mental disorder. Partly because of the effectiveness of past public education programs, persons in need are in-

creasingly seeking mental health care. It is our responsibility to provide skilled professionals to help them.

As with research, despite a record of accomplishment and a clear-cut need, the Administration proposes to severely restrict the training activities of the NIMH. In this case, a cut of fifteen million dollars from the appropriation for FY 1972 is requested. Of this cut, seven million dollars is removed from funds to train psychiatrists, and the intention is again made clear to eliminate the entire psychiatry training program over the next few years. The profound impact of these cuts on the manpower supply in this essential medical specialty has been pointed out in other testimony before you. I would only like to underline the particular irony that the training programs which would be most severely restricted by such cuts are those based in medical schools and major medical centers. These are precisely the programs which provide training in research, program development, and evaluation, and whose graduates are most likely to enter public service careers.

Even more short-sighted, in my view, is the proposal to cut eight million dollars from the support of mental health training in the core education of health professionals who do not plan to specialize in mental illness. The bulk of mental health care in this country, especially for less severe disorders, will likely always be provided by non-psychiatric physicians, social welfare workers, and others without primary mental health responsibilities. With proper training, these individuals can be tremendously valuable in treatment, early case finding, and effective prevention of more severe disturbances.

Mr. Chairman, there is a terrible irony in the budget cuts proposed by the President. Every member of the Congress knows how deeply ever American is concerned about drug abuse. Last year we passed major new legislation designed to combat drug abuse. Yet we are now actually being asked to reduce the production of the very professionals who can provide the key manpower in that effort. I simply cannot understand that logic.

Restoration of the proposed cuts in NIMH training funds seems to me to be the bare minimum expression of our responsibility to the mentally ill of this country. The National Coalition for Mental Health Manpower, a broad consortium of citizen and professional groups, believes that an additional forty million dollars in new funds could be effectively used in the coming year, and I would support this recommendation.

Services

A final point is services. Quality mental health care is increasingly available to broad segments of the American population. The result has been a decrease in the number of patients in outmoded public mental hospitals. More than three hundred Community Mental Health Centers are currently in operation, offering the potential of comprehensive services to more than 25 percent of the total United States population. These centers are increasingly offering effective services for alcoholics, drug addicts, children and adolescents, and the aged.

The visionary concept of a truly comprehensive community mental health center system, developed during the Kennedy Administration, has allowed us to take major steps toward the goal of national mental health care. That the full implementation of the concept has in some instances proved difficult speaks to the complexity of the problem rather than to fundamental flaws in concept.

In my view, the primary task of the Community Mental Health Centers in the years immediately ahead is the assurance of high quality care to all of those treated. This will require full utilization of the research and training potentials of the Centers, per-

haps through closer working relationships with universities and medical centers, and particular attention to program evaluation. To provide the best care, the Centers must have a full complement of professional staff and an atmosphere conducive to open inquiry and thoughtful innovation.

With respect to budget requests for Community Mental Health Centers, it seems to me that the highest priority must be on staffing, especially the provision of adequate professional manpower for those Centers in operation or under development. \$140 million should be adequate for this purpose in FY 1973. I would also strongly support a specific allocation of \$2 million for evaluation, as recommended by the Council of Comprehensive Community Mental Centers.

III—CONSTRUCTION OF HEALTH EDUCATION FACILITIES

Mr. Chairman, my third topic concerns our efforts to provide the health professionals we will need if we are ever to assure adequate health care for all Americans. There has been a great deal of discussion in the past few years about a crisis in the delivery of health care. Last year, however, the Congress passed the Comprehensive Health Manpower Training Act of 1971—legislation which the President himself termed "the most comprehensive health manpower legislation in the nation's history."

Yet, the principal goal of that legislation—to overcome health personnel shortages—will be gravely undercut by the President's failure to recommend any funds for construction of medical and other health profession schools. Denial of construction funds will destroy in a single blow the attempt to provide a coordinated, interlocking federal effort to assist education of health professionals.

The entire thrust of the legislation was to accelerate increases in health professions personnel—doctors, nurses, dentists, optometrists, and other health professionals. But if medical schools are to increase their enrollments as the Congress envisioned they must be able to expand and improve their existing facilities.

Mr. Chairman, I can give you some rather concrete examples from my home state.

The University of California operates five medical schools in California at its San Francisco, Los Angeles, San Diego, Irvine and Davis campuses. The latter three medical schools were founded in the early 1960's and operate primarily out of temporary facilities—in many cases in what amounts to mobile home type facilities.

The University at present trains about 3,900 medical students at the undergraduate and graduate levels. Yet despite the critical need for adequate, permanent facilities to provide that training, the University of California has received virtually no federal money for construction for over three years. Yet the President comes to us this year and proposes no new funds for construction.

Mr. Chairman, although few people realize it, that situation is not just a problem for California, it is a problem for the rest of the nation as well, because at the present time California imports 70 percent of its physicians from outside the state. In other words, unless California begins to train enough doctors to handle its own needs, the efforts of other states to increase their own medical personnel will continue to be handicapped. While I know we in California welcome young doctors who wish to practice there, I am sure you can see the thrust of what I am saying. By assisting California to develop its own medical schools, the federal government would also be assisting the rest of the nation.

This year California is taking a major step toward fulfilling its own responsibilities to its citizens. The legislature has placed on

the ballot a \$155 million bond issue as part of a \$300 million program to meet the State's needs for health personnel.

As part of that program, the University of California's medical schools will increase their enrollment by 3,100 students, almost double the present enrollment of 3,900. This action will go a long way toward ending a shortage of physicians in that state and end the drain on the resources of other states.

But, an essential component of that effort is \$97 million in federal matching funds which will be needed to make it work.

Mr. Chairman, I recall your fine work last year in providing additional construction money, particularly your gracious assistance when I offered a successful amendment to the Supplemental Appropriations bill last fall to increase funding by \$20 million. I know you are aware of the needs in my state and the other states across the country. I would, therefore, ask only that you and the other members of the subcommittee be as diligent as you can in providing the maximum possible for construction grants.

The Coalition for Health Funding has recommended \$250 million for such grants and I endorse that recommendation.

IV—MIGRANT AND RURAL HEALTH CARE

Mr. Chairman, there are a number of other areas in the health budget which need strengthening. I know you are aware of them and I know that other witnesses before you have made and will make the case for many of them. I know that the Committee's time is limited and so I will only touch upon them briefly. The Maternal and Child Health Services, the National Health Service Corps, and Migrant Health programs are all programs which I believe have critical importance, particularly in rural areas and areas suffering from severe economic distress. I know that I do not need to catalog for you the ways in which these programs affect directly the amount and quality of health care that is available to millions of Americans who can least afford such care.

Migrant health is a good example. In California during the peak harvest season there may be up to 100,000 migrant workers. Many counties in California remain without any migrant health services. Other large counties like Riverside and Fresno have very limited facilities to cover wide geographic areas or large numbers of migrants. The President has budgeted \$23.7 million for migrant health. I would urge you to increase it to \$30 million.

Similarly, funding for the National Health Service Corps should be increased substantially. Rural and inner city areas suffer critical shortages of health care workers. This program can have a major effect on that maldistribution of health services. Let me give you an example of why this program is so important. Mono County, California is a remote rural county on the east slope of the Sierras. It covers 3,028 square miles but has an average population density of only 1.3 persons per square mile. Its altitude ranges from 6,400 to 14,242 feet. On weekends the population is increased by about ten times by vacationers. Yet the county has only one hospital and that hospital recently learned that it would no longer have any physician available. Faced with this crisis the county sought help from the National Health Service Corps, and I am happy to report that as of July 1, 1972, they will have two doctors through the Corps.

Mr. Chairman, that is the kind of aid which can be provided through this program and I think it should be supported to the full extent possible.

STOCKHOLM CONFERENCE ON THE HUMAN ENVIRONMENT

Mr. MUSKIE. Mr. President, I understand that the positions to be assumed

by members of the U.S. delegation to the Stockholm Conference on the Human Environment will amount to a replay of narrow and retrogressive environmental policies.

I am disturbed that there will be little opportunity for the free exchange of views and recommendations by the members of the U.S. delegation with the leaders of other nations of the world because U.S. positions have been predetermined in detail by the administration.

The Stockholm Conference is unique. It is more than an opportunity for nations to negotiate hollow treaties on vacuous subjects. It is more than an opportunity for world political leaders to show their interest in preserving the quality of the world environment. It is a real opportunity for nations of the world community to discuss freely action proposals for the improvement and protection of the global environment.

The United States began its substantive focus on environmental quality in the early 1960's. During the past decade we have examined man's relationship to the environment, the effects of man on the environment, and the need to control those effects. As a result, our environmental policies have been broadened and have become increasingly meaningful.

This Nation has made a commitment to end pollution. The Water Quality Improvement Act, the Clean Air Act, and pending amendments to the Federal Water Pollution Control Act are major indicators of that commitment.

These measures were not created to abate a little pollution here and there or to prevent pollution that could be proved specifically harmful to specific parts of the environment. These measures were designed to protect public health and welfare, to improve and enhance the environment. Yet, Mr. President, the U.S. delegation to the Stockholm Conference departs under instructions to support policies which are in many respects less stringent, less meaningful, and less useful from an environmental standpoint than those which are required in this country.

Let me illustrate. The U.S. position papers for the Stockholm Conference state:

The United States strongly supports the concept of developing internationally agreed upon guidelines for the control of land-based pollution but believes that the current lack of adequate scientific knowledge concerning marine pollution prohibits the development at this time of comprehensive guidelines.

This statement denotes a negative attitude on the part of the administration. I do not share the assumption that the scientific knowledge to regulate marine discharges does not exist. But, in any event, the United States should not rely on a lack of information as a basis for avoiding regulation of marine pollution. Rather, the United States should exert leadership to assure that our knowledge of marine pollution effects will be expanded.

Another section of the U.S. position papers states:

We [the United States] believe countries should take all practical steps to achieve the maximum practical harmonization of their

environmental policies. *This is not to suggest that countries must adopt identical policies. We appreciate differences may be necessary and appropriate to take account of such factors as variations between countries in their capacity to assimilate pollutants, differences in their population density and degree of industrialization as well as differences in their social and economic priorities.* (Emphasis added.)

What do these statements mean? They mean simply that the positions to be advanced by the United States at the Stockholm Conference contain policies already rejected by this Nation as ineffective in achieving environmental quality. They mean that the members of the U.S. delegation will not be conveying to the world their active support for the setting of international standards and norms for environmental behavior.

More specifically, the U.S. delegation will not be advancing to the world community our support for long-term programs to restrict the introduction of pollutants into the environment, from whatever source, as an essential tool for eliminating the destruction of the global environment.

I am concerned, however, that this position, supported by the United States, presents a loophole through which the developed nations can escape. There is every reason to press for uniform standards.

I am aware of the complex problems facing the less developed nations as they work to improve the quality of life for their peoples. The wealth made available by the technological revolution has not been distributed equally among nations.

The problems associated with these inequities are being compounded by the possible effects that international pollution control measures could have on their growth. These countries need jobs. They need to improve living standards. They need to improve their balance of payments. And, they need to produce goods for their own consumption.

Uniform standards are proposed because they are ecologically sound and essential. But in the less developed countries such standards may be economically unattainable. The U.S. position at the Stockholm Conference should take cognizance of that difference.

Both the House and Senate amendments to the Federal Water Pollution Control Act contain directives intended to guide the administration in the development of U.S. policies for the Stockholm Conference. The directive states:

The President shall undertake to enter into international agreements to apply uniform standards of performance for the control of the discharge and emission of pollutants from new sources, uniform controls over the discharge and emission of toxic pollutants, and uniform controls over the discharge of pollutants into the ocean.

Congress obviously believes there is adequate justification for internationally uniform controls and standards for the regulation of discharges of pollutants into the environment. To extend this Nation's conceptual approaches to environmental problems to the global arena would be to demonstrate real world leadership.

Clearly, these U.S. positions are in con-

flict with the environmental goals that have been set forth by the Congress.

The legal requirements for the Clean Air Amendments of 1970 provide for a standard of air quality that is protective of the public health. Further, the amendments require that the emission of hazardous pollutants be controlled without respect to economic cost or feasibility. The best available controls are required, by law, for all new sources of air pollutants.

The positions to be advanced by the United States at the Stockholm Conference are also in conflict with pending Senate amendments to the Federal Water Pollution Control Act. The Senate amendments respond to the failures of this Nation's existing water quality program. To accomplish this task, controls are to be applied on all sources of discharges, with total elimination of the discharge of pollutants into our Nation's waterways as the policy objective. Prohibition of discharge of toxic substances in toxic amounts without regard to economic cost is provided.

More importantly, if we are to advocate policies setting forth goals and standards for environmental control, we must provide economic and institutional policies that will make possible the achievement of such goals and standards. As outlined by the administration, the U.S. position will not permit a demonstration of world leadership for the positions advanced in these areas.

With respect to the funding of global environmental improvement measures, the "Scope Paper," which is a summary of major U.S. positions, states:

We [the United States] do not foresee any increase in our current level of development assistance. There may well be a concentrated effort on the part of the developing world to force the Stockholm Conference to pass resolutions calling upon the developed world to supply the LDC with additional funds, above and beyond the 1% target figure, which would be used to finance the entire cost of environmental cleanup in developing countries.

The United States must vote against or abstain on any resolution or document that urges acceptance of this concept of "additionality." Moreover, the Delegation must make the record in the report clearly carry the United States reservation on this issue.

What does this statement mean? It means that the United States is unwilling to provide economic assistance to nations which cannot afford to meet the costs of pollution control. It means that the United States does not support the view that we must share in the financial burden of environmental control. It means that the United States does not support the view that decent development and decent environment are one and the same for all nations.

It appears that short-term budgetary expediency is dictating the administration's position on the long-term needs of less developed countries.

The fact that we are experiencing political resistance to aid ought not restrict us from recognizing these countries. Our Government ought to recognize the equity of assistance to the less-developed countries—the long-term equity based on the assumption that the developed world used the cheapest resources to grow and

now have a responsibility to contribute to the less-developed countries who can not afford both development and environmental control.

With respect to institutional arrangements the U.S. position papers advocate the creation of an intergovernmental policy body within the United Nations. A strong institutional framework within the United Nations will be essential if the world community is to respond adequately to global environmental needs and demands.

But the details of the administration's position propose the Economic and Social Council—ECOSOC—as the parent body rather than the General Assembly. This position is in conflict with the recommendation of the Secretary of State's own Advisory Committee on the Stockholm Conference which declared that the new environmental machinery would be "in serious jeopardy" if it were placed under ECOSOC and recommended accordingly that the new environmental body should be a subsidiary of the United Nations General Assembly.

And what does that mean? It means that the United States advocates the submergence of the proposed intergovernmental body into an already weak institutional structure. To quote from the administration's position paper on this matter:

The U.S. proposal is in line with the U.S. objective, shared by many other states, of strengthening ECOSOC and improving its ability to discharge its charter functions. This objective would not be served if in the midst of these efforts such a significant new function were placed elsewhere in the U.N. system.

Clearly this position further indicates the low priority which the administration places on international environmental problems. I believe the advisory committee is right in stating that the new environmental unit "will bear such importance for the world that its vitality and potential—and not the vitality of, or long range plans for, the ECOSOC—should determine where it is placed in the organizational structure."

This was the advice not only of the advisory committee but of all the expert witnesses that testified before it in public hearings. The failure of the administration to follow this advice is but another example of its failure to take adequate account of expert opinion in developing its positions for Stockholm.

Another illustration of the administration's lack of leadership is its failure to accept the advisory committee's recommendation that the United States propose the filing of international environmental impact statements.

If international environmental cooperation is to be a reality and not just a slogan, the principal countries of the world must be willing to report on all their activities that might affect the environment of others and to consult in good faith with other countries and with international agencies when questions or objections are raised.

This would be the international equivalent of the section 102(2)(c) statements required by our National Environmental Policy Act.

I recognize that all the members of the United Nations will not be willing to undertake such an obligation at Stockholm. But there is no reason why there should not be established an "International Environmental Coalition" of those key countries that bear special responsibilities for the preservation of our endangered planet.

I believe the members of such a coalition should also agree that environmental disputes to which they are a party can be taken to the new environmental institution in the United Nations at the request of any other country and that they will cooperate with any scientific fact-finding panel that might wish to make on-the-spot investigations on their territories.

It is not yet too late for the U.S. delegation to take up the idea of an "International Environmental Coalition" at Stockholm. I call upon the President to see that our delegation takes this important measure of leadership before it is too late.

The aforementioned are but a few of the examples of the predetermined positions of the administration. By accepting these positions, members of the U.S. delegation will risk failure in their attempts to communicate to world leaders the programs which we have already initiated. They will risk failure in their attempts to communicate to world leaders the minimum values we have found to be essential in this country. They will risk failure in their attempts to communicate to world leaders our economic commitment to solving problems in places other than the United States. More critically, they will risk failure in their attempts to communicate to world leaders the absolute need for an institutional arrangement which will raise the visibility of the environmental issue.

The nature of the delegation itself has also been a source of concern to me. Although many distinguished Members of the House and Senate have been named to the delegation, there is an almost complete absence of leading members of the scientific and environmental communities.

I am aware that there are those who believe that real world leadership by the United States at the conference would be tantamount to U.S. domination at the Stockholm Conference.

I submit that there can be leadership without domination. We must lead in the hope that our initiative, our assistance, and our demonstrated good will can serve to encourage others to participate in the same spirit.

I urge the President to remove the limits on free discussion proposed for members of the U.S. delegation. I urge the Senate Members of the delegation—my colleagues who will be voting on any conventions which may result—to speak out in Stockholm on the environmental goals that have been set by the Congress and only reluctantly accepted by the administration.

I ask unanimous consent that the Scope paper be printed in the Record.

There being no objection, the Scope paper was ordered to be printed in the Record, as follows:

UNITED NATIONS CONFERENCE ON THE HUMAN ENVIRONMENT, STOCKHOLM, JUNE 5-16, 1972; SCOPE PAPER

BACKGROUND

At the summer, 1968, session of the U.N. Economic and Social Council, Sweden proposed the holding of the first World Conference on the Human Environment. The proposal was endorsed by ECOSOC and approved by the U.N. General Assembly at its 23rd session in Resolution 2398 of December 3, 1968. A 27-nation Preparatory Committee, of which the U.S. is a member has met four times in the last two years to chart the course of action for the conference. The U.S. has played a major leadership role in these preparations.

U.S. OBJECTIVE

The overall U.S. objective for the conference is to raise the level of national and international concern for environmental problems and to increase national, regional and global capabilities to recognize and solve those problems which have a serious adverse impact on the human environment.

U.S. PRIORITIES

The conference will provide the first opportunity on a world-wide basis for nations to call for the initiation or strengthening of a series of international actions designed to improve the global environment. At an early stage of preparation for the conference, an intensive effort was made to identify actions which are of greatest interest to the U.S. On the basis of this analysis, which included well-defined proposals and initial cost estimates, the U.S. has developed the following priorities for actions which it believes should be recommended by the conference.

The U.S. supports and will participate in the development of conventions, agreements and other mechanisms to conserve and improve the global environment consistent with other U.S. policy objectives. Such conventions, agreements or other mechanisms would provide bases for cooperative international actions in areas of high priority, e.g., marine pollution, the release of toxic substances into the environment, the preservation and exchange of potentially useful plant and animal genetic stocks, preservation of rare species and unique natural, cultural and historic areas, and consultations when the activities of one country adversely affect the environment of others.

The U.S. supports appropriate efforts to sample, analyze and disseminate information on the condition of the global environment. This requires the coordination and supplementation of existing systems for monitoring human health, the atmosphere, the oceans and terrestrial environments. Data obtained would be available to all nations and would be used to measure trends and identify problems requiring international action.

The U.S. supports the development of coordinated national research programs concerned with environmental problems of regional and global significance. These programs would be done cooperatively by countries with UN coordination and encouragement. In developing countries such programs would not only provide research information useful in solving problems, but would also produce cadres of trained scientists. Areas meriting research attention include the development of analytical methods for assessing pollutants, studies to develop criteria and recommended control techniques, cooperative research on human settlements problems, recovery and recycling of resources, irrigation water quality maintenance, reduction of fertilizer and pesticide pollution, ecosystem analysis, resource management, marine-pollution abatement and control, and how proper environmental management can enhance development.

The U.S. supports the effective strengthening of training, education, and public information.

mation programs in the field of environment. Competence within a country to deal with environmental degradation is a key element to national action. Included in this area would be development of public education programs (e.g., teacher education, teaching materials, and pilot education programs) and development of environmental training programs in fields such as ecosystem management, water, forestry, soils, land planning, wildlife management, and agricultural, human and industrial waste management. In addition, public information programs would be developed to provide an understanding of the nature of environmental problems and the need to support efforts to solve them.

The U.S. supports the establishment of improved mechanisms for the exchange of national experience in solving specific environmental problems. A preponderance of the problems of environmental degradation can be solved only on a local or national basis. Procedures should be established for sharing knowledge on how to solve problems and could include establishment of an international referral center for exchange of practical information and national experience.

The U.S. supports regional arrangements to deal with key regional problems, such as conservation and purification of water, management of soil, urbanization, forestry. This would include the establishment or strengthening of regional programs designed to deal with environmental problems common to several countries, e.g., urbanization; natural resource management, including soils, water, and tropical forests; and the effects of agricultural fertilizers, pesticides and fungicides. Such regional programs might also be used for manpower training appropriate to the region.

The U.S. supports improved UN coordination of environmental programs. The U.S. has proposed the establishment of a small Secretariat as a part of the United Nations and an intergovernmental Committee to coordinate environmental programs and administer an Environmental Fund financed by voluntary contributions from governments.

The U.S. supports the establishment of a mechanism outside the UN to provide environmental scientific advice to the UN and nations. This would provide an international institutional framework for obtaining authoritative non-governmental, scientific advice as to priorities for action, research and evaluation, and the most effective uses of resources.

EXTENT OF U.S. COMMITMENT

There are five critical issues on which the Delegation must firmly oppose recommendations contrary to the specific U.S. position.

1. The U.S. has proposed a United Nations Fund for the Environment designed to finance the recommendations for environmental programs, projects and functions that are most likely to be centered in the international community following the Stockholm Conference.

The U.S. shares the general view that, while the great majority of actions for environmental improvement must be taken at the national level, there is an essential need for international efforts as well.

These international efforts should serve two kinds of purposes. First, they should deal with inherently international environmental needs such as global monitoring of human health, the oceans, the atmosphere, and terrestrial environments; research; and assessments of the condition of the world environment. Second, they should serve to strengthen national capabilities in the environmental field through education and training, information, exchange, and programs to attack environmental problems on a regional basis—thus enabling national

and local authorities to draw on the knowledge, experience, and organizational and technological capacities of the international community. The United States contribution to the proposed Fund would be predicated on its use for such purposes, rather than to solve specific economic development problems within the borders of individual countries. Any effort to convert the voluntary Fund into a development fund must be resisted and, if an attempt to convert it is successful, the Delegation must vote against creation of such a Fund.

2. The current view of the U.S. is that new machinery will be required within the United Nations to coordinate the array of environmental activities of the United Nations system, and to administer the Fund.

As to the nature of this machinery, there is general agreement that a new specialized agency should not be created. The U.S. has proposed the creation of a small high level staff unit under the direction of an Administrator whose responsibility would include coordination of environmental activities of the UN specialized agencies and administration of the voluntary Fund. Policy direction for these activities would be provided by an ECOSOC Commission.

3. Financial support for countries to deal with specific problems within their borders should be principally a national responsibility. However, environmental programs are a part of the development effort, and technical and financial assistance to developing countries for environmental improvement is desirable. Although the proposed voluntary Fund would not be used for this purpose, international development agencies should be encouraged to support environmental elements of development projects out of existing budgets.

In October 1970 on its 25th Anniversary, the United Nations adopted unanimously a global strategy document for the target of the 1970s, the United Nations Second Development Decade. One of the goals set forth in that document called for the developed world to:

"Endeavor to provide by 1972 annually to developing countries financial resource transfer of a minimum net amount of 1% of its gross national product."

The United States supported the 1% target (but not the target dates) and agreed to use its best efforts to achieve that goal. However, at the present time we are at about 0.5% of our GNP. We do not foresee any increase in our current level of development assistance. There may well be a concentrated effort on the part of the developing world to force the Stockholm Conference to pass resolutions calling upon the developed world to supply the LDCs with additional funds, above and beyond the 1% target figure, which would be used to finance environmental costs of development assistance projects, or to finance the entire cost of environmental clean up in developing countries.

The U.S. must vote against or abstain on any resolution or document that urges acceptance of this concept of "additionality". Moreover, the Delegation must make the record in the report clearly carry the U.S. reservation on this issue.

4. With the exception of those recommendations which pertain to the issues discussed in the paragraph above, U.S. support for implementation of Conference recommendations will be through the voluntary Fund. However, the Fund will be inadequate to launch all appropriate programs simultaneously which could be supported from it. Consequently, priorities will have to be established among programs as no additional U.S. support is foreseen at this time. The Delegation must make clear that the U.S. contribution will be through the Fund and that the U.S. does not expect the UN specialized agencies to automatically include the

costing of the implementation of Conference recommendations in their regular budgets.

5. In the Draft Declaration, there is a paragraph dealing with nuclear testing. If any attempt is made to amend the language on this subject the Delegates must hew precisely to the position paper on this subject.

LAW DAY SPEECH BY SENATOR TUNNEY

Mr. ROBERT C. BYRD. Mr. President, on May 1, 1972, Senator JOHN V. TUNNEY gave the Law Day address to the San Diego Bar Association. He spoke of some of the critical issues which I believe confront us, particularly those of us in the legal profession, in the years ahead. I ask unanimous consent that Senator TUNNEY's remarks be printed in the RECORD.

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

ADDRESS BY SENATOR JOHN V. TUNNEY

I brought along a copy of a brochure which I have had in the reception room of my Senate office. On the cover it says "San Diego is excitement." Until the past month I never really appreciated the full meaning of that claim.

I should begin by apologizing to those of you who were looking forward to the festivities here in August. I'm afraid I played a rather active role in depriving San Diego of the Republican convention.

Today I want to talk with you about some of the things which you and I as lawyers have to face in the coming years. They are issues which are, in a sense, on the cutting edge of change in our society.

You aren't going to agree with me on all of them. And on some of them I am unsure myself of how the merits line up. But I would like to try to sketch the dimensions of them for you today and ask you to think about them as lawyers—men and women whose profession is to make dispassionate judgments after analyzing the facts.

I say this because they are issues which must be resolved through law was the instrument by which we deal with change.

The first of these problems is drug abuse. Here in San Diego with its geographic location as a point of entry for illegal drug traffic there is as much concern about drug abuse as there is in any part of the country. I have been here myself in the past, holding hearings about drug smuggling, overproduction of pills and such. I have learned that it is a lot easier as a politician to stand here and deplore such abuse and call for stricter laws and tougher penalties than it is to deal with the real human tragedies which drugs represent.

A few weeks ago the National Commission on Marijuana and Drug Abuse appointed by President Nixon issued its first report. It was titled "Marijuana: A Signal of Misunderstanding," and in some way the report itself became a signal of misunderstanding. It contained three basic recommendations for changes in Federal law:

- (1) decriminalization of possession of marijuana for personal use, but with possession in public subject to seizure and forfeiture;
- (2) decriminalization of casual distribution of small amounts of marijuana not involving sale for profit, and
- (3) specific abolition of a plea of marijuana intoxication as a defense to any criminal act committed under its influence.

Those recommendations are controversial ones to be sure, but they are the product of extensive study by a very balanced Commission. We must deal with them accordingly.

I've become deeply concerned at the way young people's lives can be ruined by a

criminal conviction. We must take a hard look at the differences between marijuana and hard narcotics, at the differences between use of marijuana and the use of heroin, amphetamines and barbiturates, and particularly at the differences between those who traffic in drugs for profit and those whose offense is confined to use.

There is no single answer to the drug problem. But we are not going to make any headway at all until we begin to deal with it on some rational basis, with a minimum of preconceptions and emotion.

Lawyers can help a great deal in that process and I would ask you to join. Drug abuse is one of the most difficult issues for the political process to handle because of the very deep fears that people have. It is, therefore, subject to all kinds of political rhetoric and even demagoguery.

Congress is going to have to deal with this problem and particularly the marijuana report. And I would ask your help in making the debate on this issue as reasonable and productive as possible because the lives of our children are at stake.

A second issue is our prison system: what do we really want our prisons to do? We know what they are doing now—three quarters of all persons released from prison each year will ultimately return, convicted of new crimes. That should tell us something about the deterrent value of incarceration alone—but incarceration alone is about all we have at the moment. Of the total annual expenditures of \$1.5 billion for corrections, between 80 and 90 percent goes for custody and administration. Perhaps 20 percent of those working in corrections are assigned tasks which could be described as directed toward prisoner rehabilitation.

You know as well as anyone the state of our prison system. As lawyers, many of you have prosecuted or defended the persons who populate that system. And you know as well as anyone the measure of its failures by the numbers of people whom you see as prosecutor or defender over and over again.

Part of the failure admittedly results from inadequate funds. But the most irresponsible thing a politician can do is to pretend that money alone is the solution.

Because the real problem is that we have not faced the basic question—what do we want prisons to do? Prisons in this country today reflect precisely the ambivalence and the conflict which the public itself feels about what it wants from the penal system. Punishment, deterrence, isolation, rehabilitation—how much of one and how little of another.

I don't have the answer to that question for you today—but I have some ideas and you undoubtedly have some as well. You and I as lawyers have a responsibility to deal with those ideas honestly and promptly, because the divisions in our society are saying is going to place even greater demands on that penal system.

One aspect of this question is revision of the criminal laws themselves—who should go to prison, why and for how long. The Senate Judiciary Committee is presently engaged in such a revision, one which will undoubtedly continue for quite some time.

We are going to decide, for example, whether the definitions of criminal conduct should be revised, whether the penalties we impose serve their objectives and whether there are alternatives to incarceration which should be added to those laws. The debate on those questions will be long, difficult, and—unfortunately but probably—emotional. You can have a direct impact upon the quality of that debate and its final product both as individuals and as groups. I urge you to do so.

Another aspect is the penalties we impose

after prison—the continuing effects of a criminal record on the basic rights of citizenship such as the right to vote, the right to hold office, the right to pursue certain occupations (the legal profession for example). And what is their effect upon prospects for rehabilitation?

For example, we have to think very hard as members of the bar about denying a young man the opportunity to practice law for following his conscience and accepting a jail sentence rather than being drafted for a war he believes is unjust. Similarly, the question of amnesty is going to confront us in the Congress. Here again we will face a difficult question but one which lawyers can help to resolve.

I don't pretend that any of these issues are easy ones. They are particularly difficult for the political process to handle responsibly because of their emotional content. But you can help in that endeavor.

A third issue more difficult to describe precisely but equally fundamental for the future—is the issue of privacy. I had been a Senator for barely two months before I began sitting with Senator Sam Ervin as a member of the Constitutional Rights Subcommittee. Over the next few months we listened to the Army tell how it spied on members of Congress. We listened to the Justice Department describe the records it keeps. We listened to dozens of witnesses tell of the hundreds of ways in which public and private agencies gather and retain data on individual citizens.

Much of that data is gathered in legitimate ways for legitimate reasons. But what concerns me, and what should concern you also as lawyers, are the safeguards which must be employed to assure the privacy of the individual.

We have entered an era where information once gathered is inevitably retained; once retained is inevitably exchanged; once exchanged is inevitably expanded; and where an erroneous entry acquires an existence of its own.

You have all experienced this problem in one way or another—a client whose license is revoked by mistake, a credit record based on a neighbor's gossip.

You also have a very important role in developing the solutions—the guidelines and the safeguards to protect against abuse. You can help us write the laws in Congress but more importantly you can use your wisdom and advice to counsel against unnecessary or irresponsible collection and dissemination of information, both in government and in industry.

I have one final thought—and I think it is perhaps appropriate to share it with you here because it springs largely from the events surrounding the ITT case.

The repercussions of the Senate hearings will be felt in many different ways during the coming months, but there was one overriding issue in those hearings. It is one which exists in any administration regardless of party, and it goes to the very heart of people's faith in their government. That issue is the ventilation of our entire system of government.

One goal we must set is the development of new and better ways to assure that public business is conducted in public.

The ITT case proved to many people what they had believed all along—that government is not responsive to the individual citizen but only to powerful interest groups whether corporate or labor. I saw a poll the other day which was taken in Ohio. It showed that 16 percent of the people had faith in the Congress 18 percent in the Supreme Court and 21 percent in the Presidency. In other words, about 80 percent of the people in that state had no confidence in any branch of the federal government.

I don't think any one of us can ignore those kinds of warning signals. As a politician I certainly can't, but as lawyers you can't either because unless we can restore that confidence it will erode the very basis of an orderly society—the law itself.

THE PASSPORT OFFICE AND AUTOMATION

Mr. MAGNUSON. Mr. President, as the world around us becomes more computerized and plasticized daily, I noted with interest, an article in the May 20 New York Times.

The article, by Benjamin Welles, details some of the pressures on Frances G. Knight, Director of the U.S. Passport Office.

Regardless of a person's opinion on how our wallets have grown to the bulging point with those little plastic cards over the past few years, the article contains useful and educational information about the problems of the Passport Office.

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

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

PASSPORT CHIEF FIGHTS "GADGETRY"

(By Benjamin Welles)

WASHINGTON, May 20.—Frances G. Knight, director of the United States Passport Office, is standing firm against mounting pressures for what she describes as "ple-in-the-sky gadgetry."

The object of Miss Knight's ire is a demand by airlines, the travel industry, Presidential panels and some foreign countries for the early development of an embossed, or coded, plastic card in place of the familiar book-type passport used by American and foreign travelers throughout the world. Last year 2,350,000 passports were issued to United States travelers at a standard cost of \$12 each.

The card would bear the traveler's name and other pertinent details normally found at least—could be read electronically by machines at international airports and other ports of entry. Speed and convenience are cited as the principal benefits.

In January a passport subcommittee of the International Civil Aviation Organization, meeting in Montreal, recommended development of such a card, and the recommendation is now being studied by that group's 124-member governments. Miss Knight, representing the United States, abstained when the subcommittee voted to make its recommendation.

"I'm not against progress, but I'm totally opposed to pressures by groups, some of whom are self-serving and others merely ignorant," she said in a recent interview. "I'm against ideas that are half-baked, technologically unworkable and totally unrealistic in terms of cost."

PORTS OF ENTRY DISCUSSED

In the first place, Miss Knight noted, there are 285 separate ports of entry and exit in the United States. Unless each was equipped with a fool-proof electronic "scanner" to read cards, and unless each was, in turn, connected to a giant computer established at some central point in the United States, she asserted, the system would break down. Travelers wishing to avoid United States controls would use entry ports without scanners.

Furthermore, she said 147 foreign countries still require United States travelers to have entry visas stamped into their pass-

ports, and plastic cards would have no space for visas.

"Some people are urging 'piggy-back' cards with attached visa-sheets," she said, "but this doesn't simplify anything—it only complicates it. Very few foreign countries are going to have the money or technology to develop automated travel cards for 10 years at least."

Noting reports that there may be as many as two million alien who have entered the United States as tourists and who have since "disappeared" into the American population, Miss Knight stressed the importance of tight passport controls to cut down international crime, drug-running and espionage.

She cited an INTERPOL report last Dec. 23 disclosing the arrest of a criminal ring and the recovery of 395 blank or stolen passports from 20 countries.

"At the last three I.C.A.O. meetings I've urged immediate steps to standardize the location and details of requisite information in all passports," she said.

FOOLPROOF SYSTEM SOUGHT

Miss Knight said that 52 countries had sent officials to study the workings of the United States Passport Office, which she described as the "most efficient" in the world. By using 111 specially designed passport-writing machines in its 11 offices across the nation, it last year issued passports with an average delay of three to five days, she said. The agency, moreover, earned \$22-million and spent less than \$9-million.

Last week Miss Knight announced the letting of a \$150,000 contract to Computer Sciences Corporation of Falls Church, Va., for a year's study of a possible new foolproof travel document. Miss Knight stressed that she had no objection to a travel "card" provided it was secure and internationally acceptable.

"No evidence has been produced," she said, "that any mechanism can match the inspection-and-clearance time of an alert, knowledgeable inspector of the Immigration and Naturalization Service at entry ports, which has been estimated at 5 to 10 seconds."

Three years ago while in France inspecting French prototype plastic travel cards, Miss Knight was interested by a card with a picture of a pretty young woman on it, plus embossed routine details of her birthplace, domicile and age.

"There were some coded dots and dashes on the back," Miss Knight recalled, laughing, "and finally they told me that this was a record of her arrest for prostitution in Marseilles some years ago. Do you think the American people are going to accept any sort of card without knowing exactly what's coded in it?"

FRANCHISEES OR INDEPENDENT BUSINESSMEN?

Mr. HART. Mr. President, a case can be made that all franchisees should have the opportunity to go to court and claim damages from arbitrary termination, such as would be provided gasoline retailers in S. 3642, the bill Senator ERVIN and I introduced yesterday.

In fact, I have been attempting to persuade Senators of the merit of that case for some time. Thus far, unfortunately, I have not been persuasive.

But I shall keep trying.

Meanwhile, it is clear that if Congress is not yet prepared to give access to the courts to all franchisees, at least it should provide this for gasoline retailers.

The theory is that franchisees are "independent businessmen." That is a theory strongly embraced by the parent companies in this industry—the oil com-

panies—but vehemently denied by the retailers themselves.

As a part of its investigation of gasoline marketing, the Senate Antitrust and Monopoly Subcommittee has received a great deal of correspondence and heard testimony from or interviewed hundreds—or perhaps thousands—of these "independent businessmen."

The common thread throughout was that the retailers felt more like serfs than freemen.

A questionnaire sent out by the subcommittee to gather information on practices in the industry elicited some typical responses.

One gasoline retailer took the opportunity to get quite a few gripes off his chest. Listen to his story:

I had to remove Hertz Truck Rental because "the trucks spoil the architectural beauty of the station." "The trucks also interfered with the sale of gasoline because they block up the driveways, etc.," I was told. Furthermore, my lease forbids me from having the trucks on the company's property.

About a quarter of a mile away on the same street that I am located, my company sells gasoline to a cooperative which in turn retails for 32.9 and 37.9 (lower than my suggested prices from the company). The company representatives have told me that the gasoline is sold to the cooperative at the same price that it is sold to me. This I do not know, but I do not believe their story. As of this writing, I have been forced to drop my prices to meet the competition from the cooperative.

The oil company is always suggesting to me the idea of a 24-hour operation—although the economic factors do not indicate longer hours, but rather shorter hours in order to keep expenses down (especially wages and employee theft when the dealer is away).

I would like to see something done about these long hours and seven days per week stipulated in the lease. In my locality, for example, there are three other gasoline stations and at 9:00 p.m. at night there is hardly sufficient business to keep one of us operating in a profitable way. Yet, all four of us remain open and paying helpers to do nothing. The same is true on Sundays and public holidays. There is no wonder so many of us dealers go out of business every day.

His story was not uncommon. Another dealer wrote:

They try to get us to open earlier and close later. Pressure is on for all of us to buy more from our own company, tires, accessories, batteries, etc., and large amounts at one time.

Our rent has been increased, and our price on gas has gone up one-tenth of a cent; but our profit on gas has not been even as much as we made 10 years ago. How can we get ahead . . . we cannot have a 40-hour week like humans, sure we are businessmen but work 100 hours or more or have nothing.

One of the questions on the form related to pressures upon gasoline dealers to buy motor oil, tires, batteries or accessories from their franchisor.

Obviously, the retailers are still feeling this pressure. Some sample replies:

They expect you to buy their products and you know that future leases and improvements are based partially on this. They say, "if you don't buy our tires, etc., we will not repair your station equipment. . . ." My company makes it very clear to their dealers that if the dealer does not sell enough tires, batteries, oil and accessories to satisfy them that the dealer's lease will not be extended or renewed.

One dealer had a new "accessory" being forced on him:

"They are always checking shelf stock—tires, etc., pushing their brand down your throat. We even have to sell fertilizer which we pay more for then they sell it to individual accounts."

A good percentage of the dealers told us that they didn't feel they could set their own retail prices—many saying that they feared they would be shortened in services if they did not adhere to the franchisor's suggested prices.

One dealer had good evidence that fears of retaliation—at least in his case—were not unfounded.

Asked if the franchisor usually suggests the retail price, the dealer checked the "Yes" box. Asked if he usually posted that suggested price, he checked the "No" box. Asked if he believed deviating from the suggested price might bring him difficulty from the company, he checked the "Yes" box and wrote in how he knew—"They are canceling me."

Mr. President, why do the retailers go along with the demands of their parent companies? For the reason some of them stated in the quotes I have cited: They fear termination.

And termination for a gasoline retailer is not as simple as picking up your pink slip and starting the hunt for another job. As Senator ERVIN has said, these dealers have investments of their own ranging from \$12,500 to \$25,000 in their stations. More than dollars, many have worked years to build up goodwill and customer acceptance in their location.

In short, they are independent businessmen when it comes to scratching together the investment to get into business—but are not independent when it comes to deciding how most profitably to run that station or when to pull out of the business. Those decisions often are made in some office far distant from their station.

Mr. President, as I said, I think it is asking little to allow any franchisee who feels he has been arbitrarily canceled to go to court and try to prove damages. This strikes me as the ultimate in fairness.

But if we are now willing to go only part way, it seems the gasoline retailer is a good first start. Certainly, I am not aware of another area of franchising with a failure rate of 35 percent nationally and up to 50 percent in certain locations.

Also, enacting this bill would help a goodly number of franchisees, for the gasoline retailers make up almost one-half of the 406,000 franchisees in the Nation.

In summary, Mr. President, I think this is a good and necessary piece of legislation and am happy to join Senator ERVIN in sponsoring it—and further to applaud the able senior Senator from North Carolina for his concern.

SUPPORT FOR PRESIDENT NIXON'S VIETNAM POLICY

Mr. ALLOTT. Mr. President, evidence of support for the President's policy re-

garding Vietnam continues to appear. Today I would like to share with the Senate three items coming from Colorado.

First, Mr. President, the city council of Thornton, Colo., has gone on record with a resolution of resounding support for the President. I know the President is deeply grateful to the people of Thornton. I commend the city council and the city of Thornton, and I ask unanimous consent that the resolution be printed at this point in the RECORD.

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

RESOLUTION

Whereas, the Peoples of the Republic of South Vietnam have been engaged in a conflict in defense of their right of self-government, and

Whereas, these Peoples have asked the aid of the United States of America, and

Whereas, the United States of America has aided these Peoples in defense of their freedom, and

Whereas, the United States of America has been severely criticized, both at home and abroad, and

Whereas, some critics are those who openly and overtly are sympathetic with and support the cause of Communism, and

Whereas, the Commander-in-Chief of the United States Armed Forces has made many attempts to seek an end to these hostilities, and

Whereas, the Communist forces continue to invade and attempt to force their will on the Peoples of South Vietnam and other neighboring countries; Therefore, be it

Resolved by the City Council of the City of Thornton, Colorado, as follows:

1. That full support is given to the Commander-in-Chief of the United States Armed Forces to continue to provide all the necessary action and protective measures to insure the orderly return of American personnel consistent with their safety and insuring freedom for the Peoples of South Vietnam.

Passed and adopted at a regular meeting of the City Council this 8th day of May, A.D., 1972.

City of Thornton, Colorado.

TOM CARRILLO,

Mayor.

Mr. ALLOTT. Mr. President, I have been gratified by the evidence that the newspapers of Colorado have been reflective and supportive during this difficult period. As an example of responsible, intelligent Colorado journalism, I ask unanimous consent to have printed at this point in the RECORD an editorial from the Pueblo Chieftain and the Pueblo Star-Journal. The editorial is headlined "Nixon's Defensive Act Necessary."

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

NIXON'S DEFENSIVE ACT NECESSARY

In addition to the abandonment of 17 million South Vietnamese to North Vietnamese savagery, is the important question of the welfare of 60,000 American troops in South Vietnam who have been scheduled to leave the country during the next several months.

President Nixon's action to blockade the major port of Haiphong and conduct aerial attacks on railroads, bridges and supply depots is not an aggressive act, but rather a much-needed defensive action to try to stop the invasion by North Vietnam which also threatens American troops who would be sac-

rificed to the unpredictable and wanton treachery of the North Vietnamese forces. The aggressor in this instance is North Vietnam.

The unanswered and imponderable question is why the North Vietnamese undertook the invasion of South Vietnam in March when, if they had waited no more than six months, practically all American forces would have been withdrawn in accordance with President Nixon's schedule of withdrawal.

The President's course of action should make the North Vietnamese question their own policy as to why they jumped the gun to try to accomplish a military victory and then contend that they had actually pushed the Americans out of South Vietnam. Are they trying to reason that by so doing they would not have acceded to the planned withdrawal nor to permitting South Vietnam to hold elections as to what form of government they want and who should be their leaders?

The President's action is bold and is similar to the one which General Douglas MacArthur would have advocated, as he did when President Truman prevented him from bombing North Korea and pursuing the North Korean and Chinese armies to assure their defeat.

It must be concluded that the North Vietnam invasion in strength has been undertaken with the approval of Russia which is the principal supplier and is responsible for the tremendous buildup of all materiel with no other purpose in mind than that it was to be used for the complete military conquest of South Vietnam.

It is so strange, and evidence of foggy thinking, to see protesters in the United States turning their backs on their own people in South Vietnam as the ravages of the invasion place the outcome on a teeter-totter unless some massive defensive moves are undertaken.

His decision altered the terms by which he would end direct U.S. military involvement in Vietnam. Once U.S. prisoners of war are released, once an internationally supervised ceasefire has begun in Indochina, he said, the United States will cease all acts of force and within four months withdraw all U.S. forces from Vietnam. No longer would the U.S. insist on linking total withdrawal to the progress of Vietnamization. Nor would the proposal include demands that the invading North Vietnamese first pull back behind their own borders.

Had this been Mr. Nixon's only message Monday night, it is not hard for us to imagine that it would have been read here at home as a capitulation by the President to his most passionate critics. In his press briefing, Henry Kissinger made oblique reference to this irony. "The modification of our peace proposal," he said, "corresponds with what was the accepted wisdom everywhere only a little while ago."

Only through such a stand as that taken by the President are the elements of a solution placed on top of the table for the preservation of American lives as well as to attempt to preserve the principles of free government for a country of 17 million persons who at no time have ever indicated that they want to be ruled by Communists.

Mr. ALLOTT. Finally, Mr. President, I want to share with the Senate a news story concerning a poll of opinion at Colorado State University. CSU students, like most Americans, are anxious to end the war. In addition, the students, like most Americans, support the President's recent actions against North Vietnam as measures designed to bring the war to an end.

I ask unanimous consent that an arti-

cle published in the Denver Post be printed in the RECORD.

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

CSU VOTE RAPS WAR, OK'S MINING

FORT COLLINS, COLO.—Colorado State University students voting on a Vietnam war referendum Monday and Tuesday have expressed opposition to the war in general but were split nearly even on the mining of North Vietnamese ports.

The referendum was sponsored by the student governing body and was broken down into three questions.

Students voted 1,736-1,102 in expressing opposition to the war in general and voted 1,470-1,377 against a statement expressing opposition to the mining of the North Vietnamese ports.

The third question dealt with a proposed allocation of \$300 to antiwar groups on campus and was defeated by a vote of 1,631-1,266.

About 2,900 of the 17,000 students attending CSU cast their ballots in the referendum.

THE PLIGHT OF SOVIET JEWS

Mr. TUNNEY. Mr. President, I recently had the privilege of advising Senators of a touching telephone conversation between several of my constituents and Mr. Lev Lerner in the Soviet Union.

I have learned that a subsequent, and equally important, conversation transpired between Mr. Lerner and one of my constituents, Mr. Stuart Lotwin.

I should like to advise Senators of that conversation as well as of the contents of a letter which Mr. Lotwin received from Mr. Lerner.

These communications add a very touching human perspective to the urgent plight of the Jews in the Soviet Union.

I ask unanimous consent that a transcript of a telephone conversation on March 11, 1972, and a letter be printed in the RECORD.

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

TELEPHONE CONVERSATION

Between: Lev Lerner, Leningrad, U.S.S.R. and S. J. Lotwin, Los Angeles, California
Re Soviet Jewish Immigration to Israel.

MARCH 11, 1972.

S.L. Hello; is this Lev?

L.L. Yes.

S.L. Lev, this is Stuart Lotwin again in Los Angeles.

L.L. Yes.

S.L. How are you?

L.L. We are bad because we do not get the permission to go to Israel.

S.L. You still have not received your permission?

L.L. We have heard that they will give the permission only in 1974.

S.L. 1974, they said?

L.L. This is very hard news for us—do you understand?

S.L. Yes, yes, keep talking. Who told you "in 1974?"

L.L. I was said by OVIR. This is the Soviet organ who gives the permission . . . OVIR.

S.L. Oh, O.V.I.R., right?

L.L. Yes. I know that many of my friends cannot get the permission too.

S.L. Yes, I know that.

L.L. Only a few permissions between my friends . . . do you understand?

S.L. Yes, only a few of your friends have received permission . . . Let me talk a second,

Lev. You were told that you cannot get permission until 1974.

L.L. Yes. It was said by the KKB. Do you understand?

S.L. Yes, I understand. . . . I understand. I see. Lev, are you working now?

L.L. Yes, I am working but at my work was a collective meeting who offered to me to refusal from my desire to go to Israel.

S.L. Yes, I remember that.

L.L. After my refusal, they decided I shall be dismissed. But, no, I am working for the present time.

S.L. Well, that's good.

L.L. Yes, and the same meeting was of the work of my wife.

S.L. Yes, the same with your wife.

L.L. Yes.

S.L. I see. Are you working as a mechanical engineer?

L.L. Yes, I am mechanical engineer. But no, I was sent as a mover of the vegetable cases during 15 days.

S.L. I see. You went back to work in 15 days.

L.L. Yes.

S.L. And your profession is as an engineer?

L.L. Yes, I am mechanical engineer at present.

S.L. Lev, let me tell you some things that are going on here; first about you and then about things otherwise. Now, OK are you listening?

L.L. Yes.

S.L. Your name and the city Leningrad and the message that you gave us last time, "Do Not Forget Us" is on a big sign on one of the busiest streets in Los Angeles.

L.L. Yes.

S.L. So that your name is up there for everyone to see and many people have seen it.

L.L. Yes, thank you very much.

S.L. The other thing that has happened—I was in Washington, the capital of the United States several weeks ago, and our last conversation was put on tape and this was played for a number of United States Senators who said that they are going to try to help you.

L.L. Yes, thank you very much.

S.L. And your name and this conversation will be read on the floor of the United States Senate Sunday, next week, for every Senator to hear. Now, in the meantime, these people are trying to help you specifically to get out of Russia to immigrate to Israel.

L.L. Yes, thank you.

S.L. And we are trying very hard to make this happen.

L.L. Yes, thank you for your help.

S.L. Well, we are trying.

L.L. Yes, and our greetings to all our friends.

S.L. Fine. We are talking about everyone but specifically with you.

L.L. Yes.

S.L. Now, also, let me tell you some of the other activities that are going on in the United States in regard to people within the Soviet. First, on the end of April, the last day of the month of April, across the Country, a day called "Solidarity Day for Soviet Jews," meaning that everyone is standing behind them. Petitions (several millions of people are signing these) are going to our President Nixon so that when he goes to Moscow in May, to ask him to influence his counterparts in Russia to help free the political prisoners, to grant the equal rights to everyone and to speed the visas.

L.L. We sent a letter to President.

S.L. You did? Good, good.

L.L. This was our application to him for the help.

S.L. I see; when did you send the letter?

L.L. Near three weeks ago.

S.L. Three weeks ago? OK, we have a way to find out maybe if they have been received. Let me tell you some other things before

getting back so you can tell other people what's happening. In the United States Congress there is what we call legislation to be able to provide money to Israel to resettle people coming from Russia.

L.L. Yes.

S.L. A very, very important thing is the Information Agency here having regular ten minute broadcasts at 49 meters or 6040 KC at 7:15 a.m. on Sundays, and 11:15 p.m. on Mondays. This will be a program beamed only about Jewish people within Russia.

L.L. Yes.

S.L. The United States State Department, the Foreign Office, is starting to print up and distribute to the Country pamphlets, books about the mistreatment of Jews in Russia.

L.L. Yes.

S.L. I heard Congressman Bell—remember he was in Leningrad in January?

L.L. This year!

S.L. That's right, this year. I heard him speak. He spoke before a gathering of about a thousand or two thousand very influential people Thursday night in Los Angeles, telling what the situation is and what everyone, as well as the Government, should do to help. So tell the people that many people of high influence in this Country are very concerned and are working very hard to make it 1972 instead of 1974.

L.L. Yes.

S.L. So, I have not written to you, but I will this week. I have been busy trying to help you in other areas.

L.L. Yes, thank you.

S.L. Will you write right away because I am also talking to the Postal Service of the United States and have complained to them about the letters. And if you write to me and I don't receive it, this will be very helpful. So they will complain about the mail not going through.

L.L. Yes.

S.L. Good. So anyway, the important thing is that there is a great feeling within the United States of many people; not only Jewish people, but non-Jewish people. They want to do everything that they can so that you and others like you will be able to go to Israel to live in your homeland as you desire.

L.L. Send our thankful for their confidence.

S.L. I will. Our thanks will be when we hear that you are in Israel; that is the thanks. That is the important thing and we are trying hard, and I know that you are trying very hard too; so do keep your confidence up and your strength and courage that it will happen before the OVIR has said to you.

L.L. Yes.

S.L. How is your wife? Is she working?

L.L. My wife is OK now, but she really wants to go to Israel. It is very hard for her—the waiting.

S.L. Yes, I imagine it is. And your daughter, how is she?

L.L. OK too.

S.L. Good; is she going to school?

L.L. Yes, she go to school.

S.L. That's good. Now one other thing. In the month of April, ev, an acquaintance of mine is going to be in Russia. He will be in Moscow. I have asked this man to call you when he is there. It will be easier to talk, you know, as far as the transmission is concerned.

L.L. Yes.

S.L. We will let you know his name and when he will be there and if there is anything you would like us to send either for yourself or for other people; if you will tell him, when he gets back he will tell me and I will arrange to have it sent. That is probably the easiest way to do it.

L.L. Yes, I understand.

S.L. I see. How is Genrich Mirkin?

L.L. He is waiting for the permission too.

S.L. Is he working?

L.L. Yes, he is working but his wife was dismissed.

S.L. What kind of work did she do?

L.L. She is an engineer too.

S.L. I see. He is working and you are working as engineers?

L.L. No, he is on the light work and she does not get the new work.

S.L. I see. Does your wife speak English, Lev?

L.L. No. Only a little; not much.

S.L. Does she speak Hebrew?

L.L. Not much.

S.L. She is right there with you isn't she?

L.L. Yes.

S.L. What is her name?

L.L. Zina.

S.L. And what is your daughter's name?

L.L. Asya.

S.L. That's a very pretty name—Zina and Asya; they are pretty names. I have one other thing about your visa to Israel. I am going to try to work on that here, myself, with the help of the Senators of the United States that I have been talking to. I have one question: In your work before, you were dismissed, did you have a Class I Security Classification?

L.L. What? Repeat that.

S.L. Did you have a Security Classification; was your work secret?

L.L. No. I was not connected with secret work.

S.L. You were not?

L.L. Yes.

S.L. I see; because there is a law in Russia. . . .

L.L. Yes.

S.L. OK, well that's important because I'll be asked that since you're an engineer. Well, what I'll do now is get back with these Senators of the United States and tell them that you have been told that you cannot leave until 1974, and ask them to put whatever influence they can to make 1974, 1972, God willing.

L.L. Yes, of course.

S.L. OK, so we'll try and you wait until we'll be calling you later and when my contact does go to Moscow he will talk to you and there will be more time for you to talk. Give our best regards to your wife, to your friends, to your family. . . .

L.L. Yes, thank you and give our greetings too.

S.L. Yes, we will; our hearts are with you.

L.L. Thank you.

S.L. I do hope that I will see you this year in Jerusalem and that we'll be together in the not too distant future. Finally, Passover, which will be coming soon, at our Synagogue there is a big seder and we are all going to be talking about the true meaning this year of "Let my people go," for people like yourself into Israel. I especially want to give you special greetings for Passover because this is the true exodus that is happening in our life time.

L.L. Yes, I understand.

S.L. We will be with you in spirit and will continue to work hard to make this dream become a fact.

L.L. Yes, thank you.

S.L. So please give our regards and we will see you in Jerusalem and our goal is that we will see you in Jerusalem this year not 1974.

L.L. Bashana Hazot (In this year).

S.L. Yes, I understand what you said, but I don't speak Hebrew well. I repeat the same to you. You are better than I am at Hebrew.

L.L. Yes, yes.

S.L. L'hitaot. (See you soon).

L.L. I hope that we shall meet in Israel this year.

S.L. Absolutely; absolutely. That's our goal, and we will try to make that come true. So you keep your courage and spirit up, and we'll be talking to you again in April

LL. Yes, yes, of course.
 S.L. Good, so, Shalom and a Happy Pesach (Passover).
 L.L. Yes, Shalom.
 S.L. Good-bye.

Mr. STUART J. LOTWIN,
 Los Angeles, Calif.

DEAR STUART: I was glad to get your letter and earlier to hear you on the telephone. Such signs of attention and your care support us in these hard days of the waiting of permission for the departure to Israel, of the waiting of meeting with our Homeland by whose anxieties, difficulties and successes we live already now being far from our Home.

My family consists of four persons. The youngest of us, my girl, is 11, and the oldest, my mother-in-law, is 64. But all we are living now only by one hope and dream and by their soon realization.

The documents for the official registration of the permission on the departure to Israel were handed by us in Soviet competent organs already one year ago. But on all these applications and following addresses we got only refusals. And recently we were announced that we should get the permission only in 1974.

It is very hard to wait and we don't want to submit that much time else we shall be separated from our homeland.

In addition my mother-in-law is already many years, the hard life had undermined her strength. In the last war she had lost her husband, the father of my wife Zina, and was forced to live on the scanty earning working as a telegraphist and to bring up her daughter. They had lived all terrible days of the blockade in Leningrad. All this had undermined her health and will she can live till those days when she will step on the land with which in every her Passover prayer she dreamt to meet in the next year.

Her daughter, my wife, Zina Kats, 35, always was intimate with Jewish spiritual, national and religious life. Therefore it is so clear her aspiration and impatience to waiting.

Perhaps from us only I is the fruit of the revival of Jewish selfconsciousness. But perhaps because of this that I later than they had understood where my Homeland my aspiration for my people isn't weaker but stronger.

Now I and my wife work but situation on the work and around us is strained. So as we wait the permission we constantly wait for sudden dismissals, collective meetings where to everybody for our desire to live with our people, with our relatives is permitted. Give us the names a traitor, a criminal and everybody becomes refined in proposals of punishments—into prison, or uranium mines and more and more.

But we are unshakable in our desire. We wait and hope that even not next year but this year we shall be in Jerusalem. We believe knowing our moral and juridical rightness. We fight and shall fight for our right to live on our Homeland. And all these days with us the help and the countenance of our friends as your ones. We are sure that you wouldn't forget us.

We send in this letter our not very good picture. Everybody of us believes that in life we are better. The picture isn't full. We are only three. There are no mother-in-law and my mother and father who will go with us to Israel.

With the best wishes, thanks and greetings to your family and all our friends.

Sincerely yours,

LEV.

U.S. SHOE INDUSTRY

Mr. MUSKIE. Mr. President, one of the most conspicuous yet innocent vic-

tims of the unfair inconsistencies of this administration's economic program has been the shoe industry. While price controls on shoes and other finished leather goods are vigorously enforced, the cost of the hides essential to the shoe industry is skyrocketing. U.S. manufacturers cannot get the hides they need because they are being exported to supply foreign competitors. The administration has the power to remedy these problems by imposing temporary export controls—but it has stubbornly refused to act.

Since the beginning of phase I, the prices of cattle hides in this country have more than doubled. The most immediate cause of this extraordinary price increase has been a sharp reduction in the number of cattle slaughtered in Argentina, the second largest supplier of cattle hides to the world market. To protect its domestic industry, Argentina has taken prompt action to restrict exports, and Argentina's hide exports have consequently dropped precipitously from 7.5 million in 1970 to 3.2 million in 1971. New restrictions imposed early this year will reduce the 1972 total to less than 1.3 million hides.

The effect of Argentina's action has been to create a severe hide shortage on the world market. All the world's major hide suppliers, with the exception of the United States, have quickly taken steps to conserve the hides necessary for their domestic industries, further depleting the supply on the world market and focusing drastically increased demand on the U.S. cattle hide market. As a result, the U.S. footwear industry is left with less than 60 percent of the supplies it needs. The anticipated increase in the number of cattle slaughtered in the United States this year will not offset the decline in Argentine exports.

As a result of administration inaction in response to the crisis, virtually every tanner in this country is faced with having to curtail his operations to some extent. The shoe industry is, in turn, unable to obtain the leather it needs to maintain production at an acceptable level. American manufacturers competing with foreign industry for U.S. hides are adversely affected because, since devaluation, foreign manufacturers have a currency advantage averaging 12 percent in purchasing raw materials in this country.

The importance of the cattle hide crisis lies in the fact that hide costs are the principal factor determining the cost of making shoes. Hide price increases so far are expected to affect the retail cost of American-made shoes in varying degrees, according to size and construction. Specifically, the cost of women's shoes will probably rise \$1 to \$2, men's shoes will cost \$2 to \$4 more, and women's boots may be as much as \$4 to \$6 more expensive.

The effect of such increases on the U.S. shoe industry's competitive position would be disastrous. They must be of special concern in the light of what is already an extraordinarily high unemployment rate in the industry. In my home State of Maine, where leather-related industries account for more jobs

than any other industry in the State, the impact has been painfully evident. The fact that so many shoe-manufacturing operations in this country are small, family-owned businesses has made them particularly vulnerable to price increases and scarcity of supplies.

The administration has made one of its major economic themes the need for American industry to modernize in order to meet foreign competition. The shoe industry has been in the forefront of those making every effort to modernize, at considerable initial expense. And yet, despite its modern techniques, the shoe industry is being crippled by forces beyond its control—but not beyond the administration's control. Unless decisive action is taken, irrevocable damage will be done to this industry which is already threatened because of growing foreign competition.

In response to this crisis, in March I cosigned a letter sent by members of the New England delegation to the President, urgently requesting that the administration consider invoking the Export Control Act on a temporary basis to deal with this critical situation. No action has been taken by the administration and the situation has become steadily worse.

I was chairman of the subcommittee which drew up the Export Control Act and was one of its principal sponsors when it was enacted. The criteria it established for invocation of export quotas were that such action must be necessary to protect the domestic economy against a drain of scarce materials and to reduce the inflationary impact of excessive demand. There is no question in my mind that the present hide situation fits these criteria. It should also be noted that in its report on the administration's economic stabilization bill in November 1971, the Committee on Banking, Housing, and Urban Affairs explained that its amendment to the administration bill requiring that the President take action to prevent shortages of raw materials was directed specifically to the present conditions in the hide market. This further expression of congressional intent should leave no question as to the applicability of the Export Control Act.

I call upon the Secretary of Commerce to invoke export controls immediately. No clearer need for the imposition of temporary export controls could exist. There is no justification for further delay.

We do not need permanent export controls. The Government has the authority to remove as well as to impose controls, and I would certainly expect that they could be removed as soon as altered conditions in the Argentine cattle market bring the world hide supply back to previous levels. In addition, export controls should be tied to price levels. Effective controls would reduce the inflationary impact of excessive and abnormal foreign demand for U.S. hides, and the anticipated result would be stabilization of prices. Controls could and should be eased as it becomes evident that inflation in the hide market is subsiding.

Although the effect of reasonable con-

trols on livestock producers and packers would be minimal since hides represent only 4 or 5 percent of the value of cattle on the hoof, a price floor should also be set so that hide dealers and packers will not be adversely affected by controls. The purpose of imposing export quotas in this case is simply to assure the domestic industry of an adequate supply of hides and to stabilize the market. Controls should be regarded as an emergency action of as short a duration as is required. Controls were invoked by the President in 1966, with immediate results, and were lifted after nine months in effect. If properly administered, controls are a limited, reasonable measure of proven value.

In addition to the failure of the Secretary of Commerce to invoke export controls on a temporary basis to relieve the scarcity and reduce the prices of hides now affecting this country's tanners, the Price Commission has been seriously remiss in not taking action to counter the drastic increase in the price of hides. Although hides are subject to controls, the Price Commission's apparent disinterest in enforcing them has rendered the controls meaningless. Therefore, while the Commission has been extremely tough on leather and shoe manufacturers in preventing them from passing on their own high costs to the consumer, it has done nothing to protect them from the devastating cost spiral which made their price increase requests unavoidable.

The immediacy and gravity for the situation cannot be overemphasized. The administration has had more than enough time to come to the realization that temporary invocation of export controls on hides is not only appropriate under the Export Control Act, but it is essential to save the shoe industry from irreparable harm. Thousands of jobs are at stake. If the administration delays longer, it will have to take responsibility for the bitter results of inaction.

SENATOR SCOTT'S RECORD ON JOB OPPORTUNITIES AND REGIONAL DEVELOPMENT

Mr. SAXBE. Mr. President, the administration's new economic policy is keyed to the creation of more jobs for American workers. Having more jobs means having more money in circulation and a healthier economy.

The distinguished Senator from Pennsylvania (Mr. Scott), the Republican leader, vigorously supported the job development tax credit. He also supported Senator JAVIT's plan to encourage American industry to expand its work force. By advocating the general and special revenue sharing plans, Senator Scott is encouraging States and localities to work together on a regional basis.

I ask unanimous consent to place in the RECORD a summary of Senator Scott's record on behalf of job opportunities and regional development.

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

JOB OPPORTUNITY AND REGIONAL DEVELOPMENT—1

92D CONGRESS

Legislation

S. 10—To establish a national policy for metropolitan centers and rural areas relative to the revitalization of rural and other economically-distressed areas.

S. 31—Emergency Employment Act of 1971 to provide during times of high unemployment for programs of public service employment for unemployed persons.

S. 346—To provide incentives for the establishment of new or expanded job-producing industrial and commercial establishments in rural areas.

S. 575—To authorize funds and to carry out the purposes of the Appalachian Regional Development Act of 1965.

S. 680—To restore balance in the Federal system of government in the United States; to provide both the flexibility and resources for State and local government officials to exercise leadership in solving their own problems; to achieve a better allocation of total public resources; and to provide for the sharing with State and local governments of a portion of the tax revenue received by the United States.

S. 687—To authorize financial assistance for Opportunities Industrialization Centers.

S. 1430—To promote more effective management of certain related functions of the Executive branch by reorganizing and consolidating those functions in a new Department of Community Development.

S. 1483—To further provide for the farmer-owned cooperative system for making credit available to farmers and ranchers and their cooperatives, for rural residences, and to associations and other entities upon which farming operations are dependent.

S. 1871—To amend the United States Housing Act of 1937 to provide for the inclusion of child-care facilities in low-rent housing projects and to provide that the eligibility of a family to remain in such a project despite increases in its total income shall be determined solely on the income of the family.

S. 1971—To eliminate a Federal navigational easement at Penn's Landing along the Delaware River in Philadelphia.

S. 2515—To further promote equal employment opportunities for American workers.

S. 2632—To amend the Internal Revenue Code of 1954 to permit a tax credit for the creation of additional jobs.

Amdt. 475 to HR 10947 Rural Development Tax Credit. To Provide a tax for the establishment of new or expanded job productions, industry and commercial establishments in rural areas.

92D CONGRESS

Votes

Voted to provide Federal assistance for programs of public service employment during periods of high unemployment.

Voted for the Emergency Employment Act of 1971 which would authorize the appropriation of funds during periods of high unemployment to enable State and local government agencies and certain other eligible applicants, to hire the unemployed in "transitional" public service employment.

Voted for the Equal Employment Opportunities and Enforcement Act of 1972.

Voted to increase funds for the Neighborhood Youth Corps (summer jobs).

Voted on an amendment to increase funds for the Equal Employment Opportunities Commission.

Voted for appropriations to the Department of Labor for emergency employment assistance.

Voted for an amendment to trigger addi-

tional unemployment compensation when unemployment in a state has reached or exceeded 6 per cent.

Supported an amendment to allow as a business deduction (instead of a personal deduction) up to \$400 per month for domestic help and child care.

Recorded in favor of an amendment to provide a 10 per cent investment tax credit to industries creating new jobs in rural areas and in certain cities with 6 per cent or more unemployment.

THE 91ST CONGRESS

Legislation

S. 1072—To authorize funds to carry out purposes of Appalachian Regional Development Act of 1965.

S. 15—Rural Job Development Act—To provide income tax incentives and other benefits for employers operating certain industrial or commercial enterprises in rural job development areas.

S. 1079—To consent to the Susquehanna River Basin Compact.

S. 1362—To provide Federal financial assistance to Opportunities Industrialization Centers to assist in job training in low-income areas.

S. 2940—To provide for acquisition of property for Independence National Historical Park in Philadelphia.

S. 3607—To create a Rural Community Bank to assist in rural community development by making financial, technical, and other assistance available for the establishment or expansion of commercial, industrial, and related private and public facilities and services.

S.J. Res. 113—To direct the Federal Trade Commission to conduct comprehensive investigation of unfair methods of competition and unfair or deceptive acts or practices in the home improvement industry; to expand enforcement activities in these areas.

Votes

Voted to increase appropriations for the Office of Economic Opportunity from \$1.624 billion to \$2.048 billion.

Voted to express the sense of the Senate that the aggregate of opportunities for job training for disadvantaged youth shall in no event be less than that for fiscal year 1969.

Voted to increase funds for the Neighborhood Youth Corps summer program under the Manpower Training and Development Act.

Voted to authorize funds to extend programs under the Economic Opportunity Act.

Voted for Employment and Training Opportunities Act of 1970.

Voted for Employment and Manpower Act.

Voted for an increase from \$50 to \$100 million funds for Neighborhood Youth Corps summer programs to be available until September 30, 1970.

Voted to require states to develop annual comprehensive manpower plans.

Voted to create the National Insurance Development Corporation to provide reinsurance for insurance companies for losses resulting from riots and civil disorders.

Voted for the Housing and Urban Development Act of 1968.

Voted for the Urban Mass Transportation Act of 1969 to authorize the Secretary to make grants or loans to assist States and local public bodies and agencies in financing the acquisition, construction, reconstruction, and improvement of facilities and equipment in public transportation.

Voted to provide \$587.5 million in urban renewal funds.

Voted for amendment to increase from \$200 to \$500 million in funds for grants for basic water and sewer facilities in metropolitan areas.

THE 90TH CONGRESS

Legislation

S. 1592—National Home Ownership Foundation Act—To create a private nonprofit National Home Foundation with authority to make loans and to offer technical assistance to aid local organizations in conducting home ownership programs.

S. 2088—To provide incentives for creation by private industry of additional employment opportunities for residents of urban poverty areas.

S. 2134—To provide incentives for establishment of new or expanded job producing industrial and commercial establishments in rural areas.

S. 2219—To provide Federal financial assistance to help cities and communities of U.S. develop and carry out intensive local programs of rat control and extermination.

S. 2572—To establish a Domestic Development Bank for development of employment and business opportunities in certain urban and rural areas.

S. 2573—To charter an Economic Opportunity Corporation to encourage private enterprise participation in the effort to rebuild urban slums and eliminate poverty in the U.S.

S. 3649—To provide private enterprise with incentives to employ and train unemployed and low-income unskilled persons residing in both urban and rural areas, and to provide community employment and trained by Federal and local governments as the employer of last resort.

S. 3876—To establish a community self-determination program to aid people of urban and rural communities in securing employment.

Votes

Voted to increase funds for grants to neighborhood facilities by \$15 million.

Voted to increase funds for the model cities program by \$300 million.

Voted not to limit contract authorization for rent supplement program to \$20 million.

Voted to restore \$40 million in 1968 contract authorization for the rent supplement program.

Voted to restore \$46 million in funds for the National Science Foundation.

Voted not to limit eligibility for the homeownership program to families whose income was 70 percent or less of the prescribed limits for low- and moderate-income programs.

Voted to retain a guarantee program for financing new community land development.

Voted to give those whose homes were destroyed in riots and civil disorders priority in relocating in urban renewal areas.

Voted to establish a Department of Housing and Community Development.

Voted not to eliminate funds for the rent supplement program for FY 1966.

Voted not to reduce from 90 to 50 percent the Federal contribution of funds to pay the salary of any teacher in the National Teacher Corps.

Voted to stimulate mortgage credit for Federal Housing Administration—and Veterans' Administration-assisted residential construction.

Voted to continue present policy or requiring at least 40 percent of assignments of male enrollees in the Job Corps to be primarily directed to the conservation, development, or management of public natural resources or recreational areas.

Voted to establish a \$200 million program of grants to employers of up to 15 percent of the cost of training the unemployed.

Voted not to abolish the Job Corps.

Voted to transfer the Headstart program for disadvantaged pre-school children from the Office of Economic Opportunity to the Office of Education so that it would be better administered.

Voted not to reduce the authorizations for the Economic Opportunity Amendments of 1967 by \$198 million.

Voted for the Economic Opportunity Amendments of 1967.

Voted to add \$25 million to the Headstart program under the Office of Economic Opportunity.

Voted to increase by \$215 million funds for the Office of Economic Opportunity.

89TH CONGRESS

Legislation

S. 1766—To authorize loans for rural areas water supply; make grants for rural community development planning and construction.

S. 3451—To assist in provision of adequate housing in areas in which there is a shortage of housing credit as a result of the occurrence of riots and other civil disorders.

Votes

Voted to retain the rent supplement program for disadvantaged persons.

Voted for the Housing and Urban Development Act of 1965.

Voted not to eliminate Appalachia programs for land stabilization, conservation and erosion.

Voted for the Appalachian Regional Development Act of 1965.

Voted for the Manpower Act of 1965.

Voted for the Public Works and Economic Development Act of 1965.

Voted to retain the voluntary assistance program for needy children under the Economic Opportunity Act of 1965.

Voted for the Economic Opportunity Amendments of 1965.

Voted for the Community Development District Act of 1966.

Voted for the Demonstration Cities and Metropolitan Development Act of 1966.

88TH CONGRESS

Legislation

S. 1274—To provide preference in awarding certain government contracts to contractors in areas of substantial and persistent unemployment.

S. 1832—To increase jurisdiction of the Delaware River Port Authority.

S. 2782—To assist in development of the Appalachian Region by establishing the Appalachian Regional Commission and by authorizing grants to be made to assist in encouraging local industry, health and educational facilities.

S. 3025—Urban Land Improvement and Housing Assistance Act—To authorize Federal incentive grants to State and local governments to strengthen their capacity to utilize land more productively.

Votes

Voted to provide an additional \$587.5 million for the urban renewal program.

Voted against reducing by \$100 million the authorization of appropriations to finance youth programs under the Economic Opportunity Act of 1964.

Voted for the Economic Opportunity Act of 1964.

87TH CONGRESS

Legislation

S. 856—To create a regional intergovernmental Compact for the Delaware River Basin.

S. 2982—To assure decent, safe and sanitary housing to families displaced by construction of highways forming a part of the Interstate System.

S. 3516—To establish an Office of Urban Affairs in the Executive Office of the President in order to coordinate Federal programs and to serve as a source of information to state and local officials.

Votes

Voted not to reduce to 37,000 the number of public housing units authorized under the proposed Housing Act of 1961.

Voted not to reduce by \$700 million authorized grants for urban renewal.

Voted for Humphrey-Scott amendment providing three-fourths Federal contribution rather than two-thirds on urban renewal housing in small communities in distressed areas.

Voted not to eliminate \$50 million in grants for mass transportation experiments.

Voted not to eliminate a \$100 million authorization for grants for open space and urban development.

Voted for the Housing Act of 1961.

Voted for the Temporary Extended Unemployment Compensation Act of 1961.

Voted for the Area Redevelopment Act of 1961.

Voted not to limit the length of time or the authorization for the retraining program of the Manpower Development and Training Act of 1961.

86TH CONGRESS

Legislation

S. 548—To grant the consent of Congress to the Great Lakes Basin Compact.

S. 942—To establish a Commission on Equal Job Opportunity Under Government Contracts.

S. 3558—To establish program of financial and technical assistance to alleviate conditions of substantial and persistent unemployment in economically depressed areas.

85TH CONGRESS

Votes

Voted not to eliminate \$300 million in funds for direct loans to veterans, not to eliminate 35,000 additional public housing units, and not to cut back from two-thirds to one-half Federal share of capital grants for slum clearance.

Voted to agree to conference report on the Housing Act of 1959.

Voted to override the President's (Eisenhower) veto of the Housing Act of 1959.

Voted to extend (for one year) the Federal Housing Administration Mortgage Insurance Authorization Programs.

Voted not to reduce from 37,000 to 25,000 the units of public housing authorized.

Voted for the Housing Act of 1959.

Voted to provide for 37,000 additional low-cost dwelling units.

Voted for the Housing Act of 1960.

CAREER EDUCATION—AN IDEA
WHOSE TIME HAS GONE

Mr. ROBERT C. BYRD, Mr. President, on Monday, May 8, 1972, I had the pleasure of addressing the American College Testing Conference in Iowa City, Iowa. The conference was attended by educators from many areas of the United States.

The subject of my speech was "The Responsibility of the Federal Government in Career Education," and I ask unanimous consent that the text may be reprinted in the RECORD.

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

ADDRESS BY MR. ROBERT C. BYRD
Mr. Chairman, Ladies and Gentlemen: When President Harderodt invited me to speak to your conference on the "Federal Government and its Responsibility for Career Education", it brought back into sharp focus, a debate on the Floor of the United States

Senate just a month short of one year ago. At that time, I offered on the Floor, an amendment to the Office of Education Appropriations Bill for Fiscal Year 1972.

I asked that an additional sum of \$10,000,000 be appropriated to augment the Research and Development appropriation in the Bill for the purpose of demonstrating the importance of career education programs in our nation's elementary and secondary schools.

In requesting agreement to my amendment, I pointed out that what we needed in our schools is more emphasis on aptitude testing and a greater effort to familiarize our young people with the many career choices that are available.

There were no career education programs funded as such at that time, and I felt that the demonstration projects that would be feasible under this additional funding, could start testing as early as junior high school, and, thusly, indicate to the student the occupational career which he or she could most capably and profitably pursue.

In other words, the testing would reveal whether the student was capable of higher education courses or whether vocational training would be preferred, and, if so, what type of occupational career would be advisable.

The Senate agreed on a figure of \$7,000,000 and the Byrd Amendment was sent to a conference with the House of Representatives, where, as frequently happens, the conferees further reduced the amount to \$2,000,000.

Though I obtained only 20 percent of the money for which my amendment originally asked, it was nevertheless an important step forward. In February of this year, I requested from the Office of Education a status report on the \$2,000,000 commitment. Of the \$2 million, \$465,000 was committed for the four-year-old career guidance program at the Appalachia Educational Laboratory.

The bulk of the remainder is being spent in the six LEA—Local Education Agency—demonstration sites: Los Angeles; Mesa, Arizona; Jefferson County, Colorado; Pontiac, Michigan; Hackensack, New Jersey; and Atlanta, Georgia.

Among the activities these funds are paying for are: the designing, development, and installation of comprehensive career education information systems in each LEA; the installation in each of a follow-up information system to provide monitoring of student progress in school and school-related employment; the provision in each Local Education Agency of an integrated career education support system, including data, guidance staff, instructors, and students, for analysis, policy, and program development; and the development in each Local Education Agency of an interest and aptitude testing program to facilitate student self-understanding in relation to the work world.

I have dwelt somewhat on these details to show that, in the Congress, I have been aware for some time of the necessity for the support and expansion of career education. Though the concept is in its infancy, enough progress has been made and its usefulness so demonstrated, that I foresee continued, and, hopefully, increased support by the Congress.

So, I welcome this opportunity to discuss with you an idea whose time has come—career education. It's not such a difficult concept to understand; yet, it has eluded us for such a long time.

Career education is what all education should be. It is vocational education; but it is more than vocational education. It is college preparatory education; but it is more than that. It is work experience; but it is more than work experience.

Career education is education which en-

ables an individual to develop his creative potential, and which guides him in the constructive use of his talents. It is an education which prepares a person to apply his skills—mental and manual—in an ever-changing world of work.

I think that the concept of career education has been long in coming because of the way we tend to compartmentalize education. In high school, for example, there is one curriculum for the college-bound youngsters, and vocational education or industrial arts programs for the rest.

The stigma attached to vocational education, however, reveals the deep bias which many Americans have against job preparation. It puzzles me that so many men and women, who have proudly worked in trades and now hope that their children will aspire to college educations, disdain their former occupations.

As one who has worked with his hands, it saddens me. A high school education which does not equip a graduate with job training or direct him to a suitable form of post-secondary education, and a college education which does not prepare a graduate for a career are not really education. In a way, they are a fraud.

I do not believe that career education will achieve respectability until some attitudes are changed and some widely-held false notions about education are dispelled. One who achieves high personal attainment in life is generally regarded as a success. But, unfortunately, college attendance is considered a prerequisite to such attainment. It has become the imagined passport to "getting ahead." We seem to have forgotten our own humble heritage. We were not a Nation of lawyers, doctors, and statesmen only, but also of pioneers, farmers, and blacksmiths. We seem to have forgotten that human dignity, honesty, integrity, and leadership do not reside on the college campus alone. We seem to have forgotten the dignity of work.

It is this regrettable confusion in our values which is perhaps responsible for the nose dive American attitudes have taken toward workmanship and craftsmanship and the undue emphasis we have come to place on higher education and white collar jobs. You may recall this assessment made by former Secretary of HEW, John Gardner: "An excellent plumber is infinitely more admirable than an incompetent philosopher. The society which scorns excellence in plumbing because plumbing is a humble activity and tolerates shoddiness in philosophy because it is an exalted activity will have neither good plumbing nor good philosophy. Neither its pipes nor its theories will hold water."

We are concerned here today about colleges and career choices, about matching students with opportunities and about realistically preparing our young to be not only informed citizens but also productive members of society. This means, in part, providing options and opportunities to those youngsters who have the ability and the ambition to pursue college educations. It also means providing options and opportunities for the majority of youths who would benefit better from other training.

I believe you will agree that today there are all too many youngsters in our colleges who simply should not be there. That such young people are in college is much more likely to mean that college has become an exaggerated status symbol rather than that our national educational level is being upgraded.

Many of these young people do not have the ambition, the drive, or even the ability to take advantage of higher education. It is a waste of time, money, and effort to expose to the liberal arts, as we do, young men and women who have no real interest in, nor

capacity for, such educational and cultural development.

Certainly the most futile and unproductive fad to be taken up by colleges and universities in recent years has been the relaxation of standards, the watering down of requirements, which have often resulted in the admission of ill-prepared and unprepared individuals, on the mistaken theory that everyone is somehow benefited by a college degree, and can benefit from college level work.

The swift upward climb of college enrollments in recent years indicates to me that we have gone far afield in assuming that the academic milieu is for everyone, irrespective of his or her own talents and interests.

The misconceptions about higher education in this country, as they have developed in recent years, have contributed as much as anything else to swelling the ranks of the dropout generation.

I have always felt that one of the great myths foisted on the young people of America during the past 20 or 25 years, is the one that says "You'll get nowhere in this life without a college education." Millions of American parents have scraped and sacrificed, millions of their children have worried themselves into premature gray hairs, because society, in almost every stratum, has insisted on the absolute necessity of "having been to college". Little thought seems to have been given by parents, students, or, indeed, educators as to whether the individual who was being cajoled, goaded, or forced to go to college, possessed the basic intellectual and psychological assets needed to make a college education fruitful or even advisable.

It is true that, since the end of World War II, society has gradually receded from the attitude that a college graduate was some kind of a superior being. But there still persists the attitude that the lack of a college education, carries with it some undefined stigma.

Commissioner of Education Marland has estimated that "Of those students currently in high school only 3 out of 10 will go on to academic college-level work, and one-third of those will drop out before getting a baccalaureate degree. That means that 8 out of 10 present high school students should be getting occupational training of some sort, but only about 2 of those 8 students are, in fact, getting such training."

I do not believe that the answer lies in encouraging or pressuring high school students to overcrowd our colleges. I believe that what is required is a timely frank assessment of a student's interests and talent and the provision of education and training appropriate to his ambition. This is career education, and I believe it lies at the heart of equal educational opportunity. We owe this kind of preparation for life to every student.

You may think from Commissioner Marland's increasingly frequent remarks about career education that the idea is an Administration brainstorm. Well, it isn't. Some of us in the Senate have been concerned about the need for a closer relationship between education and the world of work for some time as I mentioned earlier. And there is further legislation pending in the 92nd Congress which reflects the consensus that the Federal Government should play a greater role in encouraging the development of career education.

S. 659, the Education Amendments of 1972, focuses on career education from several angles. The Senate-passed bill particularly emphasizes the importance of combining education and work opportunities. The provisions regarding community colleges take sharp notice of the special contributions these unique institutions make

in the area of career education and educational opportunity.

The newest member of the education family—the 2-year college—has shown remarkable growth and acceptance. In 1960, there were some 678 junior colleges enrolling 660,000 students. By 1970, there were over 1,000 junior colleges with nearly 2.5 million students. And it is estimated that, by 1975, enrollments will exceed 3.3 million.

This enthusiastic acceptance of 2-year colleges is indicative of how successful they have been in meeting educational needs. They bring education and training opportunities to their communities—reflecting the economic needs of the area.

Through close ties to local businesses and industry, they are able to direct their programs to local employment needs. Their value lies, too, in the many options they provide—not just for the recent high school graduate and new worker, but also for the veteran adult worker, as well as for those re-entering the work force and those who are up-dating their skills or acquiring new skills. The American Association of Junior Colleges estimates that "Community junior colleges currently offer more than 14,000 occupational education programs—and more are on the way."

These schools are called "The Open Door Colleges"—not to be confused with open enrollment—because they open the doors to numerous education and training opportunities leading toward a satisfying and meaningful career. They open doors to individuals who might not otherwise pursue postsecondary education. They open doors to innovations in job preparation, academic and remedial education. Career education has been the by-word of the community college phenomenon.

We in the United States Senate would like to build upon the successes of the community college. Under S. 659, we would add a new Title X to the Higher Education Act authorizing grants to the States and territories of the U.S. for a survey of postsecondary education programs throughout each State and for the development of a State-wide plan for the expansion and improvement of postsecondary education programs in community colleges. This Title would also authorize grants to assist the States and localities in establishing and expanding community college education so that every person would have the opportunity to attend a community college within a reasonable distance from his home. \$50 million would be authorized for such grants for Fiscal Year 1973.

Title X would also establish a Community College Unit within the Office of Education to coordinate all programs administered by the Commissioner of Education—including the Vocational Education Act of 1963—which affect community colleges.

Another important facet of career education is the vocational education program available to a youngster particularly during his junior high and high school years. Here he can narrow down his interests and aptitudes. Our vocational education curriculums can be made more relevant to the needs of those youngsters who will make their careers in business, industry, and the trades. Our young people can, and should, have broader exposure to various occupations through closer contact between school and work.

The Vocational Education Act of 1963, as amended in 1968, can be the vehicle through which career education is provided to the 8-out-of-10 youngsters who will not complete college educations. S. 659 would extend certain parts of the Act for 3 years through fiscal 1975, including provisions for exemplary and innovative programs to stimulate new ways to create a bridge between school and work for young people still in school, who

have graduated or dropped out, or who are in postsecondary vocational education training. Several other programs which I believe are of critical importance in the transformation of vocational education into career education would be extended by S. 659. Grants to the States are authorized for cooperative vocational education programs, carried out through arrangements between schools and employers. These programs can provide students with actual work experiences related to their occupational education.

Another vital vocational education program under the Vocational Education Act which would be extended, is the work-study program. This program provides part-time employment to students while attending school, and is intended to encourage and enable dropouts to return to school and to provide opportunities for students to learn about the various kinds of occupations and, for some, a first experience in being employed. Also important is the program of grants and contracts for curriculum development in vocational and technical education. This program, too, would be extended for 3 years.

Another feature of the pending higher education legislation, as it relates to vocational career education, which may be of interest to you is the creation of a Bureau within the Office of Education to be responsible for the administration of all vocational, occupational, career education, adult and continuing programs. The House and Senate bills, currently in conference, differ somewhat in specifics but both recognize the need to give greater visibility to these important programs. Our Senate Committee on Labor and Public Welfare which reported S. 659 was sorely disappointed at the lack of order and internal organization within the Office of Education. To insure that the intent of Congress be carried out with regard to vocational, career and adult programs, therefore, we find it necessary to legislate the internal organization of the Office of Education.

The Federal concern for career education is not limited to the special contributions of the community college and the importance of effective vocational education programs. It encompasses also the 4-year college and university. Educational opportunity means the availability of choices to students of all ages and at all levels to develop their talents, and to positively employ those talents.

What is required to help guide the right student to the right place at the right time, and what is the Federal role in encouraging career education at the higher education level? The testimony we have received at our Education Subcommittee hearings and the reports of major higher education commissions and study groups over the past few years lead me to wonder how it is possible, if at all—given the present structure of higher education and degree requirements—to provide options to students. There seems to be a tendency in higher education, as in many other areas, to allow past accomplishments and achievements to blind us to present failures and inadequacies. But there has been increasing criticism of the traditional concept of higher education: that it takes place at a given point in a person's life, and is administered by a professor to a group of students. And this criticism comes from within the higher education community as well as from outside.

I have always been amazed at how well higher education has managed to isolate itself from the real world, how ill-prepared many college graduates are for careers, and how poorly their training relates to their own job expectations and to the manpower needs of the country. If learning and training are part of a life-long process—and I believe

that they are—then higher education must adjust to this reality. The Carnegie Commission on Higher Education has definitively outlined the need for improvement of educational processes and techniques and has vigorously recommended the greater concentration of efforts on meeting these needs.

Just a year ago the Commission noted that young people should be given more options "in lieu of formal college, to defer college attendance, to drop out from college in order to get service and work experience, and to change directions while in college." The Commission recommended that "opportunities for higher education and the degrees it affords . . . be available to persons throughout their lifetimes . . ." and that "More educational, and thus career, opportunities should be available to all those who wish to study part-time or return to study later in life . . ." There remarks constitute a solid endorsement of the concept of career education.

To date, the Federal responsibility for the development of career education at the college level has been limited. A major thrust, I would say, has been in the area of student financial aid. The high cost of college today severely limits the prospects of students from low and middle-income families for higher education. I believe that eliminating the financial barriers to higher education is an important part of achieving equal educational opportunity and providing the students who do possess drive and ability with the chance to further their potentials. The availability of substantial Federally-supported student aid programs has, I believe, a considerable impact on college and career choice.

With the Higher Education Amendments of 1968, the Federal Government assumed a greater responsibility for career education at the higher education level. This legislation authorizes Federal grants to institutions of higher learning for the planning, establishment, and expansion of cooperative education programs. And, of course, a number of colleges have been providing career education via their cooperative education programs before the "career education" came into use. I am pleased that the Administration is at last requesting a solid appropriation of \$10.8 million for these programs in Fiscal Year 1973.

A final development which is of special significance for career education at the higher education level is the proposed National Foundation for Postsecondary Education. By means of such a Foundation the Federal government could play a meaningful, but indirect, part in encouraging the innovation, reform, and experimentation so needed in higher education.

Just as the National Science Foundation plays this role in science, and the National Institutes of Health does in medical research, the National Foundation for Postsecondary Education could stimulate the development of career education in higher education. For example, one of the expressed activities of the Foundation is "the creation of institutions and programs involving new paths to career and professional training, an dnew combinations of academic and experiential learning."

Provisions for the Foundation were contained in the Senate version of S. 659 but not in the House passed bill.

Its future in the 92d Congress is not encouraging. However, it is a good idea; and good ideas have a way of resurfacing.

Career choice involves a number of factors. Indeed, it includes putting the right student in the right place at the right time. It means that, if this combination carries a high price tag, he will have financial resources available to help him pay for it. It also means that the choices and pro-

grams actually exist which will meet his needs and aspirations. This must be our goals at all levels of education. I believe that the Federal government will and should continue to be involved in this important effort.

Edwin Markham, whose people imagery was frequently interlarded with a strong stream of pragmatism, knew nothing about career education; but he knew well about the dignity of work:

Out on the roads they have gathered, a hundred-thousand men,
To ask for a hold on life as sure as the wolf's hold in his den.
Their need lies close to the quick of life as rain to the furrow sown:
It is as meat to the slender rib, as marrow to the bone.
They ask but the leave to labor for a taste of life's delight,
For a little salt to savor their bread, for houses water-tight.
They ask for the right to labor, and to live by the strength of their hands—
They who have bodies like knotted oaks, and patience like sea-sands.
And the right of a man to labor and his right to labor in joy—
Not all your laws can strangle that right, nor the gates of Hell destroy.
For it came with the making of man and was kneaded into his bones.
And it will stand at the last of things on the dust of crumbled thrones.

RESOLUTION MEMORIALIZING CONGRESS TO ENACT LEGISLATION TO PERMIT STATES TO USE FUNDS FROM HIGHWAY TRUST FUND FOR USE ON MASS TRANSPORTATION

Mr. PELL. Mr. President, the General Assembly of the State of Rhode Island recently adopted a resolution expressing the need for legislation to permit States to use funds from the highway trust fund for mass transportation.

I think the time has long past to do something for mass transit.

The congestion caused by the construction of more highways has created a crisis on the roads and in the cities. The country is now facing a mass transportation crisis.

I have heretofore expressed in the Senate my deep concern about the lack of funds available to States for mass transportation; and I am delighted that the general assembly of my State has adopted this resolution.

I ask unanimous consent that it be printed in the RECORD.

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

S. 3588

Resolution memorializing Congress to enact legislation to permit the States to use funds from the Highway Trust Fund for use on mass transportation

Resolved, That the members of the Congress of the United States be and they are hereby respectfully requested to enact legislation which will permit the states to use funds from the Highway Trust Fund for use on mass transportation; and be it further

Resolved, That the members of the Congress and he hereby is authorized and directed to transmit a duly certified copy of the resolution to the senators and representatives from Rhode Island in the Congress of the United States.

THE ENERGY PROJECT; AN OBJECTIVE STUDY, OR JUST RHETORIC?

Mr. HANSEN. Mr. President, that there is a national energy crisis is no longer news.

It is a well recognized fact, almost a cliché. Many efforts are being made by many different organizations to study the crisis.

I am sure that Senators are well aware, that the Senate's national fuels and energy study itself is well beyond the halfway point. Many agencies within the executive branch have been conducting energy studies. The National Petroleum Council is concluding a monumental 3-year study involving the participation of over 1,000 experts, representatives of all sectors of the energy industry.

The Ford Foundation, too, has recently decided to involve itself in the energy study business by initiating its own research project. I have concerns about the outcome of the Ford study as I will indicate in a moment.

What is needed in an attempt to find solutions to the energy crisis is a rational analysis which will culminate with well-reasoned, sensible solutions. As Secretary of the Interior Morton indicated in his testimony before the House Interior Committee energy hearings, well reasoned solutions are hard to come by. Secretary Morton said:

We know that our energy crisis message is getting across to some segments of the public and private sectors. Advice has been plentiful from the conservationists, from industry, from the consumers, and even from some of the 61 departments and agencies of our Government who in some way have an input into our energy policy. This advice taken together has said: Give us an energy policy that is intelligent and concise and, above all, responsive to the interests of the Nation as a whole. Give us a policy that can apply to the short-term and to the longer term as well. Give us an energy policy, they say, that will provide the consumer with the type of fuel he wants, in the amounts he needs, at the time he must have it, and at the lowest possible price. Assure us this energy will be from secure and reliable sources. But don't drill offshore of my coastline, don't build any pipelines across my land, don't strip mine any coal, don't build any refineries or storage facilities in my area, abolish the oil import program but don't move oil in by tanker for this might pollute our waters. Give us an energy policy that guarantees protection of the environment, where the use of energy does not intrude upon our esthetic values nor damage the ecology of the land. Give us an energy policy that will maximize national security yet not impinge upon normal trade between Nations.

I wonder whether these are the types of conclusions which will emanate from the Ford Foundation project. In a pithy statement by Gene Kinney in this week's Oil and Gas Journal, the Ford Foundation's energy study is discussed in some length. Mr. Kinney points out that its director, S. Davis Freeman, was a former head of the President's energy policy staff.

Sometime prior to his White House assignment, he served as an aide to Joseph C. Swidler at the Federal Power Commission. Swidler advocated a policy of continuation of strict controls on the price of natural gas at the well-head. In

our own hearings, we reviewed the invisibility of such a policy and I am now hopeful that we will be seeing some changes for the better in the regulation of natural gas prices.

Mr. Freeman has also stated frequently that he favors royalty bidding for offshore leasing, opposes the import quota system, opposes the trans Alaska Pipeline, and opposes incentives to reverse the trend of the declining level of domestic exploration for energy minerals. It is my understanding that Mr. Freeman has a reputation for favoring expanded Federal regulation controls and big Government spending as solutions to our national energy crisis as opposed to encouraging the industry to participate in finding solutions to as many of its own problems as possible.

It is my hope that none of these prejudices attributed to Mr. Freeman do in fact exist. I am also hopeful that if they did at one time exist, that they will no longer influence the manner in which Mr. Freeman conducts his study nor influence the manner in which he arrives at his conclusions and recommendations.

If the Ford Foundation energy study is to have any consequential impact on the Congress or the executive branch, its contents must bear at least some resemblance to objectivity and sound judgment.

I am confident that Mr. Freeman realizes this and will make every possible effort to present a balanced view. I am confident also that his sponsor, the Ford Foundation, will insist upon no less.

Yet I think it is in the public interest that Mr. Kinney's comments concerning Mr. Freeman and the Ford Foundation energy project be widely circulated.

Accordingly, Mr. President, I ask unanimous consent that Mr. Kinney's article be printed in the RECORD.

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

FORD FOUNDATION BIDS FOR ENERGY-POLICY INFLUENCE

(By Gene Kinney)

So the Ford Foundation is going to have its energy study too. It may turn out to be most influential of all the studies now going. It is well funded—\$2 million—for a 15-month project.

The study will be directed by people with good connections in and out of government, and who know their way around Washington. The director is S. Davis Freeman, former head of the President's energy-policy staff. Project coordinator is Monte Canfield, former chief of the division of minerals in the Bureau of Land Management.

Freeman can outspend the House and Senate studies now under way, with a staff of 10 and others on call through his advisory board. Oil and gasmen are represented on the board by William Tavoulares, president of Mobil; Minor S. Jameson, executive vice-president of the Independent Petroleum Association of America; and Joseph R. Rensch, chairman of Pacific Lighting Service Co. So are environmentalists and educators.

The main goal is to show how the energy system may evolve, depending on the choices made now. The National Petroleum Council will do much the same thing in its 3-year study winding up this year. But NPC may have to overcome the stigma of a special pleader, whereas Ford will have the appearance of objectivity.

It will be interesting to see the conclusions Freeman reaches in light of his known views favoring royalty bidding for offshore leases (as does Canfield), a trans-Canada oil line from Alaska over the all-Alaska system, conservation of energy (don't drain America first), and opposition to oil-import quotas. As a former aide to Joseph C. Swidler at the Federal Power Commission, he helped to keep strict controls on the price of gas at the well-head, a policy he may now consider inappropriate in view of the results.

The Ford Foundation is already in the energy-policy business indirectly. The foundation is the principal backer of the Center for Law and Social Policy, whose lawyers got the injunction 2 years ago preventing the Interior Department from issuing the permit for the Alaskan pipeline. A second big angel of the center is the Rockefeller brothers fund. Two economists for Resources for the Future—another Ford creation—provided the main economic argument against the Alaskan pipeline for environmentalists.

Ford also underwrites the Natural Resources Defense Council, one of the groups which won cancellation of the Offshore Louisiana lease sale last December.

However the energy study may influence future policy, the Ford Foundation has already played a larger role than is generally realized.

FISH FARMING

Mr. FULBRIGHT. Mr. President, commercial fish farming continues to be the fastest growing agricultural industry in Arkansas. There are currently over 35,000 acres of Arkansas land in fish ponds compared with the 500 acres with which the industry began in the early 1950's. Originally, the idea of growing fish commercially was suggested as a means of diversifying agriculture in the State—one which presented an opportunity for farmers to bolster their income from conventional crops and, at the same time, utilize the soundest principles of soil and water conservation and good land management. What has emerged has been an industry of phenomenal growth which requires a new breed of farmer able to employ the many diverse skills necessary to ply the new trade.

One such farmer, Darryl D. Saul, of Des Arc, Ark., was recently the subject of a most interesting article by Leland DuVall in the Arkansas Gazette of May 7. This article was called to my attention by Roy Prewitt, of Lonoke, Ark., who has been associated with fish farming from its earliest days, and is a pioneer of that industry in the truest sense. A former Commissioner of Public Welfare and technical adviser to the Geneva Conference on Trade, Mr. Prewitt founded the American Fish Farmers Federation and currently serves as a member of the American Fisheries Advisory Committee and consulting editor of the American Fish Farmer and World Aquacultural News.

Roy Prewitt's letter provides a unique account of the nature and growth of the fish farming industry in one area of Arkansas, and Leland DuVall's article testifies to the imagination and hard work of one of many enterprising Arkansas fish farmers. I am particularly gratified by the rapid and successful development of fish farming noted in these materials.

Federal interest in assisting the industry began with legislation which I introduced in 1957 to authorize the establishment of Federal fish farm experimental stations. During the past 15 years, I have consistently advocated Federal assistance for research in and development of this industry. The Research and Experimental Station in Stuttgart, Ark., and the Kelso Fish Farming and Development Center at Rohwer, Ark., established at a cost of more than \$300,000, are direct results of these efforts. Each year these facilities carry out research which is highly beneficial to the fish farming industry. Moreover, millions of dollars in Federal credit have been made available to fish farmers in Arkansas and other States since 1962 as a result of amendments which I sponsored at that time to include fish farmers under the provisions of the Farmers Home Administration Act.

Mr. President, I ask unanimous consent that both Roy Prewitt's letter and Leland DuVall's article from the Gazette of May 7, be printed in the RECORD.

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

LONOKE, ARK., May 20, 1972.

HON. J. WILLIAM FULBRIGHT,
U.S. Senator,
Washington, D.C.

DEAR SENATOR: The enclosed article, "Arkansas Farmer Provides a Lot of Crappie Bait," by Leland DuVall, which appeared in the Arkansas Gazette will interest you.

While there is no doubt that other states, other areas, and other people could duplicate what Darryl Saul has done and what I saw from the top of a 135 foot rice dryer, it is note-worthy that none have done so.

Arkansas pioneered in fish farming, but it was not until you amended the Farmers Home Administration Act to make fish farmers eligible for loans, the Arkansas Legislature made fish grown on farms, live stock and their culture an agricultural pursuit and farm produced fish an agricultural commodity, the Arkansas Supreme Court, by dicta, gave the culture of fish the dictionary definition of agriculture which is the "art and science of the production of plants and animals useful to man" and the Arkansas Game and Fish Commission legalized the culture without restriction, of all species of fish for all purposes, that this most ancient form of agriculture began its phenomenal growth in this state.

Although it is well known that fish of many species are farmed in every county in Arkansas, I was only able to get specific, accurate, and comparative information from an area in central Lonoke County.

Charles Griffin, President of the Lonoke Production Credit Association, told me, "We began financing fish farming in a limited way in 1958. Our loans in this area now amount to \$6 million dollars and are increasing at the rate of about \$1 million a year. We have never had a loss on a fish farm loan. Other lending agencies are also financing fish farmers, but I am unable to estimate the amount." In discussing fish farmers, Mr. Griffin said that while many fish farmers grow conventional crops as well as fish, they are different from conventional farmers. He said they have to be entrepreneurs and innovators since they do not have governmental and institutional aids which are available to conventional farmers. Griffin said, "Our fish farmers wear many hats. They have to develop their own markets, be their own veterinarians and acquire

many arts and skills, which are at the beck and call of conventional farmers. We have watched them develop these skills from their own experience and from that of other fish farmers." Mr. Griffin was my authority for stating that the fish crops from this area is now grossing about \$6.5 million annually.

James E. Helm, County Soil Conservation Service Supervisor, said, "Central Lonoke County has 11,500 acres planted to bait minnows, 500 acres to catfish, and an undetermined much smaller number of acres in other species. The cost of construction of the ponds, plus the water supply equipment was approximately \$2.5 million dollars." This does not include roads, processing and grading facilities, harvesting, transporting, maintenance and earth moving equipment. Henry Chambers, Vice President of the Lonoke Production Credit Association, thinks this may amount to as much as \$225.00 per acre of fish farms. Leroy Barber, County Agricultural Extension Agent, says the land on which these fish are grown has an average value of \$400.00 per acre before improvements, but says that much of the land where fish are farmed is not suitable for other purposes. It can be seen that this adds up to a sizable capital investment. Mr. Barber stated that Lonoke County farmers plant 168,000 acres to soybeans and receive a gross return of \$11 million and a net return per acre of \$47.50; 35,000 acres to rice with a gross return of \$10 million and a net return per acre of \$107.50; and 40,000 acres to cotton with a net return of \$55.00 per acre and a gross return of \$6 million. He also said the County's 70 dairy farms grossed \$3 million, 20,000 head of beef cattle \$2 million, and 400,000 laying hens \$2 million.

William E. Bailey, State Game and Fish Commission Biologist, says the net return for fish per acre is as follows: catfish fingerlings \$693.99, buffalo fingerlings \$2,125.30, goldfish, \$535.00, Israeli carp \$395.00, fathead minnows \$292.00, and golden shiner bait minnows \$201.50.

While it is well known that much more labor, skilled and otherwise, is necessary to farm fish than to farm conventional crops, no statistics are available as to how many new jobs have been created by fish farming in the Lonoke area. Maurice Sagely, Superintendent of Schools, gives an insight into this by stating: "From early spring to the summer recess from 85 to 100 boys from the 9th grade up work from about 4 P.M. to 8 P.M. each week day and all day Saturday on local fish farms. They work Sundays if they wish. During the summer vacation at least 100 school boys work full time on local fish farms."

Andrew Hulsey, Director of the Arkansas Game and Fish Commission, sees this early training on fish farms as of great future benefit to the nation. "In the very near future we will have to manage not only our farm ponds, but our public waters for food production. It is a well established biological fact that much more valuable animal protein can be grown in an acre of water than an acre of land. These youths are learning things by actual practice that cannot be taught in universities. Many will get degrees in biology and become teachers, and others will become managers. We help fish farmers in many ways. Arkansas is perhaps the only state where a farm grown black bass can be sold, without restrictions, in a food market." We are giving Arkansas fish farmers a stock of the White Amur. We think this fish will lower the costs and greatly increase farm fish production by converting aquatic vegetation into organic fertilizer. Mr. Hulsey also thinks the production of bait minnows on farms is a good conservation practice. "Before they were grown on farms, they were trapped from the public waters. The minnows

grown in Arkansas save a lot of food for game fish."

J. B. Hairston, Director of the County Agricultural, Stabilization and Conservation Agency, sees fish farming as an excellent soil and water conservation practice. "It provides maximum absorption (insoak) into the soil and prevents erosion which causes siltation," he stated.

While conservationists in Arkansas think that farm culture of fish is a good conservation practice, the fish farmers complain that conservation agencies of other states are setting up legal barriers that hamper sales and damage their business. They say that some states bar importation of certain species, others all species, some have confiscatory import taxes, and some have state line inspection laws which serve no purpose other than to hamper free movement of their products in inter-state commerce. They say these barriers are increasing. This was predicted by the Commission on Marine Science and Engineering and Resources in its report to President Nixon in late 1970. It stated, "Established interest, including commercial and sportfisheries, recreation, conservation and navigation tend to look upon aquaculture as an interloper that may interfere with traditional activities. Often this conflict is based more on emotion than on reason." The report continued, "To many qualified observers, it is these legal and institutional problems which are the greatest barrier to a viable aquaculture program in the U.S. today. As it (aquaculture) grows, the conflicts will increase."

Arkansas fish farmers are not alone in their complaints of barriers. I hear this from fish farmers in many states.

The time may have arrived for the Congress of the United States to consider whether or not the farming of fish for food, sport, bait, recreation, or artistic purposes 'promotes the general Welfare'.

Sincerely,

ROY PREWITT.

ARKANSAS FARMER PROVIDES A LOT OF CRAPPIE BAIT

(By Leland DuVall)

Measured by the standard yardstick, Darryl D. Saul of Des Arc is a prudent farmer and an astute manager of his agricultural business. He pays close attention to detail, does his jobs on schedule and keeps a complete set of books. He knows his costs and his profits and he can tell a visitor a great deal about each individual cow in his 225-head herd of registered Polled Herefords.

But despite his intimate knowledge of most phases of his business, Saul refuses to hazard a guess at the number of "livestock" he owns on a given day. His best estimate probably would miss the mark by at least a million—one way or the other—and if he had an accurate count on a given day, the figure would be far off the mark the following day.

Darryl Saul is in the minnow business. He makes no claim to being the "biggest" producer in Arkansas but he knows, within a few square rods, the area of his lakes and ponds. It works out to about 1,200 acres. Actually, the land holdings devoted to minnows total 1,500 acres but the headquarters, the home site, levees and some undeveloped areas account for about 300 acres. Figuring 50,000 fish, to the acre, this would work out to something like 60 million but Saul would not attempt to defend the estimate. After all, this is the spawning season—as well as the heavy selling season—and the critters have been laying millions of eggs on the Spanish moss mats that have been distributed along the edges of the breeding ponds. Large numbers of these eggs have been moved to fresh ponds—the mats are transported and replaced at regular intervals—and the fry are hatching. Workers move about 1,500 egg-loaded mats a day to hatching ponds.

At the same time, trucks from most of the states east of the Rockies are hauling the minnows away. There is just no way to maintain an accurate estimate of the inventory.

The dollar value of the crop is somewhat easier to measure. Saul said his sales last year were in excess of \$400,000.

Minnows constitute an important farm crop in Arkansas but the size of the operation is unknown. Production has blossomed in recent years and little statistical information has been gathered by those who keep tabs on other kinds of farm sales and harvests.

(Anyone who questions the classification of minnows as a farm crop is not familiar with the law. By legal definition, the production of fish on a commercial scale in Arkansas is a form of agriculture and the output constitutes a crop in the official sense of the word. The distinction is important. It opened the way for the regulations and supervision to be brought under the Agriculture Department and also made possible the lending of Farmers Home Administration funds for fish farming. The Production Credit Association, which is not a government agency, followed the lead and is a major supplier of credit to this particular form of agriculture.)

Even though no official figures on production and sales of bait minnows are available, the business is rather sizable and is concentrated in relatively small areas: Lonoke, Des Arc, Brinkley-Hunter, Paragould and Dumas.

Roy Prewitt of Lonoke, a pioneer in the business, gave his pond-size estimate of the value.

"I can stand on a rice drier at Lonoke and, with the aid of a telescope, see ponds that produce an annual sales volume of \$6.5 million," Prewitt said.

His view would not reach the Saul operation.

Saul, who described himself as a river man, grew up around De Valls Bluff and "started at the bottom" in the minnow business. He began by seining "wild" minnows from natural ponds and lakes and from the White River and peddling them to bait shops around Arkansas. When he got an opportunity to lease some land and begin producing minnows, his wife filled in as a driver of the pick-up truck and helped support the family until the business was established. She then moved into the office and assumed responsibility for the books.

Minnow farming requires—among other things—careful attention to details and close management. The ponds must be drained and "worked up" every year in order to assure maximum production. This keeps down coarse vegetation (which would use the fertilizer) and controls disease. The idea of cultivating and fertilizing the pond may seem strange to persons accustomed to thinking the treatment belongs to plants. Actually, the practices are designed to grow plants—but the "crop" is only remotely related to rice or soybeans. The minnow farmer cultivates and fertilizes his pond so that it will grow *phytoplankton*, a form of microscopic plants on which the minnows "graze." The tiny floating plants can be classed at the bottom of the life cycle. By the process of photosynthesis, they convert the energy of the sun into another (stable) form that serves as feed for the tiny minnows. The "farmer" refers to the *phytoplankton* as the "bloom" on the pond—the growth of the plant changes the color of the water—and can judge his plant production by the varying shade of the pond.

Given the heavy stocking rate, the minnows would starve if they were forced to live by grazing alone. The farmers feed their livestock a balanced ration, produced by commercial mills, in order to obtain an acceptable rate of growth. With a good bloom on the pond and with adequate feed, minnows grow rapidly.

Fry hatched from early April spawns are ready for the market before July 1. Saul said the spring hatch would be "two-inch" minnows by the latter part of June, which makes them ideal for crappie bait. Buyers seek uniform size.

In the early days of the business, producers actually counted the minnows they sold at wholesale just as the bait shop counts those sold to the fisherman. The wholesalers built shallow tanks that resembled pool tables, dumped the minnows into the film of water and shuttled them into the pockets. Saul and other growers now employ a better system.

They grade the minnows with sieve-like devices and separate them into groups held in different tanks. Then, knowing the size of the minnows in a given tank, they weigh the little fish and quote prices by the pound.

The two-inch minnows, for example, also are known as "four-pound" minnows because four pounds, in that size range works out to 1,000 minnows. The "six-pound" size is minnows that are 2.5 to 3 inches and the grades move up the scale to the 20-pound minnow—the largest produced on the Saul farm.

The 20-pound minnows are yearlings and none are kept on the Saul farm beyond that age. He explained that young minnows—those hatched in the spring and summer and carried over to the next spring—produced more eggs than older minnows and also were healthier. When the brood stock completes the spawning cycle, the minnows are sold and the ponds are drained and cultivated in preparation for the following season.

Saul explained that size determined buyer interest. Buyers who supply bait shops in crappie areas want the four-pound (two-inch) minnow; bass fishermen use the six-pound or eight-pound minnows; and those who go after catfish want still larger sizes. Most of the large minnows—up to the 20-pound size—are sold in the Northern states where they are used by ice fishermen.

No one should be surprised by the fact that Saul sells his minnows in many states. He said only about 2 per cent of his crop went to Arkansas bait shops. Arkansas is one of four or five major bait minnow states and all the big producers have customers scattered over wide areas. The small producers—some of whom grow minnows as a sideline and derive most of their income from other sources—concentrate their sales efforts on local outlets while the major growers seek customers in all parts of the country. Saul said a large part of this production went to states along the Atlantic Coast.

Saul has three or four trucks, some of which are used to haul minnows from the ponds to the grading center, but buyers—for the most part—haul in their own trucks. The seller's responsibility is not quite over when the trucks are loaded: The minnows have to be healthy and they have to be loaded in such a way as to assure high livability in transportation. Saul (and other sellers) maintain ice storage houses so that they will be able to chill the water in the tanks and provides liquid oxygen for the minnows to breathe during the shipment.

Some Arkansas producers—particularly those who grow goldfish—use airfreight for cross-country shipment but the bulk of the crop moves in scaled trucks and oxygen-enriched water. One of the major airlines has reported that its biggest airfreight business out of St. Louis is minnows, some of which are raised in Arkansas and hauled to St. Louis for loading.

With the development of an accurate method for grading the wholesale minnow business evolved into a sort of honor system among sellers and buyers. In the earlier days, buyers tended to question the count and haggle over shipments. Now they apparently are confident that they are receiving full

measure when they buy from established producers and there are few arguments.

Even though the Golden Shiner is the major crop—and, so far, the only cash crop—in the Saul operation, the situation may change and the farm may become better known for Polled Hereford cattle than for fishbait.

More than a year ago, Saul bought an additional 1,250 acres about five miles from his minnow farm—giving him a total of 2,750 acres—and began establishing a herd of registered Polled Herefords. He has concentrated on Circle M breeding and has obtained some of his stock from the Circle M Ranch in Mississippi. A one-fourth interest in one bull cost \$26,000.

The herd numbers 225 head—the count here is accurate—and Saul plans to hold his first production sale November 20. The 50 head that will make up the consignment have been picked and will be fitted for the sale.

In preparation for his expected series of production sales, Saul has built a combination fitting-auction barn and has installed air conditioning for the ring. The equipment includes a feed mill.

The land in the new spread was "sort of between the hills and the flats" and some of it was overgrown with shrubs. Using some of the equipment needed for working the minnow ponds, Saul cleaned up the land, applied lime and fertilizer and seeded it to adapted grasses and legumes. He believes he has adequate pastures for 500 head of brood cows and hopes to reach that level within a few years.

Despite the fact that the cow herd is a sentimental favorite, Golden Shiners still bring in the money for the operation of the farm—including the salaries of the 14 full-time employees. Two of the men work the cow herd and the remainder stay busy all year with the minnows.

The Saul operation is different only in detail from some of the other good minnow farms in Arkansas. Prewitt's estimate that \$6.5 million worth of minnows were grown annually within view of a rice dryer lookout point at Lonoke applied to the wholesale price, which ranges from about 50 to 65 cents a pound for the larger sizes up to about \$1.50 a pound for the smaller minnows. The mark-up between the farm and the retail level is quite impressive.

On the current wholesale market, the two-inch minnow brings the grower in the neighborhood of \$6 per 1,000. The same minnows may sell for a dollar a dozen at retail in some shops, which works out to more than \$80 per 1,000.

Since all figures on the annual value of the Arkansas minnow crop are raw estimates, the retail value also would be no better than an uneducated guess.

The surprising factor is that a crop could become that valuable without anyone knowing very much about the statistics: Neither Saul nor any other major producer could guess within 1,000,000 of the number of minnow he owns at any given time.

TRANSPO 72

Mr. SPONG. Mr. President, a truly landmark event will take place in my State of Virginia beginning this Saturday, May 27, through Sunday, June 4. I am referring to Transpo 72, the unprecedented U.S. International Transportation Exposition, which will be held at the Dulles International Airport in Loudoun County, Va.

We, in Virginia, are proud to be the hosts to this remarkable exposition. Here at one time and in one place will

be brought together an array of technology in the transportation field such as has never been assembled before. We spend a great deal of our time and attention discussing the problems of transporting people and goods within our Nation and abroad. The difficulties we encounter daily in traffic congestion and our increasing concerns for environmental protection are well known to all of us.

The transportation demands of the future are truly staggering, and we can only meet these demands by greatly expanding our present technology. Furthermore, if transportation capacity is to expand in a manner which is acceptable in terms of its effect on human environment, we must marshal the best scientific know-how in this country and in the world.

It is with this purpose in mind that the Government is sponsoring this transportation exposition. On display will be the latest innovations in transportation technology. In addition, it should prove to be a world marketplace, displaying the wares of American industry before customers gathered from around the world.

I commend the Secretary of Transportation, John A. Volpe, for his far-sighted leadership in producing this first-of-its-kind exposition. Secretary Volpe recently expressed some of the hopes for Transpo 72 in a speech before the National Press Club. I ask unanimous consent that it be printed in the RECORD.

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

REMARKS BY U.S. SECRETARY OF TRANSPORTATION JOHN A. VOLPE AT THE NATIONAL PRESS CLUB, WASHINGTON, D.C., THURSDAY, MAY 11, 1972

Let me make it perfectly clear—here at the outset—that despite what you may have heard, we have no plans to move TRANSPO to Miami Beach.

TRANSPO 72 is now only two weeks away. And I appreciate this opportunity to tell you about it. It's the world's first international transportation exposition and I'm convinced it will live up to expectations. It will be exciting, comprehensive and educational. It will perform an important national and international function. It's going to sell American ideas and products. And it's going to provide an entertaining glimpse at the transportation technology of tomorrow.

Putting a show of this kind together is no easy task. I brought Bill Bird, Vice President of Kaiser Industries, and a top management team in here just eight or nine months ago. And they've done a tremendous job. The scope of TRANSPO is unique for any government agency—indeed, for any organization. It requires coordinating hundreds—even thousands—of individuals, corporations, planners, government leaders and world experts. With relatively small resources, we're putting on a show four times larger than the Seattle World's Fair. And naturally there have been a few problems. And with all due respects to the fourth estate, the problems always seem to make more news than the successes. So let's at least touch on the problems.

I don't know how many of you live in Virginia. But those of you who do, know what it's like to work that good red Virginia clay. As one of our construction foremen said, "When it's dry it's like powder, when it's wet it's like lard." And we've had our

share of good Loudoun County rain; over nine inches in the first thirty days. Normal rainfall for that period should have been about three inches. So our surfacing program has been a little slow. But in case anyone is wondering, yes we are going to open on time—and we're going to open with a bang (not with a big "splash"—If I can steal a line from the headline writers).

I'll tell you that I now have a new appreciation for our Federal Highway Administration—the way they have tackled this problem in spite of the natural obstacles. They're stabilizing 180 acres, including over 500,000 square yards of calcium sulphate sludge surfacing for parking facilities. That's the material we've dubbed "super sludge" which is built from such environmental waste products as reclaimed rubber, sulphuric acid wastes, ground glass and incinerator residue.

Even this surfacing project has demonstration value: in testing new aggregates for highway construction—and in testing new uses for municipal and industrial waste products.

Our second major problem involved the business chalets which—to put it politely—collapsed in a high wind a few weeks ago. But they're back up again—safe and solid. We now have 152 modular housing units constructed on the site which will provide business space for 37 industrial companies. These centers, equipped with utilities, a kitchen and toilet facilities—plus any other amenities the companies want to install—will be completed within the next few days. They're attractive, comfortable, and entirely suited to our purposes.

Exhibit space in the four huge exhibition halls, each one and one-half times the size of a football field, is now sold out. And about 98 percent of the one million square feet of outdoor exhibit space has also been reserved. The 400 exhibitors run the gamut from foreign nations, to giant aerospace firms, to small computer companies. And they all have a story to tell—the transportation story that is so much a part of our daily lives.

I want to emphasize that this is a total transportation exposition featuring every mode imaginable—from the Apollo 12 command module to earth-bound construction equipment.

As most of you know, Congress first authorized the TRANSPO idea as an air show. But transportation in America is much more than just one mode. And aviation is not the only mode of transportation with international ties. So we asked Congress to expand the air show to an international transportation exposition covering all the modes. Our mobility problems are shared by almost every nation. And TRANSPO gives us an expanded opportunity to share those problems, to discuss mutual solutions, and to create world markets for all facets of America's transportation industry.

This situation is particularly true with regard to mass transportation and the problems of urban mobility. The so-called "people mover" is certainly of international interest. The four to be exhibited at TRANSPO—built by Ford, Dashaveyor, Transportation Technology, Incorporated and Monocab—are one-of-a-kind systems. Many of you were out at TRANSPO a few weeks ago when I hitched a ride on each of them.

During the exposition they'll be open to the public. We'll be watching people's reactions, and asking a few questions about passenger acceptance. But one short ride at TRANSPO isn't really going to tell us whether people will give up their cars (under certain circumstances) for "people movers." The real test will be of the technology. And that testing will continue out at Dulles for several months after TRANSPO closes.

A similarly dramatic breakthrough in tech-

nology will be General Motors' exhibition of a totally new construction concept for mass producing transit buses and rapid rail coaches. The concept involves a modular process in which five foot sections of a coach are mass produced. The modular sections are then welded together to fit any size or function desired.

The value would be a new degree of flexibility in transit planning. Cities could select any coach size vehicle—in 5-foot increments—without worrying about special orders or special construction pricing. GM people tell me that equipment costs could be significantly reduced with this new process. And I look forward to seeing it demonstrated at TRANSPO.

We'll also have experimental safety vehicles on display. The experimental safety vehicle program represents a \$100 million effort world-wide. We have agreements with six nations to build ESV's that would constitute a whole family of different size and weight cars. This one program could affect vehicle technology throughout the world in the next few years.

We'll also have the Turbotrain and a tracked air cushion vehicle on display—examples of the next generation of high speed rail technology. And I might add that these rail vehicles—like ESV's and the people movers—represent just a first wave of new technology geared to environmental and social considerations.

As social scientist Peter Drucker points out, "To overcome the problems success always creates, one has to build on that success." The problems of our success represent a relatively new awareness in America. And at TRANSPO we're going to demonstrate some of the ways we are building on past successes to provide a cleaner and safer future.

This same theme will underlie the six separate conferences to be held during TRANSPO. Sponsored under the general auspices of the International Congress of Transportation Conferences, these meetings will cover air transportation, the environment, transportation as a service, vehicle and highway safety, air cargo, and the experimental safety vehicles.

We have planned TRANSPO for multiple audiences—buyers, users, thinkers and visitors. But this is, after all, an industrial exposition. Let's not hide the fact that our exhibitors are looking for sales, that America is looking to improve its balance of payments position, and that TRANSPO is designed to foster both objectives.

We're expecting 350,000 business visitors, with 50,000 coming from other nations. And we hope to see our business centers humming with activity.

There has been some talk about the cost of TRANSPO. But few people have mentioned the cost of not having TRANSPO—the cost of not presenting our products to the world market. In transportation, as in all areas of our economy, we are in a world market. Foreign cars abound. Foreign aviation competition is getting tougher every day. And transportation system components—the computers, the bearings, the electronics, the guidance and control systems—are often taking a long boat trip before they ever reach the American consumer. As you well know, right here in Washington a Japanese firm was a strong competitor in the bidding to build our Metro subway cars.

How often have we seen this headline: "U.S. being squeezed out of world markets?" I have seen it far too often. And TRANSPO is just one way—my way—of saying that we're not going to let that happen. Even if we don't have the best transportation available, we're certainly capable of producing it. And that's the message TRANSPO will help

carry to the governments and businessmen of the world.

I might add that a lot of home folks don't know about our transportation genius either. Vice President Agnew took this problem to the Harvard Business Club a few weeks ago. He urged businessmen to re-assert themselves and their products in American life—to speak candidly to our citizens about what our business is doing, and what it is capable of doing. And that's what we want TRANSPO to do.

We've designed this show as a family affair—a chance for all citizens to see transportation at close range, to kick the tires, to get something more than a passenger's view of mobility. We have an elaborate traffic plan to guide nine lanes of cars into the TRANSPO site. Buses will be making regular runs from downtown locations—at reasonable rates. And when they get there, I guarantee some spectacular air shows and exciting exhibits to see.

TRANSPO is going to be a winner—for businessmen, for exhibitors, for the public, for the cause of transportation knowledge, and for the status of American transportation. I hope all of you are looking forward to it as much as I am.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

AMENDMENT OF FISHERMEN'S PROTECTIVE ACT OF 1967

Mr. MANSFIELD. Mr. President, in accordance with the previous order, I move that the Senate now proceed to the consideration of Calendar No. 736, H.R. 7117.

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

The assistant legislative clerk read as follows:

A bill (H.R. 7117) to amend the Fishermen's Protective Act of 1967 to expedite the reimbursement of United States vessel owners for charges paid by them for the release of vessels and crews illegally seized by foreign countries, to strengthen the provisions therein relating to the collection of claims against such foreign countries for amounts so reimbursed and for certain other amounts, and for other purposes.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The ACTING PRESIDENT pro tempore. In accordance with the previous order, time on this measure is under control. Who yields time?

Mr. MAGNUSON. Mr. President, is H.R. 7117 now the pending business?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. MAGNUSON. Mr. President, I merely want to suggest that the basic measure that we are now considering is a House bill that has been passed by the House of Representatives and was referred originally to the Committee on Commerce, and we unanimously reported it favorably.

Since the bill was reported, some other serious problems in the fishing industry have arisen throughout the United States that need to be, I think, considered very seriously, and they are very much ger-

mane to this particular bill. One of them is the subject of a proposed amendment by the Senator from Texas, I guess joined in—

Mr. TOWER. By the Senator from Mississippi (Mr. EASTLAND).

Mr. MAGNUSON. By the Senator from Mississippi and others who are interested. I had a chance, late yesterday, to look over the proposed amendment of the Senator from Mississippi and the Senator from Texas, and I feel, though I have not consulted all the members of my committee, that we can accept it. I am sure that the Senator from Virginia (Mr. SPONG) and the Senator from Alaska (Mr. STEVENS), who were active in this matter in committee, have the same opinion, and I am willing, on their behalf—we are trying to get Senator STEVENS here—to accept the so-called Tower amendment at this time, and then our plan is, after consultation with the majority leader, to accept this amendment and possibly the Stevens amendment when he comes in, and then lay the matter aside until next week, when the Senate can vote on the bill as amended.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. MAGNUSON. Or I will revise that. If we can pass it later today, that will be fine, too.

I ask unanimous consent, for the purpose of the RECORD, that an excerpt from the committee report (No. 92-584) of the Committee on Commerce, beginning with the heading "Purpose" on page 1 and ending immediately before the section-by-section analysis on page 4, be printed in the RECORD at this point.

There being no objection, the excerpt from the report (No. 92-584) was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the legislation is to expedite the reimbursement of U.S. vessel owners for charges paid by them to obtain release of the vessels and crews illegally seized by foreign countries.

In achieving this purpose, the bill would require the Secretary of State to immediately ascertain the amount paid by a vessel owner to a foreign country to obtain release of his vessel and crew and to certify such amount to the Secretary of the Treasury for immediate reimbursement. Upon reimbursement out of the revolving fund authorized to be established under the bill, the Secretary of State would be required to immediately notify the foreign country of such reimbursement and take such action as he may deem appropriate to collect the amount of the claim from the offending country. If reimbursement is not made within 120 days after notification to the offending country, then the Secretary of State is required to deduct the amount of the claim from any funds programmed to that country under the Foreign Assistance Act and to transfer such funds to the revolving fund. The bill would authorize to be appropriated \$3 million to provide initial capital for the fund and such sums as may be necessary to meet future requirements of the fund.

LEGISLATIVE BACKGROUND

The Fishermen's Protective Act (22 U.S.C. 1971-1977), which H.R. 7117 would amend, presently provides that where a vessel of the United States is seized by a foreign country on the basis of rights or claims in territorial waters or the high seas which are not rec-

ognized by the United States, and a fine, fee, or other direct charge must be paid by the vessel owner in order to secure the prompt release of the vessel and crew, such owner is entitled to be reimbursed by the Secretary of the Treasury for the amount of such fine, fee, or other direct charge. Existing law also provides that the owner of such a seized vessel may be reimbursed, under a fund administered by the Department of Commerce and funded by both the Federal Government and vessel owners, for costs attributable to damage to and/or destruction of the vessel, gear or equipment, the market value of fish spoiled during the period of illegal detention, and one-half of the loss of gross income which might have accrued to the vessel owner and its crew had the seizure not occurred.

H.R. 7117, introduced by Congressman Pelly of Washington, was the subject of several days of hearings held by the House Committee on Merchant Marine and Fisheries. It was passed by the House of Representatives on August 2, 1971 and referred to the Committee on Commerce, where it was the subject of hearings conducted by the Subcommittee on Oceans and Atmosphere on November 22 and 24, 1971.

Testimony at the hearings held by the Committee on Commerce was generally in support of this legislation. The respective position of the various departments and agencies of the Federal Government concerned with H.R. 7117 are set forth hereafter under "Agency Comments".

BACKGROUND AND NEED

The Fishermen's Protective Act was passed August 27, 1954, and amended August 12, 1968. This act, as amended, directs the Secretary of State to attend to the welfare of the crew of any vessel of the United States seized by a foreign country on the basis of rights or claims not recognized by this country in territorial waters or on the high seas. The State Department is also directed to secure the release of the vessel and crew. In carrying out these functions, the Secretary must find that there is no dispute of material facts relative to the vessel's location and activities when seized. If the vessel owners must also pay a fine, fee, or other direct charge to secure release, then the act directs the Secretary of the Treasury to reimburse the owner in an amount that represents such charges.

Further, the act does not apply to seizures made by a country at war with the United States or seizures made under a fishery convention or treaty to which the United States is a party. The Secretary of State is also directed to recover from the foreign country the amounts expended under this act. The act applies to fishing vessels and other vessels of the United States.

The traditional policy of the United States is to support the principle of the freedom of the seas, and it has consistently opposed the efforts of other countries to limit the freedom of the seas by excessive claims to territorial waters. For a number of years, a fundamental dispute has existed between the United States and various South American countries in regard to their claims of sovereignty and exclusive jurisdiction over the sea within 200 miles of their coasts.

In general, such claims are in direct conflict with principles of international law adhered to by the United States, and the assertion of such 200-mile claims challenges the basic sovereign interests of this country. The United States has, in the past, opposed extensions of territorial sea limits beyond 12 miles and it is the view of the United States that under international law it is not required to recognize such claims. As this country begins to prepare its diplomatic position in regard to the International Law of the Sea Conference under the auspices of the United Nations, currently scheduled for 1973,

it is important that the position of the United States in regard to further protection of its fishermen and citizens be clearly enunciated by Congress and actively implemented by other elements of the Federal Government.

For two decades, various South American countries have been seizing U.S.-flag vessels in international waters on the basis of jurisdictional claims not recognized by the United States. Ecuador, and Peru have been the most persistent and flagrant violators of the rights of U.S.-flag vessels on the high seas. Harassment and seizure of this country's fishing vessels continue to occur and have increased in intensity during the past year.

Unfortunately diplomatic efforts seeking to reach a resolution of this problem thus far have not been successful. For example, testimony presented during hearings on this legislation by the American Tunaboat Association pointed out the fact that during the 10-year period from January 1, 1961, through December 31, 1970, there were 92 seizures of U.S. fishing vessels with total costs directly related to such seizures constituting approximately \$933,184.

During the period from January 1, 1971 through November 24, 1971, the date of their appearance before the Committee, there have been a total of 27 illegal seizures (39 by Ecuador and 1 by Peru) and payment of fines and other direct charges under the existing act totaled \$1,845,021. In addition, payments under section 7 of the act (the insurance program) for other losses incurred as a result of their seizures are estimated to be approximately \$160,000.

Presently, it takes approximately 250 days from the date of the seizure to the date the Secretary of State certifies to the Secretary of the Treasury the amount of the claim for reimbursement. In addition, it takes approximately another 180 days from the date of certification before reimbursement is actually made to the vessel owner, making a total waiting time of 430 days. Under existing practice, reimbursement to the vessel owner can only occur if the funds for such reimbursement have been allocated in either one of the two appropriation measures considered by Congress during a fiscal year for this purpose. During this period of time, the vessel owner has lost the use of the money paid to the offending country, seriously depleted his working capital and has paid interest at a very high rate on moneys which he has borrowed in order to raise the necessary funds to obtain the release of his vessel and crew.

Moreover, there are indications that Ecuador has instituted a policy that would substantially increase the fines and other direct charges levied upon a fishing vessel if it represents the second or subsequent seizure of that particular vessel by Ecuador. For example, on January 18, 1971, the fishing vessel *Apollo* was seized by Ecuador and again on March 3, 1971. On the first seizure, the vessel owner paid \$86,650 in fines and other direct charges. On the second seizure, a total charge of \$155,340 was levied and paid by the vessel owner. The fishing vessel *Caribbean* was seized on January 23 and again on March 27, 1971. On the first seizure, the *Caribbean* paid \$41,200 and \$74,160 on the second seizure.

On the basis of existing law and current procedures for processing claims, it would be almost impossible for any vessel owner, such as those of the *Apollo* and *Caribbean*, to obtain reimbursement on both such claims within one calendar year. Of even greater significance is the fact that most, if not all, private vessel owners would not be in a financial position to pay a second fine within a few months from the date of the first seizure. Thus, many vessel owners may be in the precarious position of depleting their financial resources initially and then being forced

to cease operations because of pending bankruptcy due to the imposition of the second fine.

Enactment of this legislation will effectively reduce the long delay in the reimbursement process by the creation of a revolving fund from which reimbursements would be immediately made.

Mr. TOWER. Mr. President, will the Senator from Washington yield to me, to call up my amendment?

Mr. MAGNUSON. Yes; I yield the floor to the Senator from Texas.

Mr. TOWER. Will the Senator yield me 3 minutes?

Mr. MAGNUSON. Yes.

AMENDMENT NO. 804

Mr. TOWER. Mr. President, I call up amendment No. 804, on behalf of the Senator from Mississippi (Mr. EASTLAND) and myself.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. TOWER. Mr. President, I ask unanimous consent that further reading of the amendment be waived.

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

Mr. TOWER's amendment (No. 804) is as follows:

On page 5, line 17, after "made by" insert "the preceding provisions of".

At the end of the bill insert a new section as follows:

"Sec. 7. The Fish and Wildlife Act of 1956, as amended (16 U.S.C. 742a), is amended by inserting after section 4 thereof a new section as follows:

"STORM REINSURANCE

"Sec. 4A. (a) The Secretary of Commerce is authorized to take such action as may be necessary to provide reinsurance to carriers against excess losses on claims for losses resulting from damage to or destruction of commercial fishing property caused by storms. The Secretary may enter into such contracts, agreements, or other arrangements, upon such terms and conditions as may be agreed upon, with such carriers in order to carry out the purposes of this section. The Secretary may issue such regulations regarding the classification, limitation, or rejection of excess loss risks reinsured by him under this subsection as he deems advisable.

"(b) (1) Reinsurance under subsection (a) shall be made available to any carrier who issues insurance against (A) probable storm losses at premium rates approved by the Secretary consistent with the objective of this section to provide insurance against such probable losses at reasonable costs, and (B) excess storm losses at no premium charge, but subject to reinsurance by the Secretary under this section.

"(2) Premium rates established by the Secretary for probable loss coverage shall be—

"(A) uniform with respect to similar classifications of property and risks;

"(B) sufficient to provide adequate proceeds to pay all claims for probable losses over a reasonable period of years; and

"(C) exclusive of any loading for administrative expenses of the United States under this section.

"(3) No premium may be charged any carrier for excess loss reinsurance unless the Secretary determines that such carrier's probable loss experience justifies the imposition of such a premium, but in no case shall an excess loss reinsurance premium exceed premium rates established under par-

agraph (2) of this subsection for any classification of property.

"(d) (1) The Secretary is authorized to establish a Fishing Fleet Reinsurance Fund (hereafter called the fund) which shall be available without fiscal year limitations to make such payments as may be required under reinsurance contracts, agreements, or other arrangements under this section.

"(2) The fund shall be credited with reinsurance premiums, interest which may be earned on investments of the fund, such amounts as may be appropriated for the fund or advanced to the fund from appropriations, and receipts from any other source.

"(e) For the purposes of this section—

"(1) 'citizen of the United States' includes a corporation, partnership, or association which is organized under the laws of any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States;

"(2) 'carrier' includes private insurance companies, associations of persons engaged in the business of commercial fishing, associations of persons who own commercial fishing property, or any combination thereof;

"(3) 'commercial fishing property' means any real or personal property (including vessels and any machinery, equipment, or gear thereon) of which at least 50 per centum of the interest therein is owned by a citizen of the United States and which is used in the business of commercial fishing; and

"(4) 'storms' includes hurricanes, typhoons, waterspouts, tidal waves, and any other such wind or water disturbance, whether or not directly caused by meteorological forces, as the Secretary may define by regulation to be included in the definition of storms.

"(f) No contract, agreement, or other arrangement for reinsurance shall be issued or entered into under this section covering risks against which insurance is available on reasonable terms from other public or private sources."

Mr. TOWER. Mr. President, amendment 804 has received the support of nearly every major fishing concern. Among these are the Texas Shrimp Association, the Louisiana Shrimp Association, the Southeastern Fisheries Association, the National Shrimp Congress, and the National Fisheries Industry.

This measure is designed to give some relief to the owners and operators of the Nation's fishing fleet. I have become concerned recently that many fishermen and shrimpers are no longer able to operate their boats properly, due in large part to the ever-increasing insurance rates. In my own State of Texas, there have been three major hurricanes in the last 5 years. As a result of these storms, large segments of the fishing fleet were either completely destroyed or severely damaged. Fortunately, however, most of that damage was covered by insurance. The real problem seems to be that the disaster reserves that insurance companies in the area have kept for such storm emergencies are depleted, and the companies are having to raise premiums on this type of insurance altogether, since the risk of these disasters has been so apparent in the last 3 years.

As the price of insurance is rising, and nearly every other cost of doing business is going up at the same time, the small fisherman or shrimper finds it nearly

impossible to insure his boat, even if he can find somebody to write it.

I feel that it is imperative that we take immediate steps to come to the assistance of this important industry in the United States in this limited, proper way.

My legislative proposal would amend the Fish and Wildlife Act of 1956, as amended, by creating a new section dealing with storm reinsurance. The Secretary of Commerce would be authorized to take the necessary action against excess losses on claims for losses resulting from damage to or destruction of commercial fishing property caused by storms. In carrying out his authority under this act, the Secretary would establish the fishing fleet reinsurance fund. In this way, we would not only be helping to insure that there would be private insurance available and that the Government would not have to ultimately move into this field, as the Government of Canada has found it necessary to do already, but, more hopefully, we would also help to entice new companies into this field of insurance by making it profitable again. At present, a company might only write such a policy for one of its better customers in order to be of assistance to that particular customer. The fisherman or shrimper who has no other insurance, but who needs the protection for one or a few boats, has little chance of purchasing adequate protection at any price, much less at costs which he can afford.

I do not view this as an attempt to put the Government irrevocably into the fish industry insurance business. Rather, I view it as an extension of the principle that has governed storm losses on land for years: Where private companies are unable to protect against storm and storm-related losses at reasonable costs, the Government has moved in and underwritten disaster insurance. It is now time that the Government provide the same protection to the man who make his living offshore. The fact that there are currently only two concerns that even consider writing this type of insurance for the average fisherman or shrimper in the Gulf of Mexico area shows that we are in a crisis situation. If we should wait until after there is another storm in the gulf, there might indeed be no insurance industry left to save and no fishing or shrimping fleet left to worry about.

I thank my friend from Washington for his willingness to accept the amendment. I think this will be a great boon to the small-fleet fishermen in business not only along the Gulf coast, but everywhere else along our coasts as well, because all small-boat operators in fishing areas will benefit from this measure, whether they operate out of the great State of Washington or the great State of Texas.

Mr. JAVITS. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. TOWER. I am not in control of the time.

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

Mr. JAVITS. Under the previous order,

is there any time to oppose this amendment?

The ACTING PRESIDENT pro tempore. There is 15 minutes in opposition, under the agreement for control of time.

Mr. JAVITS. To whom is the 15 minutes granted?

Mr. MANSFIELD. The Senator could have the time, if he opposes the amendment.

The ACTING PRESIDENT pro tempore. If the manager of the bill is in favor of the amendment, the time in opposition goes to the minority leader.

Mr. JAVITS. Mr. President, in the absence of the minority leader, unless the Senator from Texas wishes to claim the time in opposition, I claim it.

The ACTING PRESIDENT pro tempore. Very well.

Mr. JAVITS. I yield myself 10 minutes.

Mr. President, I would just like to find out what this is all about, for this reason: I happened to be on the floor strictly by happenstance, but I know that the Committee on Foreign Relations reported this particular measure adversely, unfavorably, and it seems to me that therefore we ought to at least know what the amendment which is before us, and which the chairman of the Committee on Interstate and Foreign Commerce is willing to accept, would do.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. JAVITS. Of course.

Mr. TOWER. This amendment has nothing to do with any of the international aspects of the measure. It simply provides a reinsurance program whereby the owners of perhaps one shrimper, or maybe 2 or 3, can obtain disaster insurance. It bears not at all on the Foreign Relations Committee's objections to the bill. That is all it would do.

Mr. MAGNUSON. The original bill deals with foreign relations matters. It deals with seizure of ships off the coast of South America. The amendment of the Senator from Texas does not, but his amendment is germane to the whole thrust of the bill.

Mr. JAVITS. I understand, Mr. President, may I ask the Senator from Washington if it is intended to vote on this bill today?

Mr. MAGNUSON. If we can, later in the day, but not now.

Mr. JAVITS. May I, then, ask the majority leader what will happen? Will we take a recess?

Mr. MANSFIELD. No. What we are trying to do is to fit into the legislative position we are in today a number of factors. The distinguished Senator from Tennessee (Mr. BAKER) is on his way here to offer an amendment to the unfinished business, after the amendments of the distinguished Senator from Texas (Mr. TOWER) and the distinguished Senator from Alaska (Mr. STEVENS) are disposed of. It is intended, if at all possible, to vote today on this bill, on which we have a time limitation to which the Senate agreed yesterday.

Mr. JAVITS. My inquiry was simply whether there will be a hiatus between the time of the adoption of these amendments and the time of the vote, so that I can consult the chairman of the Committee on Foreign Relations.

Mr. MANSFIELD. Yes, there will be, because the distinguished Senator from Tennessee is going to offer an amendment to the unfinished business.

Mr. JAVITS. Of course, I accept the assurance of the Senator from Texas that his amendment does not affect the foreign relations aspects of this bill.

Does the amendment of the Senator from Alaska affect that situation?

Mr. STEVENS. I am happy to state to my colleague that mine has no relationship. It deals solely with the problem of fishermen who cannot sell their fish after the fish are caught because of regulations of the Federal Government in the environmental field.

Mr. JAVITS. I thank the Senator.

I appreciate very much the indulgence of the Senators. I have not the remotest notion of what the committee will do about appearing on the floor, but I felt that they ought to have a chance to know what is happening.

Mr. MAGNUSON. Senator SPONG will be here. He handled most of the hearings. I assure the Senator from New York that he can have as much time as I have if he wants to oppose the original bill, the House bill. These two amendments relate to fisheries and they are germane, but they do not dip into the international problem.

Mr. JAVITS. I thank the Senator.

Mr. HATFIELD. Mr. President, I am pleased to support the amendment of my friend from Texas (Mr. TOWER) to the pending bill, H.R. 7117. I know him to be a man who has fought for years for the commercial fishermen of the gulf coast, and elsewhere around the country. As a Senator from a State where commercial fishing is very important, I have known that Mr. TOWER always was ready to join in efforts to support the commercial fishing industry.

This amendment is a worthy step toward the protection of something far beyond the control of the fishermen of this country. Storms that ravage our coasts inflict damage far beyond the capability of all commercial fishermen to repair and replace. In an industry beleaguered by a declining economic outlook, storm damage spells ruin. It is that simple.

The fishermen of Oregon exist on bare essentials, many fishing as a part-time occupation to supplement their incomes from other sources. The economics of the fishing industry—facing as they do the rapacious appetites of foreign fishing fleets—are such that a severe storm can ruin the economic life of an important segment of Oregon communities along the Pacific coast.

Senator TOWER's amendment, providing for reinsurance for storm damage to commercial fishing fleets should be adopted, and it will be welcomed by the commercial fishermen of Oregon.

Mr. TOWER. Mr. President, a parliamentary inquiry.

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

Mr. TOWER. The pending business is my amendment No. 804?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Does the Senator from Washington yield back his time?

Mr. MAGNUSON. Yes.

The ACTING PRESIDENT pro tempore. All time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from Texas.

The amendment was agreed to.

AMENDMENT NO. 1107

Mr. STEVENS. Mr. President, I call up my amendment which is at the desk.

The ACTING PRESIDENT pro tempore. The amendment offered by the Senator from Alaska will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. STEVENS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

At the end of the bill insert a new section as follows:

"(a) As used in this section—

"(1) The term 'Secretary' means the Secretary of Commerce.

"(2) The term 'domestic fishing' means commercial fishing which is subject to regulation or restriction under the laws of any State.

"(3) The term 'fishing equipment' includes nets, equipment, and vessels used in domestic fishing.

"(4) The term 'prohibitive Federal or State restrictions' means restrictions related to a deterioration in the quality of the aquatic environment and imposed on or after January 1, 1971, by any State or by any department or agency of the Federal Government which, in the judgment of the Secretary, impair the economic feasibility of any type of domestic fishing to such an extent as to reduce (1) by 50 per centum or more the fair market value, in the affected area, of fishing equipment principally useful for that type of fishing, or (2) by 20 per centum or more the market value of the commercial catch in the affected area which would have been realized in the calendar year concerned but for the imposition of such restrictions.

"(5) The term 'eligible owner' means any legal entity which—

"(A) is the owner of fishing equipment, and

"(B) was engaged in domestic fishing as his usual occupation for one month or more prior to the imposition of prohibitive Federal or State restrictions thereon.

"(b) (1) Any eligible owner adversely affected by the imposition of prohibitive Federal and State restrictions in any calendar year may apply to the Secretary for a grant under this section for the purpose of enabling such owner to meet the usual business expenses which, but for the economic loss caused him by the imposition of such restrictions, such owner would ordinarily be able to meet.

"(2) (A) In any case in which paragraph (B) does not apply, a grant made by the Secretary under this section may not exceed an amount equal to 70 per centum of the yearly gross earnings from domestic fishing operations which the eligible owner lost in

the calendar year as a result of the imposition of such Federal or State restrictions. In determining lost gross earnings from domestic fishing operations for an eligible owner under this paragraph, the Secretary shall subtract the amount of actual or estimated gross earnings from such operations in the year in which such Federal or State restrictions were imposed from the yearly gross earnings from domestic fishing operations made by such eligible owner in the last calendar year in which no prohibitive Federal or State restrictions affected such owners' operations.

"(B) In the case of an eligible owner who substantially increased his investment in fishing equipment for use in the calendar year in which such restrictions are imposed, as compared with his investment in fishing equipment in the calendar year immediately preceding such calendar year, a grant made under this section may not exceed an amount equal to 70 per centum of the estimated yearly gross earnings from domestic fishing operations which the eligible owner lost in the calendar year as a result of the imposition of such Federal or State restrictions. In estimating lost gross earnings under this paragraph, the Secretary shall take into account the size, type, and number of fishnets owned by the eligible owner and in use by him at the time of, or intended to be used by him before, such Federal or State restrictions were imposed and the expected income per fishnet for that calendar year.

"(3) No grant may be made under this section unless application therefor is made before the close of the calendar year after the calendar year in which the prohibitive Federal or State restrictions concerned are imposed.

"(C) The Secretary shall attach such conditions and limitations with respect to a grant made under section 3 of this Act as he deems necessary or appropriate to protect the interests of the United States. The acceptance of a grant made under section 3 of this Act shall operate as an assignment to the Secretary of all rights of the eligible person receiving the grant to recover damages against any party for committing or failing to commit acts which resulted in the imposition of the prohibitive Federal or State restrictions on the basis of which the eligible person obtained such grant. If the Secretary recovers damages by exercising any right assigned to him under this section, any amount so recovered in excess of the amount of the grant made under this Act and the administrative expenses incurred in exercising such right shall be paid to the eligible person concerned.

"(D) There is authorized to be appropriated to carry out the purposes of this Act not to exceed \$4,000,000 for the fiscal year ending June 30, 1972, and not to exceed \$5,000,000 for each of the four succeeding fiscal years."

The ACTING PRESIDENT pro tempore. Is this the Senator's amendment on which there is a 1-hour limitation?

Mr. STEVENS. This is the amendment, Mr. President.

The ACTING PRESIDENT pro tempore. Thirty minutes to a side.

Mr. STEVENS. Mr. President, this amendment deals with the problem of fishermen, primarily the fishermen on the west coast.

I ask unanimous consent to have printed in the RECORD at this point the statement I made when I submitted this amendment, so that it can be understood in context by the people who will be reviewing this RECORD on the other side.

There being no objection, the state-

ment was ordered to be printed in the RECORD, as follows:

Mr. STEVENS. Mr. President, today I am introducing a bill and submitting an amendment to another bill designed to assist Alaska fishermen who are faced with economic ruin as the result of restrictions imposed upon them in their domestic commercial fishing by prohibitive Federal or State restrictions.

The bill I am introducing today authorizes the Secretary of Commerce to purchase these fish from any legal entity which first, owns fishing equipment; and second, engages in domestic fishing as its usual occupation. The catches of fish which may be purchased are those which the owner is prevented from selling by restrictions related to a deterioration in the quality of the aquatic environment which were imposed on or after January 1, 1971 by any State or Federal agency and which, in the judgment of the Secretary, impair the economic feasibility of any type of domestic fishing.

The Secretary is authorized to buy such fish at the fair market price in the area at the time of purchase. The "fair market price" is a term of art widely used in the law and easily determinable. Such fair market price must be evaluated in the specific locality, that is the specific town or city at which the catch is sold. The price must be determined as of the specific date of sale. Thus defined, these terms will provide the Secretary with practical guidelines for enforcement.

The total amount of such purchases in any calendar year from any one eligible owner may not exceed 50 percent of its gross earnings from domestic fishing operations. The Secretary is then authorized to dispose of these fish in any legal manner he deems appropriate. Any such purchase must be subject to the condition that the eligible owner assign to the Secretary any right he may have to recover damages for the act or omission resulting in the imposition of such Federal or State restrictions. The Secretary is also empowered to prescribe rules and regulations necessary to carry out the provisions of the act.

Finally, amounts not to exceed \$4,000,000 for fiscal year 1973 and \$5,000,000 for fiscal year 1974 are authorized.

Mr. President, this bill is specifically designed to alleviate a problem facing many small fishermen in southeast Alaska. It is the result of mercury pollution levels found in halibut by the Food and Drug Administration. This finding has resulted in a determination that halibut above a certain size may be dangerous and unfit for human consumption. Because of this finding, the industry has been unable to sell halibut over a certain size, such size varying depending upon the area of the ocean in which the halibut was caught. This problem has had devastating economic effects throughout southeast Alaska.

On October 8, 1971, the Subcommittee on Oceans and Atmosphere of the Senate Commerce Committee held hearings in Petersburg, Alaska, on this subject. At these hearings, the chairman of the subcommittee, the distinguished Senator from South Carolina (Mr. HOLLINGS) and I were present. A large number of representatives from various fishing groups and governmental agencies were also present and testified before us. A report of these hearings is contained in report No. 92-41, which has just recently been printed. I believe that the need for this legislation is amply demonstrated by the testimony of the many witnesses who appeared and described in detail their personal accounts of the economic devastation they face as a result of this FDA determination.

For example, the situation facing the Petersburg Cold Storage Co. is typical. The

Petersburg Cold Storage Co. is owned by 170 individual shareholders. It serves one of the small southeast Alaska towns which is directly affected. It was founded in 1926 by a local group of fishermen and merchants handling fish products, primarily halibut. It has operated successfully and has produced roughly 125,000,000 pounds of halibut, a yearly average of 3,000,000 pounds. Yearly ranges have been from 1 to 5 million pounds. The replacement value of the plant alone is \$1,500,000 and it has an insurable depreciated value of \$1,029,000. It employs 20 to 60 people per season. The average employment for a 12-month period is 28. The annual payroll runs about \$400,000. Normally, they would have 20 to 30 halibut vessels outfitting in Petersburg at times other than the normal seining season. However, as a result of the mercury pollution level, last year only two vessels fished for halibut in the area immediately surrounding Petersburg. In a poll of 13 fishermen in nearby Kake, Alaska, in 1971 not a single fisherman indicated he felt he could economically fish for halibut, given the present restrictions. The same fishermen indicated that they felt that they did not believe that they would be able to fish in 1972 either.

Of course, solutions other than this bill are also being sought. However, even though it is not at all certain that a level as low as 0.5 part per million is necessary or even practical, I believe that one solution that must be considered is embodied in this bill. I urge that my colleagues give it their most serious attention.

Mr. President, the amendment I am introducing today attempts yet another solution to this problem. This amendment is identical to S. 875, a bill I introduced a little over a year ago. This amendment would provide partial reimbursement for losses incurred by commercial fishermen as the result of prohibitive Federal or State restrictions imposed on domestic commercial fishing. It would also authorize grants from the Secretary of Commerce to enable any eligible owner to meet the usual business expenses he was prevented from meeting as a result of these restrictions. Under the bill, if a fisherman accepts reimbursement, he automatically authorizes the Federal Government to file suit in his behalf against those who polluted the waters. Any amount collected in excess of the initial reimbursement and court costs would be turned over to the aggrieved fisherman accepts reimbursement, he automatically authorizes the Federal Government to file suit in his behalf against those who polluted the waters. Any amount collected in excess of the initial reimbursement and court costs would be turned over to the aggrieved fisherman by the Government which initiated the suit. Although it is reasonable to expect this method of reimbursement will ultimately be self-supporting, such a status will probably not be achieved for several years. Accordingly, my amendment appropriates \$4 million for operation of the program during the first year and \$5 million for each of the 4 succeeding years.

Mr. STEVENS. I ask my good friend and neighbor, the Senator from Washington, whether he has reviewed this amendment and if it is acceptable to him.

Mr. MAGNUSON. As I stated earlier, I have. I am sure that Senator Spong, Senator HATFIELD, who has handled some of these hearings, and I will accept the amendment at this time; because I say again that it is germane to this bill. It does not deal with our international problems with Ecuador and Peru, but it is germane to the bill.

Mr. STEVENS. I am indebted to the chairman of the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I yield back my time.

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

The ACTING PRESIDENT pro tempore. All time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from Alaska.

The amendment was agreed to.

Mr. MAGNUSON. Mr. President, I have not exercised the parliamentary privilege of moving to reconsider. I do not think we will have to do that, but I do want it open so that if other Senators wish to discuss it a little or perhaps wish to move to reconsider and then discuss it, they will be able to do so. But I am almost positive that there will be no problem about these two amendments.

The ACTING PRESIDENT pro tempore. The bill is open to further amendment.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending bill be laid aside temporarily, that the unfinished business be laid before the Senate at this time, and that the Chair recognize the distinguished Senator from Tennessee (Mr. BAKER) for the purpose of offering an amendment.

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

FOREIGN RELATIONS AUTHORIZATION ACT OF 1972

The Senate resumed the consideration of the bill (S. 3526) to provide authorizations for certain agencies conducting the foreign relations of the United States, and for other purposes.

AMENDMENT NO. 1201

The ACTING PRESIDENT pro tempore. Under the previous order, the pending business is the amendment of the Senator from Tennessee, which will be stated.

The legislative clerk read as follows:

On page 26, line 15, strike out all of section 205.

The ACTING PRESIDENT pro tempore. There is a time limitation of 1 hour for debate. Who yields time?

Mr. BAKER. Mr. President, I suggest the absence of a quorum, on my time.

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

The legislative clerk proceeded to call the roll.

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

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

Mr. BAKER. Mr. President, I yield myself such time as I may utilize.

Mr. President, I rise to offer an amendment to strike a section of the bill S. 3526 which I believe is unwise and

goes far beyond either the intent or the jurisdiction of the Foreign Relations Committee. It is a provision which would prevent the U.S. Government from providing any assistance to foreign governments in the field of information. It applies to all Government agencies, prohibiting any of them from directly or indirectly preparing or assisting in preparing for dissemination, or disseminating, information of any kind for, on behalf of, or in the name of a foreign government.

The committee was apparently concerned about the activities of the U.S. Information Agency in Southeast Asia. These activities were begun during previous administrations. USIA assisted the information services of the governments of the Indochinese States and Thailand. But the Agency has testified that they have discontinued this effort and that present USIA policy is that such activities should be the responsibility of the governments concerned. To the extent that the bill is directed against USIA operations in Southeast Asia, it addresses a situation which no longer exists.

However, it will have an adverse impact on other agencies and activities which promote American domestic and foreign interests and which should be continued. Since World War II our Government has provided information assistance to foreign governments as a constructive and relatively inexpensive part of foreign policy. In addition, of course, it has served our own domestic policy interests when other governments were in a position to communicate to their people matters about which our Government was concerned, or which which were matters of international policy, such as the current efforts on narcotics control and ecology.

In post war Europe we provided advice and, in some cases, media materials to governments which received Marshall plan aid and which supported our foreign policy objectives. Following the Marshall plan period, the United States on occasion responded to requests of a small number of developing nations for assistance with their own information program. This assistance was carefully tailored to provide support for our overall foreign policy goals and was designed to encourage a stable and peaceful political evolution. It was provided only for limited periods of time and for limited objectives.

The sweeping language of section 205 would either prohibit or seriously impair the further dissemination of information which is now routinely passed between Federal agencies and foreign public and private agencies to serve mutual interests in such fields as welfare, commerce, and security. In reaching well beyond the intent of the original Informational and Cultural Exchange Act, section 205 would prohibit or impair the further dissemination of information dealing with the following areas of concern to our Government, both domestically and as they relate to foreign policy:

A. NARCOTICS

Section 205 would prohibit dissemination of information to foreign public agencies for further dissemination of information concerning detection, controls,

seizures, and prosecutions which have a direct impact on our domestic drug problem. Foreign narcotics control activities such as the preparation of training materials based on United States-supplied information for use in police antidrug divisions, would be seriously hampered. Further, Federal agencies would be prohibited from disseminating information received from a foreign country for the purpose of apprehending or extraditing for that foreign country a fugitive drug pusher who has sought refuge in the United States. It would seem that such a prohibition would also be contrary to treaty obligations.

B. FAMILY PLANNING

Section 205 would also prohibit the dissemination of information to foreign public agencies and impair the use of information by foreign private agencies concerning methods to achieve planned population growth and advanced methods of curtailing uncontrolled birth rates.

C. POLICE MATTERS

Section 205 would prohibit the dissemination of information to foreign police agencies for further dissemination concerning international crimes and criminals, extradition matters, and law enforcement techniques. Such prohibition would also appear to be an abrogation of U.S. treaty responsibilities.

D. ECOLOGY

Section 205 would prohibit the dissemination of information to foreign public agencies for further dissemination concerning violations of environmental protective agreements, management of natural resources development, and techniques to help minimize or redress ecological damage.

E. EDUCATION, INCLUDING PEACE CORPS CONTRIBUTIONS

Section 205 would prohibit the dissemination of information to foreign public agencies for further dissemination and impair the dissemination of information to foreign private agencies which are designed to improve the effectiveness of educational systems.

F. HEALTH

Section 205 would prohibit the dissemination of information to foreign public agencies for further dissemination concerning international health problems, epidemics, and other indigenous health problems in foreign countries, and the overall use and development of medicines and techniques in improving the health of populations.

G. COMMERCE

Section 205 would prohibit the U.S. Travel Service from providing information to foreign public agencies and impair its effectiveness with foreign private agencies for the further dissemination of information, materials, texts, and photos designed to encourage travel to the United States.

There are many other illustrations falling into such areas as disarmament goals, atomic energy, military aid, insurgency, agricultural affairs, international money matters, and international law, which could also be affected by this provision.

I doubt very much that the sweeping language used in section 205 would have

been favorably reported by the Senate Foreign Relations Committee had the points I have touched upon been covered in hearings before that committee when this legislation was being considered. I am unaware of the depth of the committee's hearings on this matter.

Clearly, section 205 goes beyond the scope of S. 3526, which I understand to be an authorization measure for the Department of State, USIA, the Arms Control and Disarmament Agency, and the Peace Corps. Moreover, the ramifications of section 205, as I have illustrated, are clearly outside the purview of the Information and Educational Exchange Act.

In addition to the above, this bill would have one other undesirable result. The second section requires attribution by the particular Government agency of any product it disseminates overseas. I have already indicated how this requirement could impair the effectiveness of our Government's cooperation with foreign private agencies on matters concerning our commerce, health, and welfare.

The requirement that attribution be placed at the beginning of the material would seriously diminish the effectiveness of materials which this Government might want to have distributed abroad and would require new printing of those which we do attribute, either by a specific Government agency or the U.S. Government in general, either at the beginning or the end of the document. The bill would apply to all material distributed, including copies of historical documents, political science tracts, information about law enforcement, international police work, ecology, health and population control, and travel service promotion. These are things which obviously the U.S. Government has no interest in hiding, but whether the specific attribution may be printed in the right place or say exactly the right thing and can be accomplished within the time established in this bill, which would be the time of passage, is difficult to ascertain and it could result in unnecessary and unwarranted expense to the Treasury.

In one special respect this provision could have a most undesirable effect on USIA's operations. USIA assists foreign television producers who want to come to the United States and make films about our country. The Agency lends its studios, provides stock footage as desired, and facilitates travel, interviews, and filming by the foreign television crews. Many of these products are valuable in correcting distortions about life in the United States which are so prevalent abroad.

Mr. President, as evidence of the distortions and a description of some of the work USIA is doing to correct them, I ask unanimous consent that there be printed in the RECORD at the conclusion of my remarks the series by Mr. Merrill Panitt, editor of TV Guide, which recently appeared in that publication.

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

(See exhibit 1.)

Mr. BAKER. Mr. President, Mr. Panitt's analysis is startling, but that his report is all too true is confirmed by any

of us who have had an opportunity to see how our Nation is represented on television screens in other countries. I think we would all agree, indeed foreign visitors to the United States do agree, that the best remedy for some of the false impressions people overseas have about our country is to expose more of the broad reality of life here to television viewers abroad. That is what USIA, with its programs of facilitative assistance to foreign television producers, is trying to do. The problem posed by this bill, however, arises from the fact that in most instances foreign television networks are Government owned and Government operated. If the bill passes with this restrictive provision, a question could be raised whether USIA would be able to continue to give the foreign government television networks the help that they request from the Agency.

Mr. President, it is for these reasons that I offered the pending amendment. At this time, I reserve the remainder of my time.

EXHIBIT 1

WITH FRIENDS LIKE THESE—ON TELEVISION, SOME OF AMERICA'S TRADITIONAL ALLIES DO NOT ALWAYS ACT THE PART

(By Merrill Panitt)

There used to be a catchy headline in an advertisement for a halitosis remedy. "Even your best friends won't tell you!"

Our best friends, the Belgians, the English and the French, aren't a bit bashful. They tell us. Often. On television.

Usually, they tell us by running news films or public-affairs programs, from American networks, that dwell on our problems. Sometimes it's a matter of giving air time to American dissidents such as James Baldwin, Norman Mailer, Stokely Carmichael and Abbie Hoffman. Occasionally they send their own camera crews to the United States to cover a big news story—such as the Attica prison riot.

Whatever is wrong with us, we don't keep it a secret. And our friends are only too willing to pass our troubles along to their viewers.

We asked David Attenborough, director of programming for the British Broadcasting Corporation, whether he thought Americans were paranoid about being criticized on European television.

"I don't think you're paranoid at all," he said. "What we're dealing with is a problem which is a universal problem. It faces us about every country and every activity you can think of." Whereupon he related the complaints of British industrialists and trade unionists who told him that the BBC was "grossly distorting" the situation of labor relations because it only reported strikes and strike threats.

"It seems to me," he said, "that television's job is not to report the average, but to report the significant. It is particularly important to us in the country to report the significant in the United States. Partly because we are so close, but partly because, as that article says [TV Guide, "Through a Glass—Very Darkly," by Robert Musel, Oct. 2, 1971], what is happening today in the United States is going to happen in five years' time in this country."

"I don't know whether it's true or not, but we do reflect a great deal of what happens in the United States. Certainly if you look over the past few years, many of the things that have happened—the student movement, the drug situation—both of these were seen earlier in the United States than here. Hippies, the love generation. I knew about them first from reports from America."

"Of course we report racial troubles. Of course we report student troubles. Of course

we report Vietnam. But if that's all we reported, then you would have a real cause for complaint."

"But what do we see of America? What we see overwhelmingly is Apollo. We've devoted a tremendous amount of time to Apollo flights and Houston and we've gained knowledge of the way Americans indulge in bad image and small talk but organize themselves technologically. Last night we had a program on the 6th Fleet. It seemed to me to demonstrate America's concern and responsibility and how much money you are spending on NATO. We also see a great deal of America on the fringes—things like The Mary Tyler Moore Show represent a certain aspiration in the American character. So does Ironside. All these things together form an amalgam."

All of what Attenborough says is true, of course, but then there's no way to avoid covering an Apollo flight, to avoid giving viewers the sight of men walking on the moon. And NATO is very much Britain's business too, so it behooves BBC to tell its audience what's going on in the Mediterranean east of Gibraltar. There is also some question as to whether Mary Tyler Moore's appealing smile and Raymond Burr's ability to stare down a criminal outweigh the damage wrought by giving American dissidents television time and free rein—and a great deal of encouragement—to attack the basic structure of American society.

After Robert Musel's Oct. 2 article appeared in these pages, BBC used it as the subject of a television panel discussion during which it was brought out that critical programs on such subjects as American unemployment, pollution, sex and marriage, draft evasion, black power and student disorders, all within a period of a few months, did indeed give Americans the impression that British television was slightly biased against them.

Still, said Attenborough, "I and my colleagues, and I believe a great number of British people have profound admiration for the way in which America not only talks about freedom of speech and freedom of reporting, but actually sticks to it. And even when—the going is tough—as it certainly has been during the past two or three years, you say, 'Look, we meant it. We meant that reporting during the Vietnam war is free and open as far as is humanly possible.' And there are very few other countries—as I know personally to my cost—where you can say that."

As elsewhere in Europe, television in Britain, especially news and public-affairs departments, is populated largely by young, left-leaning intellectuals who somehow feel it is their mission to denigrate the American civilization. They scoff at American "materialism"—while in Britain, as throughout Europe today, there appears to be just as much preoccupation with flashy automobiles, comfortable homes and convenience appliances as there is in America. They become indignant over American "racism"—while their own growing racial difficulties are handled with typical British reserve, and politicians win re-election by advocating a halt to black immigration.

This youthful bumptiousness is most evident on a few panel and "magazine" programs, the latter being quite popular in Europe and the model for such American public-affairs programs as *60 Minutes*. In fairness it should be noted that British television generally has a tendency to snipe—whether at the United States or at any other country. This tendency has been described rather accurately, as "ditchiness." It makes for lively, fascinating television.

On panel and talk shows, participants also snipe at their own country and at each other. British television interviewers are sharp and probing. They will not permit their questions to be turned aside and they frequently display anger. One told the man he was interviewing: "Will you please answer the ques-

tion, for once!" The man he was interviewing was the Prime Minister.

Most knowledgeable Americans believe that as a matter of over-all policy, British television is by no means anti-American. Nor are the majority of producers and editors who work for BBC or the independent commercial organizations. There certainly are, however, enough of them who either dislike America or whose politics involve criticizing America, to make British television—on frequent occasions—a source of frustration and anger for Americans in the audience.

What effect all this is having on British viewers is impossible to measure. Without doubt, however, they are getting a distorted picture of our society if they depend entirely upon television for their information about America.

In Belgium the picture of America one sees on television depends largely upon where one is sitting—in Flanders to the north or Walloon to the south. The Flemish speak a kind of Dutch, much as Americans speak a kind of English. The Walloons speak French. Each group has its own separate and distinct television network operating under the aegis of the Belgian government.

The Flemish network has strong central control, straightforward news reports with no editorial comments, a number of variety programs with jolly, fat Ed Sullivan in charge, and quite a few American programs run with the original sound track and Flemish subtitles.

The Walloon network permits more local autonomy and gives its producers more or less *carte blanche*. It imports a number of programs from France, and when it runs a program from the United States or Britain or any other country, it is carefully dubbed into French. The news sometimes includes a few editorial asides. An example:

The day Rap Brown was wounded and captured in a New York holdup attempt, the newscaster explained that early reports did not make it quite clear how Brown's capture occurred. "But then," he added, "it often happens that black militants in the United States are shot by police in circumstances that are not clear."

Belgians pay about \$19 for their annual television licenses and the money goes directly to the government, which decides how much of it will be necessary to run television for a year. Sometimes it is more than the license-fee income, sometimes less. Technically the government has no voice in programming and a law forbids censorship.

Both networks, however, are extremely cautious about domestic politics, leaning over backward to be fair to all parties. There is little investigative reporting or criticism in covering the government. It is said that there are three political parties in Belgium—conservative Liberal, conservative Social Christian and conservative Socialist—for Belgium is a business-oriented country, welcomes foreign investments (United States investment there is about \$1.2 billion; and is a strong NATO supporter).

Belgian networks have adopted a unique method of making certain that all shades of political thought are represented in the news departments. Each news job is assigned a point value—an editor might be worth three points, a reporter one. Each political party is assigned a total number of journalistic points depending upon the party's strength in parliament.

Still the French-language network does seem to reflect thinking a bit more to the left than the parliamentary statistics would suggest. The Social Christians now are the ruling party, with the Liberals to the right and the Socialists to the left. If the Social Christians are the center party and if they have more journalistic points than the others, why are there so many leftists in the news department? We put that question to Emile Heneval, director of news and current-

affairs programming for Radio-diffusion-Télévision Belge (RTB), the French network.

Henceval explained that the general population is more conservative than the young journalists who come out of the universities and go into television. "RTB has great difficulty in recruiting young journalists who have conservative opinions," he said. "There are hardly any."

"But there is a strong and active left-wing minority even among the Social Christians, and the young ones are attracted by that. If a young Social Christian has one journalistic point, he represents the left wing of the Social Christians, even though the general tendency of the party is center. And one always recruits young people."

Then, we asked, is the general picture of America filtered to the Belgian people through these young leftist journalists?

"That is too dramatic, too general a statement," Henceval said. "The majority of young journalists who represent this movement [a critical current toward United States policy] are just as critical of Russia. But it is not the same. . . . Toward the United States one is very critical but very friendly. If you ask young journalists whether they want a month in America or a month in Russia, they'll all choose the United States."

While there is less editorial criticism of America and there are fewer programs about offbeat—and down-beat—aspects of our country on the Flemish network, the news reports do not paint a bright picture.

"It is only natural," said Lode Van Uylven, news director of Belgische Radio on Televisie (BRI), "that Vietnam and racial conflict and demonstrations get more time on the air than anything else. That's the nature of news. Our sources are mainly the American networks. Whatever they put on the air themselves, we got over here."

The director general of the French language network, Robert Wangermee, insisted that the bad news from America was not really all bad. "What we appreciate from American television is liberty of spirit, of self-criticism about the problems of America," he said. "This is very important, that most of the criticism is coming from the United States."

Some Americans living in Belgium say that the French-language network there seems to follow the attitudes of television in France. That would seem to be true if only because so many programs that appear in Belgium—including public-affairs shows—originate in France. This French influence would also be felt, for the same reason, in other Francophone countries.

Belgium, however, has fallen slightly behind in adopting the new French television attitude toward America. In France, America is doing pretty well.

There are some lapses, but generally we found French television almost *pro-American* compared with some of the other European countries we visited.

This is an about-face from treatment of the United States by French television during most of the de Gaulle regime. At that time, television news was all but the property of the administration. When a cabinet member was to make a speech, however minor, one of his flunkies would call a network news chief and demand that the speech be covered. It was covered.

Television program heads had their antennae up for clues as to what their editorial positions should be. De Gaulle was highly critical of the United States. So was French television.

Although many suspect that the antennae are still up, television news, we were told by the news and special-events chiefs of France's two networks, is now absolutely free. The networks themselves do not criticize the French government, but they do cover opposition

political rallies that find fault with President Georges Pompidou and his administration.

Aside from a treatment of "Uncle Tom's Cabin" which was less than complimentary, and a program on group psychology freaks which offered a strangely warped view of how Americans relieve their tensions, the past two years have been relatively free of openly gratuitous slams on French television.

There still are, however, complaints from Americans living in France about what they see as an overly critical attitude toward us, and some have been especially touchy about television reports from the First Network's New York correspondent, Emmanuel de la Taille. Asked about this, de la Taille admitted that he probably was being influenced by the highly critical attitude of the American media to which he is constantly exposed.

So criticism of America still is to be found on French television, but on the whole it has been reasonable and thoughtful. Pierre Desgraupes, news and public-affairs head of the First Network, related a revealing anecdote. It seems the former Soviet ambassador to France was unhappy because French television spoke very seldom about the Soviet Union but quite often about the United States. One day, over lunch, he voiced his complaint to the director general of French TV and to Pierre Desgraupes.

Desgraupes replied that if the Russians made it as easy for him to get a camera crew into Moscow as the Americans do to get a crew into New York, the Soviet Union would be spoken of often too.

After the Russian left, Desgraupes' boss told him: "You know, you won't make it any easier for us to get a crew into the Soviet Union by telling him that."

"Why not?"

"Because you speak a lot about the United States, but you know—and he knows—that everything you say is critical."

We asked Desgraupes if he was making a conscious attempt to balance all the bad news from America with programs that established some sort of balance. He said he was trying, but it was difficult. He even felt compelled, at one time, to produce a program that explained American news-gathering methods, and American freedom of information, to the French audience.

Doesn't France have freedom of information?

"In Europe generally, but especially in France," Desgraupes said, "there is less of a tendency toward the sort of fair play, the sort of criticism that exists in the United States. If we were to criticize trade unions, they wouldn't accept this the way trade unions do in America. If we were to criticize, say, funeral directors, we'd have a letter from their trade union the next day telling us we had put the honor of their profession into jeopardy. Americans accept criticism much more easily than Europeans."

We heard this in other countries too. America has a journalism all its own, a tradition of exposing wrong-doing or unfairness wherever it appears. American readers—and viewers—have become accustomed to this criticism of the Establishment, as has the Establishment. This is not true in most of Europe. The ground rules of journalism are simply different. Some Europeans look upon our self-criticism as a sign of weakness. More, we believe, see it as a basis of American strength.

As in other countries, most of the young people who go into news in France lean to the left. Desgraupes said they were relatively easy to control. The real problem, he said, was directors, many of them Communists, who come and go in television and are almost impossible to control.

The Second Network in France has presented a great many programs on aspects of America rarely touched by other European broadcasters—social security, life in a mid-west community, education, old age. This network appears to be more interested in why

things happen than merely what is happening. So far as America is concerned, this results in more balanced programming.

News and special events are headed by Jacqueline Baudier, a respective news executive, who doesn't care what her newsmen's politics are so long as they are neutral and objective when they're working.

What is objectivity? we asked.

"Honesty," she replied. "You can't always be objective. But you can be honest."

French television's new—and more balanced—treatment of the United States may or may not have something to do with the results of two recent polls. One showed that 59 per cent of those polled said that America is the country that interests them most, the country they most wanted to visit. China was second with 20 per cent.

The second poll showed that the attitude of all Frenchmen polled toward the United States was generally favorable, with those most favorably inclined toward us being in the 19-29 year-old age group.

Which may indicate that everybody in France didn't believe everything they saw on television during the de Gaulle years.

HOW LEFTIST INFLUENCE ON DUTCH TELEVISION OFTEN RESULTS IN A TWISTED VIEW OF THE UNITED STATES

(By Merrill Panitt)

The Dutch are a tolerant people. When the Puritans were hounded out of England for their religious beliefs, they found safe harbor in Holland for the time it took to prepare their voyage to the New World. When last summer's hippies in Europe found themselves unwelcome in many countries, they turned their bare feet toward the friendly ambience of Amsterdam, where many of them still are to be found living on barges tied up along the city's celebrated canals.

Dutch television is tolerant too. There is a deliberate effort to give air time to the entire gamut of political, religious and social beliefs, an effort which through an odd circumstance results in somewhat more criticism of the United States than would seem to be absolutely fair in that tolerant country. The Dutch television structure is such that there is lively competition to attract young, leftist viewers. Nothing is more sure-fire in appealing to this audience than taking America to task for its various sins.

Television time, a total of about nine hours a day on two networks, is pro rated—according to the number of members they have—among associations that represent various political, religious and social beliefs. The more members, the more time on the air. Membership involves subscribing to a television magazine published by the association. Programming is financed from funds provided by a \$20 annual license fee on each television set and by advertising income from commercials that precede and follow each newscast. The money is divided among the associations which in order to fill their air time, produce their own programs or buy them from foreign sources. They share common studio facilities and transmitting equipment. The associations have found that there is little inclination on the part of middle-aged and old people to switch from one association to another. But young people are susceptible to change, and they will join a different association if it appears to represent their views better than the old one did. Their views generally are leftist views.

It is only natural, then, for the associations to compete for the attention of the young leftists in the hope of gaining them as members and thus winning more time on the air. At very least the associations feel compelled to keep the young people they already have from switching affiliation. This is known in Dutch television as "protecting your left flank."

Two associations make no bones about being left-oriented. One is VARA, which has

more than 400,000 members and is therefore entitled to an "A" classification and all the time on the air a Class A association enjoys. VARA represents the Socialists, who are now led chiefly by the New Left. (There are 14 parties in Holland and the Socialists are the largest party with 23 per cent of the vote in the last election. It is in opposition, however, because the government is a coalition of five minority parties.) The other leftist association is VPRO, which has under 250,000 members and is classified "C," which entitles it to considerably less time than VARA. VPRO is a far-out Protestant organization known for its satire. It has drawn the fire of conservative Protestants who complain that some of its programs take the form of obscenity bordering on pornography.

VARA did a program on Angela Davis implying that she could not get a fair trial in the United States. It also did one featuring an interview with Chicago 7 attorney William Kunstler, during which the Dutch interviewer Pler Tania deliberately fed Kunstler questions worded to bring out the most poisonous anti-American propaganda the attorney could produce.

When VARA covered the funeral of prisoners killed in the Attica riot, the interviewer was Pler Tania again. He began the program with this statement:

"American blacks may demonstrate and bury their dead, but American society stays unmoved. There is a growth of poverty, discontent, violence. The black leaders are saying that the black civil war has already started. Attica is a political case. While authority over 1200 black prisoners. Criminals, yes, but also colored people who never had a chance in American society."

He supported this contention with interviews of three mourners at the funeral, one of whom obligingly told Tania: "We feel that America is one big Attica; one big concentration camp. America is a prison, a slave camp for black people. We can't stay here and we can't leave here. We are enslaved here. We're not robbing, we're expropriating money from the thief himself. We're taking what belong to us. We're going to get the person who created this violence—known as Richard Milhous Nixon and Company, known as the United States Government."

For whatever consolation it may provide, VARA has described the Soviet Union as "even more indigestible than the United States."

VPRO, the satirical Protestant association which is just as far left as VARA, has been disowned by many Protestants who object to its sexual permissiveness and its political radicalism. One of its most virulent slams at the United States recently was a musical program titled "Carte Blanche," which featured an American black and two American Indians who live in Holland. Much of it was racial material, with lyrics such as "Niggers hanging from the trees, swinging in the breeze" used to describe current conditions in the United States. Said one American who once spent several years in the Soviet Union, "I never saw anything worse on Moscow TV."

In its preview of the current season, VPRO promised to deliver a number of satirical attacks on the United States, including burlesques of the Chicago 7 trial and interviews with unsuspecting Southerners who respond to friendly Dutch interviewers in good faith and then become the object of ridicule when the film is shown by VPRO.

These two organizations make no attempt to balance their anti-American material, but say it is up to the more moderate associations to provide balance. Among the more moderate ones is KRO, the Catholic group, which is left of center and which is the vanguard of efforts to force acceptance by the Vatican of artificial birth control and of marriage for priests.

KRO has presented many programs, from American sources and from its own production teams, which show positive aspects of the United States. In recent months it broadcast the ABC documentary on Mayor Charles Evers of Fayette, Miss., and a documentary on police work in Kansas City, Mo., which presented policemen as neither villains nor heroes, but men doing an often difficult but always necessary job. But it also offered its viewers programs on anti-Vietnam demonstrations, Lieutenant Calley and the My Lai massacre, and the Pentagon Papers.

TROS is an association more concerned with entertainment than politics. Significantly, it is growing more rapidly than any other group. NCRV represents the traditional, conservative, Reformed-Church, small-town segment of Dutch society. The largest association, AVRO is somewhat to the right of center. It brought "The Selling of the Pentagon" to Dutch TV. It also telecast a friendly documentary on the 6th Fleet in the Mediterranean.

None of these associations is permitted to broadcast news. That is the prerogative of NOS, an umbrella organization which has no members but which is awarded 40 per cent of all television time for news, sports, some other types of programs, and the presentations of associations which have under 100,000 members and therefore no right to regular time segments of their own.

As an example, we watched a program broadcast during NOS time as a joint effort by three small church groups—IKOR (Inter-church Consultation for Radio and TV Matters), CVK (Convention of Churches) and RKK (Roman Catholic Church Association). The program was *Kenmerk*, a weekly information program about the church and society, which was offering a two-part series on American use of "chemical warfare" in South Vietnam. The first part had to do with chemical defoliants. That program began with a shot of a map of Europe with Hitler in an inset making a speech. Then the narrator said: "Thirty years ago we divided the world into good and evil, on one side the Nazis, on the other side the Allies and the Dutch. Then the world was divided into the Communist world on one side and we and the Americans on the other. Then the Americans streamed into Vietnam."

The program showed defoliated forests, women and children war victims, bombs being released from planes, and interviews with a Dutch biologist and a Communist Vietnamese doctor. Twice during the program, shots of war victims—fleeing refugees and crying children—had as musical background a male choir singing "Glory, Glory, Halle-lujah."

The second part of the series had to do with nausea and tear gases. It presented a film history of chemical warfare, including atrocity film from World War I, which showed chlorine gas victims. Somehow the gases used in Vietnam were equated with the deadly chlorine gas of the First World War.

It was explained that this was a church matter because all this material was being delivered to the bishops meeting in Rome.

News reports as presented by the umbrella organization, NOS, are free of editorial comment. NOS does no editorializing and the associations do no news. But the associations do offer comments on the news, and it is in these commentaries that bias often emerges, for even in the moderate organizations there are leftists in key positions. Holland's most respected news analyst, G.B.H. Hiltermann, appears on television for AVRO, the largest association, and also writes for a leading weekly magazine. In his view, the associations are "completely run or governed or even tyrannized by the New Left."

Hiltermann is no conservative. In Holland, a social-welfare state which is neither completely free enterprise nor completely so-

cialist he is middle of the road. In America, he says, he might be a very liberal Democrat, or even a very, very liberal Republican.

He says all of the broadcasting associations are under leftist influence. "You are forced. You must be progressive. You must agree that something new is coming. You must find new ways. It is fashionable. Maybe it is because this country has for so long been a fairly rigid colonial power. Now that anything is permitted, we are just like Denmark. All of a sudden we are the most revolutionary, the most open, the most crazy society in Europe. The boys with the longest hair are in Holland, the girls with the hottest hot pants are here. This is a country in terrible turmoil. We have all these revolutionary young people trying to find out if our inherited values have some meaning. I'm not against that. The trouble is we have no Establishment, no government, no authority which is still secure in its own position, which can stand. That is the problem."

Hiltermann insists that newspaper circulation figures and popular votes in elections prove that only a minority of the Dutch favor the left. But the left is in control of television, and the United States, as the supercapitalist state, is a sitting duck for television pot shots.

"When I was 18 or 19 years old," he says, "I too thought that society was something alien and different and even hostile. At the university we were saying that one day we would have another world, and we would have ideas and discussions and we would plan a better world. And so I think that as a student maybe I too was thinking of blowing up the world."

"But then the world was strong and the Establishment was strong. I don't think that the attitude and the mentality of the younger generation and the atmosphere even in this country is basically wrong. I do think that it is something that will pass over. When they grow up they will change their opinions. The main thing is that the Establishment is weak, so the left is far more effective now. And then there's the mass media. Just think, if you're young and you have long hair and you've something crazy to say or do—you'll be on television. Just give the word! There is no balance, no counterweight, no counter-influence."

Hiltermann said that the young people one hears from in Holland are leftists but in addressing students at universities, especially engineers, he has gained the impression that the majority of students are not inclined toward the left.

"You must notice in the United States that this left minority can extend a great influence, and the world has constantly been shaped by minorities. The Russian Revolution was not made by a majority. And a convinced and passionate and eagerly working minority can convince a people of quite a lot of things, especially if they are in control of communications. That is the danger."

At the headquarters of the organization that broadcasts all news reports in Holland, the deputy head of NOS television programs, Harry Hagedorn, said he didn't know—or care to know—the political views of the men who read the news.

"Our job is to report all opinions and viewpoints. We want to have critical people working for us, but not activists."

He admitted that Dutch television was critical of the United States but that the criticism comes out of true friendship. He also said he believed viewers were getting a balanced picture of the United States.

However, when he first visited America, he said, "I was surprised to find poor white people. Here in Holland we always thought that poverty had only to do with black people. We thought they were treated badly and so they were poor. I saw that there were white people who were poor too."

We asked Hagerdorn whether Dutch television criticized the United States so often because America is a capitalistic nation. "It may also be," he replied, "because we have problems in our country and it's very nice to look at other people who also have problems."

Ratings are a deep secret in Holland, where only a few top executives see the figures. The most popular program most weeks is *Peyton Place*. Next comes *On the Buses*, a British situation comedy. American programs occupy about 31 hours a week—some 18 per cent of all television time. Among the programs are *Lucy*, *The Brady Bunch*, *Alias Smith and Jones*, *Mission: Impossible*, *Bonanza* and *Nancy*.

Most of them have much higher ratings than the current-events programs that emphasize a negative view of the United States. Still, it is annoying and frustrating for an American to see his country's faults exaggerated, or at least dwelled upon until they overshadow our accomplishments.

J. William Middendorf, America's Ambassador to the Netherlands, put it as diplomatically as possible: "One of the trends I've seen since I've been here has been a tendency for quite a few television programs to take America out of context. They show a part of America that does exist, but to someone who doesn't have the shared experience with America that those over 40 in the Netherlands have had either during the war or after it—to such an outsider selecting a few programs about America without looking at the over-all picture, he might get the impression that America is made up of nothing but illnesses. I would hope that there would be more of a balance possible."

"I don't say this as a criticism of all of Dutch television. I say this as a criticism of a very small part of it. One tends to remember the few negatives—and the few negatives do stick in your mind—at least those that don't seem to be at all balanced."

The Ambassador said he was chiefly concerned with the effect of these programs on the younger generation in Holland who might get the idea that America is just "kind of a sick place."

American observers agree that the Dutch people have a much more positive attitude toward America than their television does. One mitigating factor may be the fact that the source of each critical program is known. Says James Everett, an American public-relations man who also is general manager of an English-language newspaper distributed in Benelux countries, "They tell you this next program is presented by a leftist organization, so you sit back in your seat and can discount it. Labeling prejudices tends to take the sting out of them." The Dutch are used to considering the source of the programs they watch on television.

Not long ago one of Holland's former leading industrialists, now a consultant well-qualified to analyze socio-political conditions, was commissioned to do a private report on Dutch attitudes toward the United States. Here are some of his comments:

"The virtues inherent in social criticism a very small section of the young people. Their somewhat wanton anarchy is rejected by most young people, but their sociocritical ideas have become the common property of the younger generation. Also older people have been led to thought and have become uncertain. Dismayed by overpopulation [Holland is the most densely populated industrial nation in the world], frustrated by a worldwide moral and religious crisis, made radical by their powerlessness in regard to all sorts of problems, their own and international, they are confronted evening-in and evening-out by the often glib and emotional radicalism of the TV commentators. . . .

"The virtues inherent in social criticism are at present the monopoly of the political left in Holland (and in Europe). This means

that the leftist parties can find in the United States an ideal target, a self-evident bogey, directed at the maintenance of the established position of institutions such as the army, capitalism, big business, etc., and thus opposed to renewal, anti-intellectual, violent, against participation, etc."

"The illustrated self-criticism of the United States which is obtainable everywhere supplies ample and damaging material to strengthen this latter picture."

AN EVIL PLACE RUN BY EVIL MEN

(By Merrill Panitt)

Sweden has the most blatantly anti-American television this side of the Iron Curtain. We were introduced to it one quiet Sunday evening in Stockholm, when an English lesson appeared on our hotel-room screen.

It featured a man, a boy and a sketchbook. The man asked, "What is this?" and held up a drawing of a pretty girl standing in front of the Eiffel Tower. "That's easy," said the boy. "She is French."

"What is this?"

Picture of a happy boy bundled up against the snow. Background: the Kremlin. "That's easy. He is Russian."

"What is this?"

Picture of a fat, ugly man chewing on a huge cigar. He was wearing a big cowboy hat, an aloha shirt, and shorts revealing hairy legs. Draped from his shoulders were two cameras.

"That's easy. He is American."

It is the contention of many of those working in Swedish television that the medium should not just inform, it should educate and mold public opinion, it is molding public opinion against America.

Take educational television, directed toward school children. Among the treats enjoyed by first- to fifth-grade youngsters was a two-part atrocity film from North Vietnam showing the alleged results of American bombing.

Recently geography books were distributed to children to be used as texts for in-school telecasts. The cover of the book on the Soviet Union bears an innocuous picture of the Kremlin. The cover of the book on the United States is a picture of unhappy black children behind a fence.

"On Swedish television," says Lars Winburg whose business takes him to the United States on occasion, "America is an evil place run by evil men with evil intent."

News from America, bad enough usually in its original form, is edited to make it appear worse. Thus film footage on the Selma, Ala., march was edited to show only blacks walking, and whites jeering from the sidelines. There were no pictures of the whites who joined in the march. In coverage of our last national election only anti-Administration candidates were interviewed.

American civil-rights legislation is rarely, if ever, mentioned. (School textbooks, printed in 1960, don't cover the subject either.) Dollar imperialism is one word, like damn-yankee. Our technological and space achievements are shown, but commentators dwell on the question of why is it that Americans can go to the moon if they can't solve their problems on earth.

The death of Whitney Young, head of the National Urban League, went unnoticed on Swedish television. So did the efforts of NAACP director Roy Wilkins to combat efforts by black separatists to have separate facilities on college campuses. But Stokely Carmichael is a fixture on Swedish television, and the Black Panthers are given so much time that many Swedish people believe it is the only American organization that speaks for blacks.

When Ralph Abernathy, head of the Southern Christian Leadership Conference, arrived in Sweden and appeared at a press conference, he was promptly labeled "Uncle

Tom." He told the reporters that to judge from Swedish media, the Black Panthers were Black America. "Look," he said, "there are more people at my Sunday sermon in Atlanta than there are Black Panthers in all of the United States." No Swedish newspaper, or television newscast, carried the quote.

As for Angela Davis, it has long since been concluded that she will be found guilty—if the Americans bother to bring her to trial. The Swedish plea is that she be given political asylum outside the United States.

There is a mild joke about Sweden having stereo television—two channels on the left. Actually, many people refer to Channel 2 as the Red Channel, because it's not easy to separate the news from the editorial comments there, and Channel 2 has even more of a tendency than Channel 1 to edit news to fit what the men in the news departments like to believe.

Who are the men in the news departments? According to a leading Channel 2 television producer who asked not to be identified, "It is a floating, seemingly intellectual, unreal people who are the basis for recruitment into the news department. They are not only left, they're professionally left—slightly anarchistic."

"I don't know how the people here at Channel 2 vote, but I would say very many of them are to the left of the party in power [which is left of center]. I doubt that the political pattern is representative of the people in general. If you have a conglomerate of intellectual and young—very, very young—staff at Channel 2, it will stand more to the left. That means that the attitude toward America is not only based on the Vietnam war but it reaches a little deeper to the fact that America is a capitalistic country."

Sweden is a welfare state, with the state owning transportation, communications and the nation's largest iron mine. Other businesses operate under the private-enterprise system. Taxes are extremely high. A family man earning \$10,000 a year must pay more than \$4,000 in taxes to support state health, education, pension, housing subsidy and other welfare measures. While many necessities of life are covered by welfare, the average family can afford meat only once a week. There is concern in the government about "tax fatigue."

Sweden, incidentally, is experiencing unemployment and inflation problems. Taking into account thousands of people working on emergency government projects, the total unemployed figure runs to about 3.1 per cent of the 3.9 million working force, which is critically high by Swedish standards.

Television is government chartered, with each set owner paying a license fee of \$40 a year. For this he has two channels of television on the air each evening and educational television for his children during the day.

The preoccupation with what is going on in America, and what America is doing wrong in international relations, is almost to be expected. There are eight million Swedes in Sweden, about 12 million people of Swedish descent in the United States. Over a period of 50 years, about a quarter of Sweden's population emigrated to America. And the Swedes themselves boast, "We are the most American nation outside of America."

Dr. Lef Carlsson, a leading political commentator and head of the cultural department of the newspaper Svenska Dagbladet, is also a member of the Royal Control Board of the Swedish Broadcasting Corporation. We asked him whether the Swedish people were getting a balanced picture of the United States through their television. His reply: "Not quite, I'm afraid."

In straight news, such as a speech by President Nixon, he said, the people usually do get objective news.

"In one certain sense, however," he said, "the picture is unbalanced. Some phenomena in American life have been stressed out of all proportion—such as the Black Panther party, the black-power movement, even the antiwar movement. If the Swedish public were to create their picture of the American social scene in its broadest sense from Swedish television—as of course the Swedish public must do in most cases—there is a risk that they must overlook the central fact that there are important developments in the United States other than the Black Panther party, that there are indeed political thinkers other than Eldridge Cleaver.

"My fundamental impression," he said, "is that these extreme and marginal phenomena—important as they are—are given in Swedish television a role out of all proportion to what they in reality are."

Dr. Carlsson said some of his personal friends who are television producers have radical leanings and would be proud to admit it—especially the young ones, and there are a great many young ones.

"I have the impression," he said, "that there is emerging a new type of TV journalists, who have the honest and honorable conviction that it is their duty to do the good thing, to head the good forces of the world. To knock the United States. To play Americans down and help what they regard as the true cause of the American people, the American people being more or less unconsciously identified with the black community of the United States and the student population. They are presenting what I regard as a distorted picture of the United States but of course they regard it as a true picture of the United States. They present this obviously distorted picture because out of very serious convictions they think that this is the right thing to do."

It is also the right thing to do, by their standards, to offer viewers a three-part propaganda series from Cuba, propaganda films from North Korea and North Vietnam, even material from the Argentine underground.

The Soviet Union, on Swedish television, is pictured as an essentially peaceful nation, with such episodes as the marches into Hungary and Czechoslovakia classified as "exceptions." In contradiction to this picture, the Soviet Union is, however, attacked vigorously on these "exceptions," as well as on its lack of intellectual freedom, treatment of the Jews and persecution of writers such as Solzhenitsyn. Other members of the Soviet bloc come in for criticism too on matters of personal and intellectual freedom.

Still, if anyone kept score, the U.S. would undoubtedly win the "most often criticized by the Swedes" prize.

Journalists in Sweden are protected by a press law which forbids interference with their creative efforts. An American reporter told us that the worst job in the country must be that of a managing editor: "He can't manage because of the labor laws. [It's almost impossible to fire anyone.] And he can't edit because of the press laws."

These laws also apply to television, and one television director sued the director general of Swedish broadcasting because some scenes had been cut out of one of his programs. The film director won the case in a lower court, but much to the relief of broadcasting executives, a higher court reversed the decision.

By law, television programs must be "impartial." Hakan Unsgaard, the head of Channel 1, cited this law several times when we questioned him as to whether he thought Swedish television was being fair to the United States. In effect he said it was fair because the law said it had to be.

He made much of the fact that they get most of their material about the United States from American networks. If there is more emphasis on problems than anything else, that is perfectly natural in news coverage, he said.

Unsgaard is a member of a group that supervises the journalism school in Stockholm. "Within the last two or three years," he said, "graduates of the school have had the idea that they not only have to describe what's happening in the old who, what, when, where, why tradition, but they also have an ambition to change the society by their writing."

He also made the point that there is an interaction among the various media. "You have in the Swedish press and radio and in books, the debate about the United States, especially about the United States in Vietnam. That, of course, is also reflected in Swedish television programs. If the press is critical of America, television is likely to be."

The press is critical of America. It is almost a competition to see who can paint the most unfavorable picture.

There was the celebrated case of Glanton Dowdell, an American black who jumped ball on savings-bond forgery charges and fled to Sweden. There he became a public hero on television and in the press by claiming that he was being persecuted because he was a labor leader and that he would be killed if he returned to the United States. An American attempt to extradite him failed. Finally a Swedish paper sent a reporter to Detroit to investigate. It was learned that Dowdell was no labor leader, that he had a long police record, that his story was ridiculous. The paper printed the facts, but it might just as well not have because it kept right on referring to Dowdell as a labor leader who was being persecuted by the United States.

An American took the paper's editor to lunch and asked why, if Dowdell had been proved a fraud, he still was being described in news stories as a persecuted labor leader. "Because," he replied, "any editor who did not handle the stories that way would lose his credentials as a radical in the Stockholm journalistic 'community.'"

The American expressed amazement. "Are you saying to me that it's more important to you as a journalist and editor to be considered a good radical than to be correct in what you print?"

Answer: "Yes."

This kind of thinking is difficult for most Americans living in Sweden to understand. Some of them call television stations after particularly insulting and inaccurate programs and try to set the record straight. They find few people interested in facts.

"If this country were to be a book," one exasperated observer said, "it would have to be written by Lewis Carroll or Joseph Heller. It's all either 'Alice in Wonderland' or 'Catch 22.'"

Oddly enough, polls show that there still is a great reservoir of good will toward America in Sweden. Asked where they would want to live if they had to leave Sweden, more Swedes picked the United States than any other country. But there is, perhaps, something ominous in the fact that a larger percentage of Swedes over 25 than under 25 wanted to live in the United States. Television may be having its effect on young people.

At least that is the contention of many Americans in Stockholm. One, Gunnar Rasmussen, who heads Pan Am Airways in Sweden, says he has seen a change in attitude toward him and his family since the current anti-America kick started in about 1966.

"I'm certain this television propaganda is having a big influence in changing their opinion of America," he said. "Over the 11 years I've been here I have seen the change. And the opinion that some of the youngsters have of us is absolutely unbelievable."

James Everett, an American public relations man, spent a number of years in Sweden, where his two teen-age daughters were happy that they spoke the language so well they could pass as Swedes in school. "They were almost ashamed of being American," Everett said. "To be an American in

Sweden, living in a Swedish environment, is like being a Negro in a WASP community. That may be a bit harsh, but you do have that feeling there."

The problem is a serious one. American Ambassador Jerome H. Holland does a great deal of traveling and speaking around Sweden and is considered by Americans there to be our strongest asset in countering the leftist propaganda. But because this brilliant diplomat is black and holds high government office, he frequently is accused by the leftists of being an "Uncle Tom." He scored well in two television appearances (Swedish TV felt it had to balance those appearances later by running what amounted to a Soviet bloc documentary-film festival), but the job of restoring American prestige will be long and difficult—especially among the young who have neither close familial ties with America nor personal knowledge of America's role in two European wars.

We were told that things are not as bad now as they were before the major withdrawals of American troops from Indo-China. We were told that Sweden's unemployment and inflation problems were centering the attention of the media more and more on her own problems rather than those of the United States. We were told that we had arrived during National Vietnam Week (Slogan: "Get U.S. out of Vietnam") and that it was an unusually mild one—only three or four television programs on the subject during the entire week.

It is good to be told that America is being treated more kindly these days on Swedish television. But to these eyes there still seems to be quite a way to go before anything resembling balance is achieved.

TO LET EUROPE SEE US AS WE ARE (By Merrill Panitt)

Anti-Americanism is a fact of life in Europe. The bias is quite evident on television and there is little doubt that presenting a negative picture of America is a labor of love for young leftists with access to the medium.

According to Jean-Francois Revel, the middle-of-the-road socialist whose "Without Marx or Jesus" proposes new guidelines for leftist thinking, there are two varieties of anti-Americanism and both of them share a single function: to explain failure.

"For the anti-American of the right, the decline of his own country has been caused by the inordinate increase of American power; that increase has been made possible by the decline of the other great powers. For the anti-American of the left, the absence, or the failure, of socialist revolutions is what must be explained, and the invention of a foreign scapegoat provides a much-needed balm for the ego of the left, which has been bruised by so many defeats and betrayals. American 'imperialism,' therefore, is as good an excuse for disappointed socialism as for frustrated nationalism."

According to Donald Wayne, an American editor now in London writing a book on European anti-Americanism, it is no new phenomenon. He says one of the worst periods was in the 1920s, when Europeans thought of us as a predatory people who invented Prohibition and gangsterism, made money out of World War I, and then tried to collect our war debts.

"The only Americans they saw were tourists," Wayne says, "and the tourists came over here and misbehaved. The attitude of the Europeans was: 'Look at these people. They have no culture, they're barbarians, and they have everything. And look at us. We have culture, we have status, we have background and we have nothing.'"

During World War II, Wayne says, American GIs were resented because they didn't belong and didn't want to be in Europe. In England, during that war, the British had a saying that the Americans had three faults: "They're overpaid, oversexed and over here."

Now, says Wayne, Europeans feel that

America is in economic trouble because of the Vietnam war and we expect Europe to help pay the bills for it. Among other things, they also blame us for the hippies who invaded Europe and the drug problem they now face.

Whatever the causes, the effect is criticism of America and Americans in all media, and especially on television, where young leftists find various means of spotlighting our real and imagined failings. We are also the victims of what Joseph Luns, former foreign minister of the Netherlands and now chief of NATO, describes as "selective indignation." Somehow, he says, "people get terribly excited about a Greek soldier putting a bomb under the car of his commander and feel he shouldn't be executed, but the fact that 110 young people have been murdered at the Berlin wall by the GDR [German Democratic Republic] apparently makes no impression. No attention is paid when China wipes out an independent country, while the Free Angola Committee looks under every stone and sometimes under nonexistent stones."

There is a definite tendency, we were told by news chiefs in Britain, Sweden, Holland, Belgium and France, for young people who espouse leftist political causes to go into television news. Many of them feel it is their mission to educate as well as inform their viewers, and, America being capitalistic, some of the "education" takes the form of discrediting America.

Certainly they do not have to look far for material that shows this country in a bad light. Film from American network newscasts—of antiwar demonstrations, racial disorders, strikes, every one of America's problems—is available throughout Europe by plane or satellite on a daily basis. That is the nature of news. "The same thing is true of us," says Ray Scherer, NBC's London correspondent. "We cover Northern Ireland, and the stuff that gets on the air is the rough stuff. If there's something fairly peaceful or something that involves their Parliament, it's hard to get it on. We try, but it's hard to get it on." Good news is no news.

Then, too, there are the network public-affairs programs that analyze America's troubles for American viewers. These are offered for sale abroad. On foreign screens, far from the daily routine of normal life in America, viewed by eyes that cannot possibly place those problems in an accurate perspective, these programs spotlight an America in the throes of dissent and confusion.

A case in point is the Vietnam war, seen on European screens just as it was here—filmed by American network teams for American audiences personally concerned with what American soldiers, their sons, were doing. Only rarely did European television organizations feel it necessary to assume the expense and trouble of sending their own camera teams to Vietnam to film the war from the perspective of non-participating Europeans.

Americans, influenced largely, we believe, by what they saw on television, eventually turned against the war. But until relatively recently, Gallup polls showed more than half of the American people supporting it. Europeans saw and were influenced by the same coverage, but they were not involved in the controversy—the two-sided controversy—over the war that was raging in America. When antiwar demonstrations started, Europeans were first puzzled, then angered, over our continued presence in Vietnam.

In sharp contrast to our continuing compulsion to tell the world all that is happening in America, the Russians maintain a wall of silence. It is all but impossible for European broadcasters to obtain spot-news footage from the Soviet Union or the Soviet bloc. Documentaries that present anything but wildly laudatory descriptions of life and production under Communism are unavailable. If a broadcaster wants to cover an aspect of the Soviet Union, the Russians will do it

for him—or it won't be done. Only good news is released, and, we were told by a number of news chiefs, even that comes in so late as to be useless.

Yet the Russians are losing ground among leftists, chiefly because they do not dare to turn their cameras—and permit foreign newsmen to turn their cameras—on every facet of what is happening in the Soviet Union. If their system is superior to that of the Americans, the young leftists are asking, why don't they let us see it as the Americans let us see theirs?

And cameras or no, wall of silence or no, the bad news seeps out. The Soviet economy is a shambles, production is shaky, creative thought is stifled. Today's young leftists in Europe are not satisfied with theory. They want to see practical application of theory—and in the case of the Soviet bloc today, the theory of communism is not working well. All this doesn't make the young European leftists like America more than the Soviet Union, but it does make them respect our country more.

What appears to be our great weakness abroad—continued publicity about America's troubles—has turned out to be our strongest asset. No matter how loudly or how often American dissidents shout on European television about loss of freedom in the United States, the newscasts every evening prove they are wrong. Our freedom of information is real and apparent, and the point is driven home every time an American demonstration appears on a European screen, every time a Presidential hopeful condemns the Administration.

Like most Americans, we have wondered about all the downbeat news featured on the evening newscasts. We have been concerned about the effect of all this negative information on our own people and on people abroad who might see it—especially people who are not accustomed to American-style self-criticism in their own journalists' treatment of their own countries' problems.

There obviously is no simple answer. But we do know that in America, television exposure of black demands for equality have—at very least—contributed to the tremendous strides toward equality made by black Americans during the past decade. Television brought us student demonstrations for participation in college administrations. At least some of those demands have been satisfied. Television coverage of the war in Vietnam undoubtedly influenced our entire Nation's attitude toward that war. And it is evident that television exposure of the dangers of pollution helped bring about government action to curb pollution.

Thus, while it is not pleasant to look at bad news—and all the subjects mentioned above appeared on our screens as bad news—the broadcasting of that news does help bring about change. The ability to change is one of the basic strengths of our democracy. Television speeds change.

As for the effect of our bad news on Europeans, we have recently discussed the subject in detail with Americans overseas and with executives in charge of television news in Britain, Sweden, Holland, Belgium and France. And we are more than ever convinced that daily proof of our freedom of information appearing on European screens—in contrast to Soviet censorship—is definitely helping to reduce Soviet influence there.

All this does not make us any more popular in Europe, nor does it convince the young leftists on television that our system is to be admired, but it does make them shrug in resignation when one asks about Russia, and it does bring the statement from many of them that "Russia is hopeless." As a result they turn to other brands of socialism as practiced by Mao and Tito, to the philosophy of Marcuse, or even to the new leftist theory that the working man has made more prog-

ress in America than anywhere else and that the freedom, the culture and the technological ability of America make it the only possible place where a socialist world revolution could begin.

The anti-Americanism evident on television in some countries, the criticism of America evident in others, is a cause for concern, we were informed, at the "highest levels of our Government." Only on Swedish television does there appear to be real animosity toward the United States. In the other countries we visited, there were varying degrees of bias shown—frequently in some places, rarely in others. But the inescapable fact is that in each country there are a great many leftists in television who, even if they don't like Russia, abhor capitalism and want to show America in the poorest possible light. So far, at least, this leftist sentiment in television news departments does not represent the thinking of the majority of viewers in those countries.

It is important that these viewers respect the United States. One cannot hope, considering the fact of the Vietnam war and the international moves we have had to make to strengthen our economy, that Europeans would love us or be pro-American. Anti-Americanism, according to many experts, runs too deep for that. But there are good reasons why it is desirable that they respect us.

International relations once were based entirely upon military and economic requirements. Diplomats conducted their negotiations in private on the basis of those requirements. This is no longer possible. A new requirement—public attitude—has been added. Sometimes it is possible for leaders to manipulate the public attitude—but not always.

It might have been advantageous to open relations with mainland China five or 10 years ago, but the American public was not ready. Its attitude was such that our leaders continued to oppose China's entry into the United Nations.

Visits by Soviet leaders Brezhnev and Kosygin to other countries have as one of their purposes the fostering of good will among the people of those countries.

Certainly it makes it easier for us to negotiate with the leader of a country if he knows his people are favorably disposed toward us—or that they at least respect us.

Today television, as the most pervasive communications medium, can be used as a tool for creating or destroying good will toward the United States. It may be that American entertainment programs seen on European television are helping us. Our travel and antipollution documentaries certainly show up on the positive side.

The United States Information Agency offers what it terms "facilitative assistance" to European TV camera teams interested in positive aspects of America. In the case of countries with meager television budgets, we sometimes offer small monetary grants to help them cover American medical research, engineering developments or whatever subject interests them. The budget for this is small, however, and not too much can be done.

Perhaps the most important result of this program is to give foreign television news specialists an opportunity to see the United States for themselves, to observe at first hand the America they have been talking about on TV. To many it is a revelation. On the whole, European news and public-affairs specialists go back home after visiting America with a much more balanced picture of our country. And they are more likely to present their viewers with a more balanced picture.

The USIA also produces some film for television which its offices overseas offer without charge to European television broadcasters.

By far the most effective material available to Europeans is in the form of network pub-

lic-affairs shows and documentaries which are offered for sale abroad by the networks. Some of these treat American problems—"The Selling of the Pentagon," "Hunger in America," specials on the Attica prison riot, and similar programs. The networks also turn out many positive programs, but in most cases it is the negative ones that make the best programming because they are newsworthy and controversial. It is therefore easier to sell the negative ones to foreign broadcasters whose budgets permit them to buy only a few programs from our networks.

Suggestions have been offered on how to make the more positive network public-affairs programs available to European television. One is to provide USIA with sufficient funds to buy foreign television rights to a number of American network public-affairs programs. The film then could be made available as complete programs or as source material, segments of which could be used in programs produced by Europeans.

Another suggestion is to provide some sort of tax relief for the networks if they would agree to turn over foreign rights to at least some of their public-affairs shows to the USIA.

Certainly some means must be found to provide positive programming about America to European broadcasters without charge. The advantage of using network programs is that they would be free of any stigma of propaganda.

American companies with major investments in Europe might also consider the wisdom of sponsoring documentaries about America for use on our own networks and for distribution overseas without charge. Bell Telephone did this with a program titled "It Couldn't Be Done," which has been seen in some 129 countries, to good effect. If a program is interesting enough to be shown on American television first, it is less likely to be considered propaganda by foreign broadcasters.

It goes without saying that bad news is unfortunate, as are programs that reveal negative aspects of our country. But for our own good, for the sake of our own change and progress, we must continue to examine and criticize our faults. And we cannot, even if we would, prevent this negative information from going overseas for it is shining proof of our freedom, of our desire to change and to improve our society.

All we can hope to do is to present a more balanced picture. To make certain that the positive is shown along with the negative. To let Europe see us as we really are.

AMERICA OUT OF FOCUS: HOW—AND WHY— EUROPEAN TELEVISION DISTORTS OUR IMAGE (By Merrill Panitt)

As seen in television news and current-affairs programs in much of Europe, the United States of America is a horrifying country.

It is seen as imperialistic and warlike, bent on dominating Southeast Asia and the emerging countries of Africa, which it is preparing to exploit.

It is described as a place where blacks live in near-slavery, despite the admirable efforts of the only organization that represents them—the much-persecuted Black Panthers.

It is alleged to be plagued with poverty because capitalists want it that way. The threat of poverty helps them exploit workers.

It is pictured as forcing millions of young people, concerned about Vietnam, crime and pollution, to turn to hard drugs.

It is projected as a corrupt, dangerous place where walking on the streets—anywhere and everywhere—is an invitation to be robbed and/or murdered.

The impact of all this on viewers is so strong, so pervasive, that even loyal Americans working abroad confess that each time they are scheduled to go home on leave they

experience real fear about what they will find there.

"Imagine," they say, "what effect this distorted picture has on Europeans who have no frame of reference, no background of life in America to balance what they see on television."

More important, perhaps, imagine a future in which our leaders must deal with a new generation of European leaders conditioned to believe that our system is no longer viable, our national morality is despicable and our people are disunited.

The picture is not entirely black. Our comedy and variety-entertainment shows picture a happier America, and our Western shoot-'em ups, are generally accepted as pure fiction—even if there is some doubt about crime programs. (A Polish television executive, it is reported, was taken to task for not being anti-American enough. He promptly satisfied his bosses by scheduling *The Untouchables*.)

There are also such inescapable news events as the Apollo flights which present America and its society in a more favorable light.

Finally, there are signs that in a few countries, at least, those in control of television realize that they may have gone too far—or permitted their subordinates to go too far—in presenting a malignant view of the United States. Now and then there are efforts to counter the preponderance of negative news and current-affairs programs by showing positive aspects of the apparently ailing colossus across the Atlantic.

In the past two and a half years, Americans in France have witnessed a near about-face in television's once venomous attitude toward their country. But they still were pleasantly surprised recently when a newscaster discounted a tirade about American injustice from Angela Davis's sister, Fania, by carefully pointing out that Angela Davis has so far been extended every possible right provided by the United States Constitution.

That sort of balance is certainly an exception in Europe today. And the reality of television news and current affairs abroad is such that even if there were a conscious effort on the part of television officials to be fair to the United States—and we cannot find too much evidence of that—it would be extremely difficult to do so. Here are some of the reasons:

1. Much of the American news that reaches European television screens is bad news. Ed Murrow said, "Good news is no news." A Dutch television executive prefers: "When the garbage is collected it isn't news." Whatever definition one chooses—or invents—the fact remains that unless an event or happening is unusual, it isn't news. And more often than not, an unusual event means bad news.

American journalism has a muck-raking tradition. More than any other people, we dote on self-criticism. Our television, our newspapers, our literature, our art, all reveal the nature of our discontent with the way things are. Whether this self-criticism is a major factor or a minor one in America's growth and power is a subject for philosophers to determine. Certainly, however, it has not hampered our progress.

While there is some self-criticism in European countries, nowhere is it such a basic characteristic of journalism as in the United States. Nowhere is muckraking present to the degree it is in American journalism. Our television news programs, like our newspapers, are concerned with what is wrong with our government structure, our leaders, our prisons, schools, roads, automobiles, race relations, traffic systems, pollution laws—every facet of our society. In Europe, there is much less emphasis on exposing what is wrong, much more satisfaction with the status quo.

The difference between a French journalist and an American journalist, it has been said,

is this: the American will dig up a scandal, write the story, and print it. The French journalist will dig up the story and tell you about it over dinner.

Not long ago French Premier Chaban-Delmas made a walking tour of Nanterre, a deplorable slum bordering Neuilly, one of Paris' most exclusive and expensive suburbs. The hovels of Nanterre are made of discarded oil cans, and the inhabitants, most of them foreign laborers, cook their meager meals over open fires. Journalists made a big thing of the Prime Minister's visit and his statement that something had to be done. But there was little mention of the slum until the Prime Minister's visit. He made it news—really news, because unlike America, where politicians seek out troubled areas, Europeans prefer to find unhappiness farther from home.

While American newsmen dig for trouble and bring it to the attention of the public, European newsmen are more likely to confine their reporting to what has happened. Because European viewers are not conditioned to a great deal of self-criticism in their own countries, American self-criticism—always evident on their screens—has great impact on them. To them, America is a morass of unsolvable problems, whereas their own countries—according to the same channels that dwell on American troubles—are relatively trouble-free. A little unemployment here and there, growing resentment against laborers imported from Portugal, Turkey and Northern Africa, some difficulty over rising taxes, but generally all is well.

2. Europeans are avidly interested in news of America. In the five countries we recently visited—England, Sweden, the Netherlands, Belgium and France—interest in America was exceeded only by each country's own national news.

This is understandable. America is where the action is. Decisions affecting the peace of the world are made here, as are decisions involving world trade. Our music is international, as is our literature, our dance, our art. Technological advances, more often than not, originate in America.

So do troubles. Pollution is certainly nothing new to Europe, whose rivers have turned up millions of dead fish at various times throughout the past couple of centuries, and whose cities are just as smoggy as ours. But our communications media started talking—and worrying—about pollution before the European media did.

Whether it be pollution, racial strife, student unrest, crowded roads, technological unemployment or anything else, Europeans see in the news of American woes a portent of many of the very problems that will be affecting them in a few months or a few years.

America, too, is the bulwark against the Russians. She came to Europe's aid twice in major wars and can surely be counted on to do so again if the need should arise. Many believe that General de Gaulle pulled France out of NATO because he was absolutely certain that in the event of trouble, the United States would have to come to France's aid—whether France was in or out of NATO. That left de Gaulle free to play a lone hand in world politics and build his own armed forces any way he wanted to.

After World War II the United States played a major part in the rebuilding of Europe. American taxpayers paid for some \$9 billion in nonmilitary foreign aid in just the five countries we visited.

What happens in America, then, and what happens to America, are of vital interest to Europeans. That is why their television carries much more news of the United States than any other foreign country.

3. Most of what appears on European television about the United States originates at ABC, CBS, NBC or PBS. A few countries maintain permanent correspondents in Washington and New York who are on hand

to cover the top news events and to offer commentary. Occasionally special camera teams are sent to the United States to do specific programs. But day in and day out, the bulk of American material for European evening news programs comes from our networks and is delivered by plane or by satellite. Network current-events programming—from "The Selling of the Pentagon" and "Hunger in America" to "Who Invited Us?" and "Attica"—appears either in original hour-long form or as film segments of European programs.

In Holland, for example, film from "Who Invited Us?" the controversial PBS documentary on American incursions into other countries, was used in a program titled "America the Beautiful." A Dutch television magazine ran this description of it: "Clips from film archives, quotes from politicians, authors and military men. Fragments of movies and TV commercials telling the story of the myth and the reality of 'God's own country' which is always the subject of admiration, disgust, illusions, dreams and nightmares in ever-changing form. Genocide and slavery were the roots of America's riches. Poverty is nowhere as aching as it is in America."

What we consider to be a story of interest only to Americans on tonight's network newscast will, if it's big enough or exciting enough, usually turn up on the air in a dozen European countries later tonight or perhaps tomorrow. Whether it be an anti-war demonstration, a prison riot, a politician's attack on the Administration or any other news—and it's generally bad or it wouldn't be news—the film will appear. Seen by foreigners, it will be out of context, free of the balance and perspective provided by living in America and knowing what normal life here actually is.

In the words of Pierre Desgraupes, chief of news and current-affairs programming at the largest of the two French networks, we Americans are the "victims of our own virtue." It is our cherished—and greatly envied—freedom of information that may be exaggerating our troubles in the eyes of many Europeans, leading them to believe we are a nation on the brink of disaster.

But while it may make us its victims, this virtue also is our most effective weapon against the Soviet Union in European communications. Even the most bitter critics of America throw up their hands in disgust at the rigid control of news exercised by the Russians. Newscasters describing an Apollo launch take delight in pointing out that the Soviets release censored film or tape on a launch only after it has gone off successfully, while the Americans permit live coverage.

Asked why they don't run as much material about the Soviet Union as they do about America, European news chiefs reply that it's impossible, the Russians insist upon supervising all filming, and that is unacceptable to the news chiefs. As for what the Russians themselves offer, it's mostly parades and events of little news value.

The contrast between the American and Russian approaches to news is evident on European television. Despite the image distortion inherent in revealing—out of context—our most critical problems to the world, nothing stands out more clearly and more lastingly than American freedom of information. This, we were told by television news executives in each country we visited, is our strongest asset.

Whether this is an intellectual exercise or not remains to be seen. Is the message of the freedom of our communications media enough to outweigh the detailing of America's problems night after night on European television? The answer may be in the fact that even though they are thoroughly familiar with all that is wrong with America, the great majority of Europeans,

young and old, keep insisting in public-opinion polls that, given their choice of any country other than their own, they would prefer to live in the United States.

4. The final reason why balance and fairness in treatment of America is all but impossible today in the countries we visited is the political thinking of the men engaged in television news and current-events programming there.

There is a tendency for young people to hold political views further to the left than those of the majority of a country's voters. There also is a tendency for those interested in communications arts—drama, literature, painting, television, news—to hold political views further to the left than those of the majority of a country's voters.

In Britain, France, Sweden, Holland and Belgium, young people are in the majority in television news and current-affairs departments. Most of them lean to the left. They freely admit this as do their superiors.

"Left" can mean anything from a middle-of-the-road member of the Socialist Party to Communist, Maoist or anarchist. Whatever their beliefs, the United States represents many of the things they like least—capitalism, the war in Vietnam, racial unrest.

They are not particularly happy with what's going on in their own countries—or in the Soviet Union, for that matter—but for one reason or another it is usually easier, and safer, to criticize the United States.

Obviously there is less difficulty in analyzing someone else's faults than one's own. For years we told the British how to solve their colonial problems. Only a few weeks ago Sen. Ted Kennedy informed them that they ought to withdraw from Northern Ireland. The further away a problem is, and the less we know about it, the easier it is to solve.

It probably would not be fair, in the case of most of the five countries we visited, to describe television news and current-events criticism of the United States as clearly intentional anti-Americanism. But slanted documentaries, one-sided film editing, editorial asides during news programs, ridicule, half-truths and outright lies are evidence of at least a bias against America.

The form of bias is different, as is its intensity, in each of the five countries. In France, it was just barely evident, a far different situation from the one that obtained at the height of the de Gaulle regime. After France, in order of increasing bias against America on television, we would list Belgium, the United Kingdom, the Netherlands and—most biased of all—Sweden.

We have listed four major reasons why it would be difficult for European television news and current-affairs programs to present a completely well-balanced picture of America to their viewers. Difficult or not, it could be done. At least there might be a more equitable balance between the positive and negative aspects of the United States if more European television executives were inclined to make an effort in that direction.

Some of this bias is, perhaps, understandable. We are big and rich and strong. We have undoubtedly made some mistakes in our international relations, as have most nations. But our mistakes receive more attention than theirs. Now we seem to Europeans to be getting our comeuppance in Vietnam and in our economic situation. It is always satisfying to see the big fellow in trouble. Dwelling on his troubles—out of frequently proclaimed friendship—makes interesting television.

But some of the bitterness evidenced on home screens in the countries we visited could have serious consequences. A generation brought up on television programming that presents a distorted picture of the United States could cause serious trouble in the

future. Public opinion today is a tremendously important factor in the conduct of foreign affairs, perhaps as important as military and economic considerations.

That is why bias shown against the United States on European television, a medium of unequaled emotional impact upon its audience, is causing serious concern in the highest circles of the American Government.

The PRESIDING OFFICER. Who yields time?

Mr. FULBRIGHT. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 5 minutes.

Mr. FULBRIGHT. Mr. President, the pending amendment would put the Senate on record as saying: "Yes, we think it is perfectly proper for the U.S. Information Agency to serve as the mouthpiece of foreign governments and to propagandize foreigners in the name of, and on behalf of, private corporations."

In this fiscal year the USIA admits to a budget of nearly \$2 million for propaganda aid to the Thieu government. And I suspect that this is only a small fraction of the total cost. If Senators want the United States to continue to be the mouthpiece for General Thieu's government or any other government, they should vote for this amendment. If Senators think the United States should let other governments speak for themselves to its own people, they should vote against the amendment.

The members of the Foreign Relations Committee do not believe that our Government should be the handmaiden of every foreign government and U.S. corporation operating overseas by underwriting their propaganda for their own people.

The provision approved by the committee, which the Senator from Tennessee's amendment would strike, simply says that no Government agency shall, without specific authorization:

First, Prepare or disseminate propaganda for, on behalf of, or in the name of, a foreign government; or

Second, Prepare information for distribution abroad unless it bears the name of the agency involved.

How, may I ask, does the Senator from Tennessee's concept of the proper role for the USIA abroad fit in with the so-called Nixon doctrine? Somehow, while I never have had a clear explanation of the Nixon doctrine, I thought it had something to do with becoming less involved in the affairs of other nations, especially internal affairs. This involvement of turning out propaganda for foreign governments or under the imprimatur of U.S. corporations, is nowhere authorized in the Smith-Mundt Act. And I believe that the authors of this basic statute would be the first to protest the perversion of the act, if they were here with us. The committee provision, which the amendment proposes to delete, serves to have our overseas information program devote its original purpose of telling the truth about the United States.

The kind of practices that were never contemplated under the Smith-Mundt Act and have been revealed in recent years are broadly described in the committee report:

In recent years the Committee was warned of U.S. Government agencies:

Preparing informational materials which have been attributed to foreign governments, such as in the case of Vietnam and Laos;

Funding by the Government of Radio Free Europe and Radio Liberty with no attribution to the U.S. Government;

Distributing general propaganda materials without attribution to the Government, as in the case of the comic book, "El Desengafio," dealing with urban terrorism, and distributed throughout Latin America; and

Preparing for and attributing informational materials to private U.S. companies overseas, such as in the case of an investment brochure recently prepared for and attributed to Texaco-Gulf in Ecuador.

I continue to quote from the report:

These practices are deceptive and serve to undermine the basic tenets of the Information and Educational Exchange Act of 1948—an Act whose fundamental purpose was and still ought to be to inform the people of other countries about the United States.

The examples of unattributed material prepared by this or that Federal agency, of covert funding of radio broadcasts to Eastern Europe and the Soviet Union, of propaganda prepared by a Government agency and then attributed to a foreign government—all of this indicates how far we have strayed from the basic purposes and goals set forth in the 1948 Information Act.

We require foreign governments to identify the propaganda they put out in the United States. The very least we can do is to require our own propaganda agency to do likewise when it operates in foreign countries.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FULBRIGHT. Mr. President, I yield myself an additional 2 minutes.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for an additional 2 minutes.

Mr. FULBRIGHT. Mr. President, I urge Senators to approve the policy recommended by the Foreign Relations Committee. Anyone who votes for the amendment should be under no illusions as to what he is endorsing.

He is endorsing a policy which says:

First, that our Government can do abroad things that we would never allow foreign countries to do here;

Second, that we should continue to be the mouthpiece for the Thieu government—or do the same for the Greek, Brazilian, or Haitian governments, if the executive branch sees fit to do so; and

Third, that it is proper to use the taxpayers' money to publish propaganda tracts abroad for, and in the name of, private U.S. corporations.

I hope that the Senate will not endorse such a policy.

I urge the Senate to defeat this amendment. The sort of practices it would condone go deeply against the traditions of our free and open society.

Mr. President, I ask unanimous consent to include in the RECORD at this point certain information supplied to the committee by the USIA bearing on this issue.

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

U.S. INFORMATION AGENCY, AUTHORIZATION HEARINGS, SENATE FOREIGN RELATIONS COMMITTEE, MARCH 1972 FOR FISCAL YEAR 1973

USIA Response to SFRC Requirement—item 20 (excerpts).

Please describe in detail all services rendered by the USIA to, or in behalf of, foreign governments in FY 1971, thus far in FY 1972, and proposed for FY 1973, including the estimated costs of the services to each country.

Following are explanations of abbreviations used in the responses on countries in the East Asia/Pacific area:

JUSPAO—Joint U.S. Public Affairs Office (Saigon).

GVN—Government of Vietnam.

CORDS—Civil Operation and Rural Development Support (Joint AID/MIL/State/USIA organizations in Vietnam).

PSYOP—Psychological Operations.

VIS—Vietnamese Information Service.

RLG—Royal Laotian Government.

GKR—Government of the Khmer Republic (Cambodia).

RTG—Royal Thai Government.

OFFICE OF ASSISTANT DIRECTOR FOR EAST ASIA AND PACIFIC (IEA)

Introduction

In fulfilling its overseas mission, USIA has been charged with responsibility of working with host country information programs where necessary to achieve our goals. However, USIA's standard operating policy, as stated in an instruction to all overseas posts in 1971, is that we do not provide assistance to host country governments' internal or external information programs. In support of overall U.S. foreign policy objectives in Southeast Asia, USIA has currently made exceptions to this policy for the Government of the Khmer Republic (Cambodia) and the Government of the Republic of Viet-Nam.

In recent years, assistance and services had also been provided to the Royal Thai Government and the Royal Lao Government. Such support to the first government was terminated on May 21, 1971, and to the second on July 1, 1971.

Cambodia (Khmer Republic)

Fiscal Year 1971

In an effort to assist the GKR to improve Radio Cambodia, USIA provided a radio engineer on temporary duty to survey the condition of the radio facilities and make recommendations for and initiate emergency improvements. This service cost to the USIA was about \$33,000, of which approximately \$15,000 was for test instruments and ground antenna materials (from USIA surplus stocks), and transmitter tubes.

In addition to the above monies for the radio improvement project, about \$3,000 in USIA funds was also used for printing 160,000 posters and 1,000,000 leaflets designed and distributed by the GKR.

Fiscal Year 1972

The GKR initiated a plan for reinforcing its radio coverage in northwestern and southern Cambodia through expansion of facilities at Battambang and Kompong Som. Two transmitters to be used in this project are being procured by the GKR under the Commodity Import Program financed by AID. Technical supervision for the installation of the transmitters is being performed by a USIA radio engineer on non-reimbursable detail to the Department of State. Cost to the USIA is approximately \$50,000, which includes the salary of the engineer and expenses related to his function.

USIA plans to authorize JUSPAO in Viet-Nam to transfer one 10-KW radio transmitter (as well as two non-operable transmitters for spare parts) to the GKR to replace one of its Phnom Penh transmitters which is reported

to be in falling condition. The three items of equipment originally were turned over to JUSPAO by the U.S. Navy in 1970 after their extensive use in airborne transmitter aircraft. Current value of the transmitters is estimated at \$1,000. This disposition of used equipment of minimum value, excess to USG needs in Viet-Nam, is believed to be the best utilization of it in view of the GKR's problems in keeping its national radio on the air.

In addition to supporting the radio project, USIA funds were used to procure motion picture raw stock, valued at \$150, for the GKR production of a documentary film for domestic use in Cambodia.

Fiscal Year 1973

USIA plans to continue to provide a radio engineer on non-reimbursable detail to the Department of State to supervise the completion of the two GKR transmitters at Battambang and Kompong Som about April 1, 1973. Cost to the USIA is estimated at \$38,000. USIA has no other plans for providing any assistance to the GKR.

Laos (Royal Lao Government)

Fiscal year 1971

USIA funds estimated at \$36,700 were for three issues of Current Scene magazine, paper for the Lao Photo Sheet, production of 19 reels of motion pictures, and support for RLG cultural teams. Two used USIA vehicles in excess of our needs were donated to the Lao Information Service, with current value estimated at \$400 each.

Fiscal years 1972 and 1973

All programmed advice and assistance to the host country information apparatus have been terminated, but the post intends to continue to be responsive to specific requests for advice.

Thailand (Royal Thai Government)

Fiscal year 1971

USIA-funded equipment in the estimated amount of \$56,416 was provided to the RTG. Equipment included 43 used vehicles (value \$22,000), 88 film projectors (\$22,968), 46 portable generators (\$7,084) and miscellaneous audio-visual items (\$4,364).

In addition, USIA funds estimated at \$63,500 were for two regularly-issued magazines (Horizons and Seripharb), posters, training materials, and recordings of materials for radio use.

Fiscal years 1972 and 1973

As in Laos, all programmed advice and assistance to the host country information apparatus have been terminated, but the post intends to continue to be responsive to specific requests for advice.

Viet-Nam (Government of the Republic of Viet-Nam)

Fiscal year 1971

USIA-funded services provided to or on behalf of the GVN totaled approximately \$2,560,700. This amount covered the estimated costs of advisory assistance unilaterally to the GVN's Ministry of Information and indirectly to the Vietnamese Information Service by support of joint USG-GVN programs through CORDS.

American salaries (for 26 advisors and support personnel).....	\$832,000
Media support (periodicals, pamphlets, product evaluation, etc.)	705,000
Operational expenses (foreign service allowances, local personnel salaries, and pro-rated housekeeping and overhead costs)	1,022,000
Spare parts for motion picture projectors to the GVN.....	1,700
Total	2,560,700

Fiscal Year 1972

USIA-funded services provided to or on behalf of the GVN was estimated at \$1,901,000. This figure is expected to be revised downward by a minimum of \$500,000 by the end of the fiscal year, but we are unable to determine the exact figure at this time. There has been a steady reduction of USIA-funded advisors and support personnel during the fiscal year, and by the year's end the number will be zero.

American salaries-----	\$588,000
Media support-----	522,000
Operational expenses-----	786,000
Used office furniture and equipment to the GVN-----	5,000
Total -----	1,901,000

Fiscal Year 1973

USIA-funded services to or on behalf of the GVN will have ceased. The only USIA officer involved in any service will be one AID-funded advisor supervising the execution of an AID-funded contract to train GVN radio technical personnel. This project, scheduled for completion during the first half of FY 1973, is a carry-over from FY 1972 to facilitate the technical operation of the GVN's new high power radio network.

As in Laos and Thailand, although all USIA programmed advice and assistance to the host country information apparatus will have ceased, the post intends to continue to be responsive to specific requests for advice.

Services rendered by VOA technical activities
Philippines

VOA regularly employs two GOP radio technician trainees for a one-year period. Salary costs are paid by VOA.

Estimated cost:	
Fiscal year 1971-----	\$1,500
Fiscal year 1972-----	1,800
Fiscal year 1973-----	1,800

Thailand

The Thai Government shares use of the VOA Bangkok station and pays its proportionate share of the power cost. The remaining direct costs of the GOT transmissions are paid by VOA.

Estimated cost:	
Fiscal year 1971-----	\$8,700
Fiscal year 1972-----	9,200
Fiscal year 1973-----	11,000

OFFICE OF ASSISTANT DIRECTOR FOR WEST
EUROPE (IWE)

IWE/USIS has rendered no program services, other than radio transmission service described below, to the countries of Western Europe in FY 1971, or thus far in FY 1972, and proposes no such services in FY 1973.

However, as in most USIS country programs, copies of much of our material output is provided host country officials and ministries for informational purposes. Accordingly, some of the content of USIS materials may find their way into host country reporting or information output.

Services rendered by VOA technical activities
Greece

VOA presently provides the Greek Government substantial airtime on the Thessaloniki facilities free of charge. When the Kavala station becomes operational (replacing Thessalonika), VOA will provide the GOG airtime on the medium wave transmitter and exclusive use of one shortwave transmitter free of charge.

Estimated cost:	
Fiscal year 1971-----	\$18,000
Fiscal year 1972-----	18,000
Fiscal year 1973-----	46,000

OFFICE OF ASSISTANT DIRECTOR FOR LATIN
AMERICA (ILA)

ILA/USIS has rendered no major program services to the governments of Central and

South America in FY 1971, or thus far in FY 1972, and proposes no such services in FY 1973.

During FY 1972, however, some facilitative assistance was given on request to the following governments:

1. In Colombia, USIS Bogota has provided occasional technical advice to the Press Office of the Colombian President on TV techniques and presentation.

2. In Bolivia, USIS has provided suggestions to the Bolivian Government on publicity for its economic emergency plans.

OFFICE OF ASSISTANT DIRECTOR FOR NEAR EAST
AND NORTH AFRICA (INE)

Morocco

VOA provides Radio Rabat up to 300 weekly transmitter hours over the Tangier transmitters free of charge. The present rate of usage by Radio Rabat approximates the maximum provision.

Estimated cost:

Fiscal year 1971-----	\$61,000
Fiscal year 1972-----	57,000
Fiscal year 1973-----	65,000

USIA Response to SFRC Requirement—
Item 21. (Excerpts.)

For FY 1971 and FY 1972 please list any publications which USIA produced or helped to prepare, editorially and/or financially, but which were distributed without attribution to the agency or the U.S. Government. Also list all publications produced for, or in behalf of a foreign government, the number produced and the cost of each publication.

OFFICE OF ASSISTANT DIRECTOR FOR EAST ASIA
AND PACIFIC (IEA)

Vietnam

Development of non-attributed Psyop materials by JUSPAO field development division FY 1971 combined through phase-down first quarter FY 1972. JUSPAO shipped these printed materials to GVN Information Service, distributed at reader level.

A. Pamphlets: Following pamphlets developed and ordered by JUSPAO from RSC Manila during FY 1971. Some deliveries extended into first quarter FY 1972. Costs calculated at 75 cents per one thousand impressions.

Title	Number copies	Cost
Growing Up in Fire Fight-----	130,000	\$4,680
Appeal to Blood Donors-----	12,000	63
Pre-Natal Care-----	26,000	230
Brother Hai and Village Co-Op-----	200,000	4,200
New Faces in Vietnam-----	100,000	10,200
Face to Face Communications (9 manuals)-----	450,000	4,987
One Image Two Lives-----	300,000	3,375

	Number of copies	Cost
Mr. Ba and People's Self-Defense-----	520,000	\$5,025
My Project-----	100,000	2,400
Mr. Ba and Phoenix Program-----	113,000	1,097
Corporal Nam Defends Outpost-----	200,000	4,350
VIS Handbook-----	20,000	105
Vietnam Magazine Color Covers for Pilot Model-----	5,000	90

B. Periodicals: Fiscal year 1971: Huong Que (Rural Spirit) farmers' magazine, 12 issues, cost \$188,000, Copies 500 thousand each issue.

Long Me (Mother's Heart or Motherland) Magazine supporting amnesty program, 6 issues, Cost \$50,200, 200,000 copies each issue.

Weekly Psyop community development newspaper Ngay Nay (Vietnam Today). Format single sheet, two pages, shared by JUSPAO and GVN Ministry of Information. JUSPAO printed 300 thousand each issue numbered 26 through 34 and 50 and 51, Cost \$20,000, Total 3.3 million copies.

Fiscal year 1972: Huong Que (Rural Spirit) Farmers' Magazine, 3 issues Cost \$47,200, Copies 500 thousand each issue.

Long Me (Mother's Heart or Motherland) Magazine supporting amnesty program, 2 issues, Cost \$16,800, Copies 200 thousand each issue.

Weekly Psyop community development newspaper Ngay Nay (Vietnam Today). Format single sheet, two pages, shared by JUSPAO and GVN Ministry of Information. JUSPAO printed approximately 150,000 of issues numbered 11 and 18 through 21. Total 1.2 million copies, Cost \$7,000.

C. Other Fiscal year 1971: JUSPAO printed covers for Ministry of Information question and answer series Peoples' Information Program. 36 small covers, 50 thousand copies each, cost \$2,000 each issue.

64-page Annual Report in co-operation USAID and Ministry of Foreign Affairs—attributed MFA. Four thousand copies, Cost \$500.

Fiscal year 1972: 64-page Annual Report in cooperation USAID and Ministry of Foreign Affairs—attributed MFA. Four thousand copies, Cost \$500.

OFFICE OF ASSISTANT DIRECTOR FOR LATIN
AMERICA (ILA)

USIS programs which have assisted in the production of publications for or in behalf of host countries:

Bolivia—Post produced bi-monthly *Progreso* (dealing with socio-economic development) published under the auspices of the Bolivian Development Corporation. Preparation of materials and editing done by USIS. Financing shared with Development Corporation. (Circulation: 10,000 bi-monthly.)

Colombia—At the request of the U.S. military mission USIS printed 10,000 copies of a cartoon book for the Colombian Armed Forces. (Cost: \$471.53.)

USIS programs which have produced or assisted in the production of materials distributed without attribution to USIS or the Agency:

Bolivia—Post presented 10,000 copies of Agency produced cartoon booklet, "El Desengaño," on urban terrorism to Ministry of Information for distribution without attribution to USIS.

Dominican Republic—In FY 1971 post arranged for printing of a C. P. Snow article dealing with the population problem. Reproduced in Spanish by the Agency's Regional Service Center in Mexico and distributed by the Dominican National Council on Population and Family.

Ecuador—Post produced four pamphlets totaling 15,000 copies dealing with the contribution of foreign private investment in the petroleum sector to host country progress. Attributed to and distributed by Texaco-Gulf. (Cost: \$500.)

Post produced one pamphlet, 4,000 copies, of an English language tourist guide. Attributed to the BNC and the Taxi cooperative. Distributed by the taxi union. (Cost: \$200.)

Post produced one pamphlet, 2,000 copies, for the International Transport Federation. Attributed to and distributed by the local Transport Workers Union. (Cost: \$100.)

Paraguay—Post assisted financially and editorially in the production of the Journal of the Association of Paraguayan English teachers. Three issues published annually. Distributed free and without USIS attribution but BNC Director's name appears on masthead. (Cost: \$525.)

Mr. FULBRIGHT. Mr. President, I might add that this affects all Government propaganda agencies. All suffer from a lack of credibility on the part of the recipients of the propaganda.

Mr. President, I am very doubtful that the USIA has any substantial effectiveness because most knowledgeable people recognize that its output is not straight information and certainly not objective.

I think the theory of an official infor-

mation agency should be that people are not like sheep—although some are—and are not so stupid that they can be hornswoggled by propaganda, propaganda for which we are unwilling to take responsibility. If we are going to put information out, at least we should identify the fact that our Government is responsible for it.

The amendment of the Senator from Tennessee would result in allowing us to put it out without assuming responsibility for publishing it. I think this is a very sorry practice. There is one other analogy I think of.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FULBRIGHT. I yield myself 1 additional minute.

In my State it is against the law to put out propaganda in a political campaign without attribution. It is against the law to put an advertisement in any newspaper or magazine without carrying the name of the person who is responsible.

If we were to adopt the Senator's amendment we would be, in effect, authorizing a huge U.S. Government agency to put out propaganda without taking responsibility for it. I do not know how much further you can pervert and distort the mission for our information program that was envisaged by the Smith-Mundt Act.

That is the issue. I see no reason to belabor it. In view of the fact that there are only three or four Senators in the Chamber, there is no point in belaboring it. I am ready to yield back the remainder of my time and come to a vote. I have no doubt the Senator has a majority. I am under no illusion that with the support he has he will prevail. I am prepared to yield back my time if the Senator is prepared to yield back his time.

The PRESIDING OFFICER. Who yields time?

Mr. BAKER. Mr. President, I yield myself 2 minutes.

Mr. President, I am almost ready to yield back the remainder of my time. I might say now for the advice of our colleagues in the Chamber that I do anticipate asking for the yeas and nays and I hope we will have a sufficient number of Senators present to order the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have already been ordered.

Mr. BAKER. Very good. I thank the Presiding Officer.

Mr. President, on the matter of the prediction of the distinguished chairman of the Committee on Foreign Relations that the Senator from Tennessee has the votes to carry the amendment, I hope he is as good a prophet as he is an adversary. I have no such assurances.

I would like to make a few brief remarks and then I am ready to yield back the remainder of my time.

Mr. President I understand the concern of the distinguished chairman of the Committee on Foreign Relations in this regard. The so-called propaganda aspects of the USIA program have been called into examination and account by the Senator's committee and described extensively in public forum.

However, I think the necessity for this amendment, and the concern of the Senator from Tennessee is that section 205 of the bill goes far beyond the concern described by the distinguished junior Senator from Arkansas. Section 205 of the bill would amend the U.S. Information and Educational Exchange Act of 1948 which is permanent legislation pertaining to the responsibilities of the U.S. Information Agency for carrying out international information activities. According to the committee report, the purpose of the 1948 act is to inform the people of other countries about the United States. This is in line with the purpose clause of the 1948 act which is "to promote understanding of the United States among the peoples of the world—strengthen cooperative international relations."

Mr. President, the principal purpose of section 205 as I understand it is to more closely conform USIA's information work overseas to the objectives of the 1948 act through certain restrictions on the preparation and dissemination of information abroad. I defer to the Senate Foreign Relations Committee which has legislative jurisdiction over the operations of USIA on whether such statutory guidance is necessary or desirable.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. FULBRIGHT. This would not prohibit any of that propaganda. It is the sly under cover approach that we are dealing with. We give Turkey millions of dollars they can use to put out their own propaganda under their own name. What the committee is getting at is misrepresentation that is engaged in by our doing it without attributing it.

There is nothing in here to prevent the United States from flooding Turkey with all kinds of propaganda as long as we take the responsibility for it. We think it unwise to refuse to take responsibility for what it put out. There is nothing here to prevent them from putting out propaganda about dope, heroin, or anything else, as long as they take the responsibility for putting it out.

Mr. BAKER. I thank the chairman for those additional remarks. But that touches the point that concerns me because section 205 is so broad that anything related to the act would pertain to this section or any other law.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BAKER. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 2 additional minutes.

Mr. BAKER. So, I am concerned that it applies not only to the 1948 act, which this bill seeks to amend, but an entire range of other acts.

While I subscribe to the sterling virtues of disclosure, whether in politics or in foreign policy, I suggest that we have in this bill unintentionally extended this section to other bills that we are not concerned with now.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. FULBRIGHT. Will the Senator give an illustration of what he means? I do not know what the Senator is talking about.

Mr. BAKER. I refer to the efforts of the United States to secure control of narcotics traffic between Turkey and the United States. That is not covered by this bill or by the 1948 act; but to be able to say that the guidelines we prepare for them must carry a disclaimer that they are prepared by the United States would destroy the effectiveness of the program to discourage traffic in drugs between Turkey and the United States.

Another example would be family planning. Family planning is carried on by private agencies and religious institutions, more often than not, and only recently has the Government gotten into that field. But in traveling through India last fall I saw placards and billboards on the way to New Delhi and on the way out of that city, that were there largely because of the efforts of private institutions. The information had been disseminated by the Federal Government.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BAKER. Mr. President, I yield myself 2 additional minutes.

To have such signs in foreign lands carry a disclaimer that they are provided by the U.S. Government would destroy the effectiveness of such programs, in my view.

Another example would be in the field of health. Much of our health work is done on a voluntary or nongovernmental basis. The effect of this provision would be to attribute to the U.S. Government the efforts of private agencies or religious agencies, or those in the health field.

I really do not quarrel with the laudable purposes that the distinguished chairman of the Committee on Foreign Relations made about the so-called propaganda efforts, but I do quarrel with the effect on a half dozen other functions that technically are not concerned with the 1948 act and would have concurrent jurisdiction by the Committee on Foreign Relations.

I wish to make this additional point. The distinguished junior Senator from Arkansas spoke in the opening portion of his rejoinder of our efforts through propaganda to prop up the Thieu regime in Southeast Asia. If my information is correct, and I believe it is, the testimony of officials of the USIA before the Committee on Foreign Relations was that there is no such effort made by the USIA in Southeast Asia.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BAKER. Mr. President, I yield myself 2 additional minutes.

My information is and the testimony was that the Thieu regime is not involved in this nor is USIA. That is not the issue before us.

I intend to reserve the remainder of my time until we can have a brief quorum, and then I think I will be in a position to yield back the remainder of my time.

I conclude by saying I feel that the sweeping scope of section 205 is far beyond that which we want to deal with in

this bill and that it is going to have serious and unintended effects upon the future policy of the U.S. Government, and private, religious, and philanthropic organizations throughout the country. Therefore I have prepared the amendment which I offer at this time.

I now suggest the absence of a quorum, to be charged against my time.

The PRESIDING OFFICER. Under the precedents of the Senate, the Senator does not have enough time to suggest the absence of a quorum. The Senator will have to ask unanimous consent to have time taken out of the other side. If both sides yielded back their time, he could suggest the absence of a quorum.

Mr. BAKER. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 5½ minutes remaining.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

I suppose I cannot do that under the rules.

The PRESIDING OFFICER. The Chair is informed by the Parliamentarian that the only way the Senator could do that would be for both sides to yield back their time.

Mr. FULBRIGHT. Mr. President, I am prepared to yield back my time.

Mr. BAKER. Mr. President, I am prepared to yield back my time, but I need to check one point first.

I ask unanimous consent that I may ask for a short quorum call without the time being charged to either side.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. 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. BAKER. Mr. President, I yield 4 minutes of my time to the distinguished junior Senator from Alabama (Mr. ALLEN).

Mr. ALLEN. I thank the distinguished Senator from Tennessee for yielding to me.

Mr. President, I support the amendment of the distinguished Senator from Tennessee (Mr. BAKER) eliminating section 205 from the bill.

The bill under consideration would make it impossible to use covert psychological warfare of a nonattributed or falsely attributed nature in support of military operations.

Overt psychological warfare would be affected in these particulars:

It would degrade assistance to other countries in contingency operations.

It would affect the preparing and dropping of leaflets attributed to the country, but prepared by the United States.

It would hamper making radio broadcasts to warn the populace.

It would degrade U.S. military aid to underdeveloped countries in assisting military of the host country in civic action projects.

It would degrade assistance to allies in these categories:

The printing of NATO safe conduct passes and leaflets for distribution by allied aircraft.

The development of psychological warfare materials and campaigns that would utilize allied resources for production and dissemination.

U.S. technical aid to allies could not include participation of U.S. personnel in training or advisory roles in units producing psychological warfare materials.

It would restrict the effectiveness of participation in disaster relief operations.

This section of the act which the amendment of the Senator from Tennessee would strike out would inhibit our international work in police matters, in health, in travel promotion, in ecology, in family planning, in travel publicity, and in countless fields we cannot foresee today.

I believe this issue has not been given the thorough study which would be appropriate before it is enacted into law. It has many ramifications which we would regret were we to do so.

In this day of constantly expanding international contacts, many parts of our Government are in frequent communication with public and private counterparts overseas. This section would inhibit the free flow of information among them—a communications link which is vital to a stable international order and to specific U.S. interests.

We would not wish to cut down on the flow of information to help control the traffic in dangerous drugs, to advise others on the population explosion, to advance international communication on crime, or to disseminate new knowledge in the many fields in which the United States is a world leader.

I am particularly disturbed by the way in which this section would inhibit the dissemination of information developed by the U.S. private sector. As I understand the section, it would require that any private book, English teaching text, film, or other medium which may be translated or reprinted by a U.S. agency for further dissemination abroad must carry the U.S. agency's name at the beginning. This may be practical in some cases, but in others the private U.S. author or publisher may wish the overseas product to be identical to the original.

Mr. President, I believe this section, section 205, should be eliminated from the bill. The amendment of the Senator from Tennessee would do that, and I support his amendment.

Mr. BAKER. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. BAKER. Has the Senator from Arkansas yielded back his time?

The PRESIDING OFFICER. The Senator from Arkansas has yielded back his remaining time.

Mr. BAKER. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. PROXMIER). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Tennessee (Mr. BAKER). On

this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Idaho (Mr. CHURCH), the Senator from Mississippi (Mr. EASTLAND), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), 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 New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Illinois (Mr. STEVENSON) are necessarily absent.

I also announce that the Senator from Louisiana (Mr. ELLENDER), is absent on official business.

I further announce that, if present and voting, the Senator from Connecticut (Mr. RIBICOFF) and the Senator from Minnesota (Mr. HUMPHREY), would each vote "nay."

On this vote, the Senator from Georgia (Mr. GAMBRELL) is paired with the Senator from Illinois (Mr. STEVENSON). If present and voting, the Senator from Georgia would vote "yea" and the Senator from Illinois would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON) and the Senator from Maryland (Mr. MATHIAS) are absent on official business.

The Senator from Vermont (Mr. AIKEN), the Senator from Massachusetts (Mr. BROOKE), the Senator from Kentucky (Mr. COOK), the Senator from New Hampshire (Mr. COTTON), the Senator from Hawaii (Mr. FONG), the Senator from Arizona (Mr. GOLDWATER), the Senator from Illinois (Mr. PERCY), the Senator from Iowa (Mr. MILLER), the Senator from Ohio (Mr. TAFT), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), the Senator from Iowa (Mr. MILLER), the Senator from Ohio (Mr. TAFT) and the Senator from South Carolina (Mr. THURMOND) would each vote "yea."

The result was announced—yeas 42, nays 27, as follows:

[No. 187 Leg.]

YEAS—42

Allen	Curtis	Roth
Allott	Dole	Saxbe
Baker	Dominick	Schweiker
Beall	Ervin	Scott
Bennett	Fannin	Smith
Bentsen	Griffin	Sparkman
Bible	Gurney	Stafford
Boggs	Hansen	Stennis
Brock	Hollings	Stevens
Buckley	Hruska	Talmadge
Byrd	Jackson	Tower
Harry F., Jr.	Jordan, Idaho	Welcker
Byrd, Robert C.	Long	Young
Cannon	Packwood	
Chiles	Randolph	

NAYS—27

Bayh	Hughes	Nelson
Burdick	Inouye	Pastore
Case	Javits	Pearson
Cooper	Kennedy	Pell
Cranston	Magnuson	Proxmire
Eagleton	Mansfield	Spong
Fulbright	McIntyre	Symington
Hart	Metcalf	Tunney
Hatfield	Mondale	Williams

NOT VOTING—31

Aiken	Goldwater	Montoya
Anderson	Gravel	Moss
Bellmon	Harris	Mundt
Brooke	Hartke	Muskie
Church	Humphrey	Percy
Cook	Jordan, N.C.	Ribicoff
Cotton	Mathias	Stevenson
Eastland	McClellan	Taft
Ellender	McGee	Thurmond
Fong	McGovern	
Gambrell	Miller	

So Mr. BAKER's amendment (No. 1201) was agreed to.

Mr. BAKER. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. BROCK. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

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

(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 a bill (H.R. 15097) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1973, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 15097) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1973, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

AMENDMENT OF FISHERMAN'S PROTECTIVE ACT OF 1967

Mr. MANSFIELD. Mr. President, what is the pending business?

The PRESIDING OFFICER (Mr. HART). Under the previous order, the Senate will now resume consideration of H.R. 7117, the amendment of the Fisherman's Protective Act of 1967, which the clerk will state.

The assistant legislative clerk read as follows:

H.R. 7117 to amend the Fisherman's Protective Act of 1967 to expedite the reimbursement of United States vessel owners for charges paid by them for the release of vessels and crews illegally seized by foreign countries, to strengthen the provisions therein relating to the collection of claims against such foreign countries for amounts so reimbursed and for certain other amounts, and for other purposes.

The PRESIDING OFFICER. Who yields time?

PROGRAM

Mr. SCOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCOTT. 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. SCOTT. Mr. President, may I inquire, who has the floor?

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor and has 28 minutes remaining.

Mr. SCOTT. Mr. President, I rise to ask the distinguished majority leader—

Mr. MANSFIELD. If the Senator will not mind, I yield myself 5 minutes on the bill on this side to reply.

Mr. SCOTT. Mr. President, I rise to ask the distinguished majority leader what the further business of the Senate is for today.

Mr. MANSFIELD. Mr. President, as the Senator knows and the Senate knows, after discussing the matter with the distinguished minority leader on yesterday, we agreed to a resolution which would free the Senate at the close of business today, on a recess basis, until noon of Tuesday next. In other words, we get the extra day because of the condition of the Calendar.

As to the pending bill, H.R. 7117, two amendments have already been added by Mr. TOWER and Mr. STEVENS. I do not know how much more time it will take because it is under a limited time basis.

Would the Senator from New York (Mr. JAVITS) indicate whether he thinks there will be a rollcall vote on final passage?

Mr. JAVITS. I have no idea. It should not be necessary. I do not think the amendment I will propose is that critical, but I cannot tell. It will all depend.

Mr. MANSFIELD. I thank the Senator.

Following disposition of H.R. 7117, we will then proceed to the consideration of Calendar No. 768, S. 3607, a bill to authorize appropriations to the Atomic Energy Commission. That bill will be handled by the distinguished senior Senator from Rhode Island, the chairman of the Joint Committee. There will be a rollcall vote on final passage of that bill.

When that is disposed of, we will go out until noon on Tuesday next.

Mr. SCOTT. Mr. President, an amendment will be offered by the two Senators from Pennsylvania and the Senator from Nevada (Mr. BIBLE), the Senator from

New Jersey (Mr. WILLIAMS), as well as the Senator from Tennessee (Mr. BAKER); but I believe we can agree on it, and if we can, there should be no need to take very long or to have any yeas and nays votes.

Mr. PASTORE. Mr. President, will the Senator from Pennsylvania yield?

Mr. SCOTT. I yield.

Mr. PASTORE. We discussed in committee that the additional \$500,000 might not be necessary. That is a question that can be debated each way.

Mr. SCOTT. I am glad to hear that. This has reference to the atomic cardiac pacemaker, which is of considerable interest to everyone. The budget request was for \$1 million. The pacemaker is powered by nuclear fuel, as the Senator knows. I think this development is very important, and the full \$1 million should be authorized as well as appropriated later on.

Mr. PASTORE. We have seen the model, and I will say that I felt strongly that maybe we should make it \$1 million. I think we should have it, because of the importance of this instrument.

Mr. SCOTT. I think so, too, and I thank the Senator.

AMENDMENT OF FISHERMEN'S PROTECTIVE ACT OF 1967

The Senate resumed the consideration of the bill, H.R. 7117, to amend the Fishermen's Protective Act of 1967 to expedite the reimbursement of U.S. vessel owners for charges paid by them for the release of vessels and crews illegally seized by foreign countries, to strengthen the provisions therein relating to the collection of claims against such foreign countries for amounts so reimbursed and for certain other amounts, and for other purposes.

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 2, line 11; on page 4, line 5; and on page 5, line 1, strike "8" and insert in lieu thereof "9".

The PRESIDING OFFICER. Does the Senator wish to have these amendments considered en bloc?

Mr. STEVENS. Yes, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendments will be considered en bloc.

Mr. STEVENS. Mr. President, this is a technical amendment. At the time the bill was prepared, we did not take into account the enactment, last December 23, 1971, of Public Law 92-219, which already added a new section 8 to the Fisherman's Protective Act of 1967.

This amendment will make the amendment of this bill become section 9, to follow the enactment of last December 23, 1971. It is a technical amendment. I urge its adoption and yield back the remainder of my time.

Mr. MAGNUSON. Mr. President, I yield back my time.

The PRESIDING OFFICER (Mr. HART). The question is on agreeing to

the amendments en bloc of the Senator from Alaska.

The amendments were agreed to en bloc.

Mr. JAVITS. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 3, line 24, after the word "country" insert ", if any," and on page 4, line 1, after "1961" insert "unless the President certifies to the Congress that it is in the national interest not to do so in the particular instances."

Mr. JAVITS. Mr. President, I apologize to the Senator from Washington (Mr. MAGNUSON) for not having had the opportunity to show him this amendment in advance, but I think if he will be kind enough to give me his attention, he will see the situation in a minute.

The PRESIDING OFFICER. Does the Senator from New York ask that these amendments be considered en bloc?

Mr. JAVITS. Yes, Mr. President, I do.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendments will be considered en bloc.

Mr. MAGNUSON. Mr. President, I understand that the Senator's amendment would allow—I have been over in Appropriations with HEW and I did not get here until just now—the discretion to be in the President.

Mr. JAVITS. Mr. President, it would allow the final discretion to be with the President. If he certifies to Congress that the national interest is an overriding consideration he can waive the application of the provisions of the law. I think the principal is a good idea, provided that it is only charged to the specific AID program of the country that seizes boats.

The State Department pointed out that if there is an allocation to that country for foreign aid, then this provision would effect that country. However, if there were not, then it should not hurt anyone else.

The first part of my amendment says "if any." In other words, it is charged against their allocation and only their allocation of foreign aid, if there is any.

Mr. MAGNUSON. In other words, if there was foreign aid, we would still charge it against them.

Mr. JAVITS. The Senator is correct.

Mr. MAGNUSON. And if there was not, it would be at the discretion of the President?

Mr. JAVITS. It comes out of whatever specific funds there are for the country, yes. But it does not reduce the foreign aid funds for other countries or other programs.

Mr. MAGNUSON. That is a new way to approach it.

Mr. JAVITS. Mr. President, I am not through yet. I want the Senator to get the whole picture in reply to his question.

Another thing that the administration is concerned about is that if they are actually in negotiations with a given country about this very vexing matter—and I think the countries who seize U.S. boats are wrong—it may be very unwise

and counterproductive to dock them, say, \$50,000 in the midst of negotiating effort to work out the whole problem. So, by providing that the President could certify to Congress that in that particular instance he does not think it is the best thing to do in the national interest, then we avoid that impasse. That is the purpose. That is not all they want. However, that is all I think they ought to get.

Mr. MAGNUSON. Mr. President, the Senator from New York used the words "if they are in negotiations." They have been negotiating for years on this matter. Nothing ever happens. Every time they seize about 15 tuna ships, the State Department and all of the Presidents, including this one, sends a troubleshooter down and he negotiates with them. The last one was Finch. He set me an exchange of cables stating that he thought he was getting some place. But nothing happened.

This has gone on and on. I could put in the RECORD a long list of the negotiations we have had with them.

Then a State Department man by the name of Meyer went down there.

Mr. JAVITS. He is still in charge of Latin American affairs for the Department of State.

Mr. MAGNUSON. It was still the same as it always has been. We have to take some kind of action with these people. They have now induced Brazil to have a 200-mile limit.

I was in Peru 8 years ago and talked to them. I spoke to the President of Peru and I asked him how he arrived at 200 miles. He said that he did not arrive at that figure, that our country did, the United States.

I asked him how that was. He pulled a dog-eared document out of his desk that stated that during World War II President Roosevelt had proclaimed a neutrality zone of 200 miles around South America. That was the basis of it. I guess that many Presidents have many documents that they keep in the bottom drawer. We have to get something done.

I am not saying that Finch and these people are not trying to do something about this. However, they never seem to be able to reach the point where they can stop the thing. We have reached a point where we are paying out quite a bit of money on this.

Mr. JAVITS. I know that.

Mr. MAGNUSON. It encourages them to make their fines larger because they know that the fishermen will ultimately get paid. However, it takes time to do this. The fishermen are usually working on a pretty tight budget. I have known fishermen who have gone to the bank and borrowed money while waiting for the State Department to get a check back to them.

So, due to the fact that the Senator from New York wants to join us in this matter and help us out, maybe we can try this new method and let us see what happens.

Mr. JAVITS. Mr. President, I would like to make these points.

I agree with the Senator about negotiations. I really mean seriously that the President in all integrity must certify

to Congress—and this is no light matter—that the national interest is of overriding importance. It ought to be a critical matter and not merely the fact that someone is down there trying to work it out.

Mr. MAGNUSON. Mr. President, I would be willing to take the amendments to conference.

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

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

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendments en bloc of the Senator from New York.

The amendments were agreed to.

Mr. KENNEDY. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk proceeded to state the amendment.

Mr. KENNEDY. 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 6, line 3, add the following sections:

SEC. (7). That section 4 of the Fishermen's Protective Act of 1967 is amended—

(a) by inserting immediately before "by a country" a comma and the following: "or vessel of the United States or its gear damaged,"; and

(b) by inserting before "in accordance" the following: "or such vessel or its gear damaged".

SEC. 8. The first sentence of section 5 of such Act is amended by inserting after "vessel of the United States" a comma and the following: "or damage to such vessel or its gear."

SEC. 9. (a) Section 7(a) of such Act is amended to read as follows: "(a) The Secretary, upon receipt of an application filed with him at any time after the effective date of this section by the owner of any vessel of the United States which is documented or certificated as a commercial fishing vessel, shall enter into an agreement with such owner subject to the provisions of this section and such other terms and conditions as the Secretary deems appropriate. Such agreement shall provide that, if such vessel or its gear is damaged as a result of the action of a vessel operated by the government of such country or any other activity of such government (on the basis of rights or claims in territorial waters or the high seas which are not recognized by the United States and when there is no dispute of material facts with respect to the location or activity of such vessel at the time of such attempt), or if such vessel is seized by a foreign country and detained under the conditions of section 2 of this Act, the Secretary shall reimburse—

"(1) the owner of such vessel for actual costs, except those covered by section 3 of this Act, incurred by the owner arising out of damage to his vessel or gear by such country, or during the seizure and detention period and as a direct result thereof, as determined by the Secretary, resulting (A) from any damage to, or destruction of, such vessel, or its fishing gear or other equipment, (B) from the loss or confiscation of such vessel, or its fishing gear or other equipment, age fees or utilities;

"(2) the owner of such vessel and its crew for the market value of fish caught (A) be-

fore damage to such vessel or gear and lost or spoiled as the result of such damage, or (B) before seizure of such vessel and confiscated or spoiled during the period of detention; and

"(3) the owner of such vessel and its crew for not to exceed 50 per centum of the gross income lost as a direct result of such damage or such seizure and detention, as determined by the Secretary of the Interior, based on the value of the average catch per day's fishing during the three most recent calendar years immediately preceding such damage or seizure and detention of the vessel seized, or, if such experience is not available, then of all commercial fishing vessels of the United States engaged in the same fishery as that of the type and size of the damaged or seized vessel." (b) Section 7(b) of such Act is amended by striking out "seized".

(4) For these purposes of carrying out Sections (1), (2), (3), the Secretary is authorized to use the Fisherman's Protective Fund.

Mr. KENNEDY. Mr. President, I commend the Senator from Washington for the pending legislation, the Fisherman's Protective Act, that we are considering this afternoon.

Mr. President, I would like to call to the attention of my colleagues a problem which is not covered by the current bill, and one which I believe does require legislative action.

The current bill amends the Fishermen's Protective Act. It essentially would protect U.S. fishermen on the West Coast and the Gulf Coast of this Nation whose normal activities result in challenging the territorial jurisdictions of Latin American nations who claim 200-mile limits to their sovereignty.

I believe the establishment of a fund to provide a ready source of funds to permit reimbursement of those fishermen until such time as international arbitration can take place is a necessary and justifiable goal.

However, I question seriously the provision which would require the cutoff in foreign aid from such Nations. I believe the two matters are not directly related. One involves the difference between two nations over the proper limits of national sovereignty as it applies to the sea. The second involves our national policy in favor of assisting development. Because we disagree with a nation on one subject, namely the question of territorial limits, should we cancel an equally important policy of this Nation, namely our belief that the development of poor nations ultimately is in our interest, and the interest of peace and stability?

I would hope that provision could be altered.

But there is a second matter which I would call to the attention of my colleagues.

While this bill would protect fishermen whose ships are seized by foreign nations, it would do nothing to protect fishermen whose vessels are damaged by the ships of foreign nations.

Particularly in the New England area, our fishermen have had to face loss of gear and damage to their boats caused by Russian and East European fishing vessels who have invaded the traditional fishing grounds of the Georges Bank.

Last year, several serious incidents occurred in which Russian boats ripped through the gear of U.S. lobster boats. Substantial damage occurred, and other vessels were harassed as well. I protested to the State Department several times. Also, similar incidents have occurred in the waters off Alaska.

I ask unanimous consent that the correspondence and related statements to be included in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 1).

Mr. KENNEDY. Now, I believe that we should at least offer the same protection proposed to be given to seized ships to U.S. vessels who sustain damage from foreign vessels on the high seas.

Our fleets are facing enough competition from foreign subsidized fleets without having to endure loss of gear and vessel damage, and loss of income while repairs are being made. This amendment should be the minimum protection that we can give them.

My amendment authorizes the Secretary of Commerce to pay out of the newly created Fishermen's Protective Fund, the costs of damage to gear or to vessels of U.S. fishermen caused by the vessels of other nations. It also provides for the Secretary to reimburse U.S. fishermen for repairs which they must undergo as well as for the loss of income which the Secretary determines has occurred as a result of the damage.

In this way, while we carry out negotiations with the government of the nation at fault, we insure that there will not be an unbearable financial loss imposed on U.S. fishermen.

It is about time that the Government of the United States took even this small action to halt the decline of our fishing fleets. The New England fishing fleets, the fleets of Gloucester and New Bedford, the fleets that traditionally have fished in the Georges Bank have been shoved aside by the modern floating fish factories subsidized by the Soviet Union, by Poland, by Rumania, and by other East European countries.

That situation is bad enough. We have been negligent in protecting our fleets. We have been derelict in our responsibilities to this Nation's fishermen. This legislation hopefully will represent a first step to reverse that situation, a first step which should be followed by vigorous negotiations in defense of the rights of U.S. fishermen at the Law of the Seas Conference, and by consideration and study of the measures needed to revitalize our fishing fleet and to permit it to compete effectively with the ships of foreign nations.

I see the senior Senator from Rhode Island on the floor. He can testify to this as well.

Mr. President, I would like to see if the Senator from Washington, the sponsor of the bill, would at least consider making available this fund to American bottoms and fishermen and lobstermen whose fishing vessels and equipment have been damaged by foreign ships. It seems to me that this is the full spirit of the legislation.

I have not had the opportunity to talk to the manager of the bill about this matter. However, it has been discussed with the staff members. I was wondering if we could ask for some reaction from the manager of the bill.

EXHIBIT 1

STATEMENT BY SENATOR EDWARD M. KENNEDY ON DESTRUCTION OF FISHING EQUIPMENT OF A U.S. FISHING BOAT BY RUSSIAN TRAWLERS THIS MORNING

I am extremely disturbed by the initial reports just received from the U.S. Coast Guard and a Massachusetts lobster fishing firm that 15 to 20 Russian fishing vessels destroyed an undetermined amount of fishing equipment of the boat "Wily Fox" this morning off the coast of Nantucket.

I have lodged a protest with the State Department and requested an immediate inquiry.

Also, I have contacted the Coast Guard and asked for a complete investigation of the details of the incident and an explanation why adequate protection was not provided these boats which reportedly have been threatened by Russian vessels in the past.

Only last night, there was an incident of harassment which a Coast Guard cutter investigated but the cutter did not remain this morning.

The reports I have received indicate that between 8 to 8:30 a.m., some 15 to 20 Russian boats, in flat calm and with obvious evidence that the Prelude Corporation's "Wily Fox" had nets and traps laid, ran through the lines and actually took aboard some of the "Wily Fox's" fishing equipment. This has been confirmed both from the boat and the Coast Guard.

This is an obvious violation of international rules of the seas and I strongly protest this action.

I cannot believe that less than 50 miles off the coast of Nantucket, this country cannot assure the protection of our fishing boats.

Also, I cannot understand why previous Coast Guard Board of Inquiry reports concerning Russian harassment of U.S. fishing vessels have not been followed up by the State Department so as to prevent incidents of this kind.

STATEMENT BY SENATOR EDWARD M. KENNEDY ON CONTINUED RUSSIAN HARASSMENT OF U.S. FISHING VESSELS

The deplorable incidents of "harassment" by Russian fishing boats of U.S. vessels off the coast of Massachusetts are continuing. Today, a Russian trawler reportedly ran through the lines of the "Wily Fox" as soon as the Coast Guard cutter "Vigilant" left the scene. Although the Coast Guard cannot be blamed since the "Vigilant" was responding to an emergency call, I cannot understand the slowness with which the State Department is responding to this crisis.

The history of this matter does not begin with the flagrant incidents which occurred yesterday. Over the past three months, a series of unjustified and illegal interferences with the fishing operations of U.S. fishing boats have taken place. In several instances, the Coast Guard has filed reports of its investigations with the State Department. Yet, the incidents continue.

The slow response of the State Department is creating an even more dangerous situation. Fishing boat owners are talking of resorting to arming their vessels if the continued damage and interference by Russian boats continues. But not acting forcefully and quickly, the State Department is adding to the potentially explosive situation that now exists.

The rules of the seas clearly are violated when a ship intentionally and repeatedly runs through the lines of another vessel. I would urge the Secretary seek an interna-

tional meeting on this matter immediately. The current situation cannot be allowed to continue.

Until an international agreement is reached, I strongly urge this Administration to provide whatever protection is necessary to our fishing boats. We cannot sit back and calmly watch as our fishing vessels are molested and harassed and their equipment damaged. We cannot permit our fishing boats to be driven from the seas.

(The text of Senator Kennedy's letter to Secretary Rogers follows:)

MAY 12, 1971.

I am writing to urge that a formal protest be lodged at the unjustified harassment of U.S. fishing vessels by Russian trawlers off the coast of Massachusetts over the past several months. The latest incident which occurred this morning was the most blatant and it involved some 15-20 Russian fishing vessels who rammed through the lines of the U.S. fishing boat "Wily Fox" some 32 miles south-southeast of the Nantucket lightship. The Russian boats confiscated some of that equipment before leaving the scene.

Not only do we have the reports of the ship captain of this incident but fortunately a Coast Guard plane was flying overhead and saw the entire event.

If there has been any lack of documentation in the past, the action this morning surely provides adequate reason for a formal protest to be lodged by the government with the appropriate Soviet authorities.

I cannot believe that this nation is unable to assure the safety and security of U.S. fishing boats less than 50 miles off the coast.

STATEMENT BY SENATOR EDWARD M. KENNEDY
ON RUSSIAN HARASSMENT OF U.S. FISHING
BOATS

I am shocked by the brazen actions of the Soviet fishing trawlers which today once more cut through fixed lines and nets of U.S. fishing boats. The action early this morning comes less than 24 hours after a meeting with the Soviet fishing fleet Captain which was lauded by State Department officials as a very successful meeting.

Yet today, with their radars turned off, they steamed through the fixed lines of the lobster boats Pat San Marie and the Wily Fox. Those lines reflect radar so had the Russians wanted to avoid them they easily could have done so.

It is time for the State Department to protest these actions to someone with more authority than a Commander of the Russian fishing fleet. It is time that the Soviet Ambassador was informed that while it might appear to be a very minor matter in terms of our overall relations, it is a very significant matter to the New England fishermen whose livelihood is being threatened.

This is the third time in a week that this harassment has occurred and the time is long overdue for it to be stopped.

Also it is time that the Russian fishing fleet or the Russian government began compensating our boats for their lost gear.

Surely, forceful action by the State Department is called in this matter.

DEPARTMENT OF STATE,

Washington, D.C., May 20, 1971.

HON. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: The Secretary has asked me to respond to your letter of May 12, 1971 concerning incidents involving damage to American lobster pot fishing gear by foreign vessels, and especially an incident involving the American fishing vessel *Wily Fox* on that date. The Department is very much aware of this problem and shares your concern. A number of actions have been taken in connection with the problem, and we intend to continue to pursue the matter until it is satisfactorily resolved.

Because of the growing concern about increasing reports of such incidents, the Department on March 16 requested the Coast Guard and the National Marine Fisheries Service to work with the American fishermen to ensure that the lobster gear is adequately marked so that all fishermen operating in the area will be aware of its presence and can take the necessary steps to avoid it. These agencies are working with the fishermen to this end. It is being urged that all fishermen voluntarily comply with the signals and markings prescribed in the International Convention on the Conduct of Fishing Operations in the North Atlantic. This Convention was negotiated with a view to minimizing or eliminating such incidents. Although it is not yet in force, it is believed that voluntary adherence by all fishermen to the signals and markings will substantially reduce the number of such incidents.

On May 10 the Department addressed diplomatic notes to the Embassies of all nations known to have fishing vessels operating off our Atlantic coast, calling attention to the problem and requesting their cooperation. The fisheries authorities in each nation were requested to issue appropriate instructions to their fishermen to exercise due caution when fishing in areas where fishing gear is deployed and to take all necessary and proper steps to avoid damage to fishing gear in the water. It was noted that the United States is urging all American fishermen to voluntarily comply with the signals and markings prescribed in the Convention, and it was suggested that all fishermen who operate in the area be familiarized with the provisions of the Convention and that they be urged to observe its provisions on signals and markings. It was also suggested that governments which have not yet become party to the Convention consider doing so. They were informed that the United States intends to deposit its instrument of ratification of the Convention as soon as the necessary domestic implementing legislation has been enacted. The notes also conveyed information on the nature and location of the deep water lobster fishery.

Formal or informal representations have also been made to a number of Embassies on this problem at various times. For example, representations were made in February to the Japanese Embassy concerning an incident in which the American fishing vessel *Sea Dog* suffered damage to its fishing gear by a Japanese fishing vessel. As a result of these representations the owners of the two vessels involved have agreed to compensation of approximately \$4,000 for the gear damage.

Because of the increase in incidents, the Department on May 12 requested the Coast Guard to intensify its vessel patrol in the area while we attempted to resolve the problem through diplomatic means. The Coast Guard is cooperating in this regard to the maximum extent possible. In addition, on May 13 we requested the Coast Guard and National Marine Fisheries Service to attempt to arrange a meeting with the Commander of the Soviet fishing fleet to discuss the technical and practical aspects of the problem. Such a meeting has been arranged.

On May 14 the Department lodged a vigorous protest with the Soviet Embassy concerning an incident involving the *Wily Fox* and a Soviet fishing vessel which occurred on April 1. The full report on this incident had been received in the Department a few days earlier. In connection with this protest, we elaborated on the growing number of recent incidents and urged that all appropriate action be taken to eliminate them. We noted that we would be in further contact with the Soviet Embassy as soon as the full reports of more recent incidents have been received. We also intend to be in contact with other Embassies in connection with

similar incidents. The Coast Guard has been requested to expedite the full reports of all pending cases of such incidents, and it is cooperating in this regard.

Fisheries officials of most nations fishing off our Atlantic coast will be attending a meeting of the International Commission for the Northwest Atlantic Fisheries in Halifax, Nova Scotia commencing on May 24. Although this matter is not within the terms of reference of the Commission, we intend to take advantage of the presence of these fisheries officials for further discussions on this problem.

We have attempted to keep your office fully informed of the recent development concerning this problem. We very much appreciate your deep concern in this matter, and I can assure you that we will pursue the matter to the fullest extent possible to protect the rights and interests of American fishermen on the high seas.

Sincerely,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional
Relations.

Mr. PASTORE. Mr. President, if the Senator would yield, I would like to say something before the manager of the bill speaks on this point.

I associate myself with everything the distinguished Senator from Massachusetts has said. As a matter of fact, this situation has become so serious that we had to take boats out of the mothballs both on the Atlantic and on the Pacific side of our country. I say in all due modesty that I was responsible for the sponsorship of that appropriation.

I quite agree with the Senator from Massachusetts that something needs to be done. And I would hope that we could accede to the request of the Senator from Massachusetts.

Mr. MAGNUSON. Mr. President, the amendment offered by the Senator from Massachusetts is consistent with what we are trying to do in the pending bill. We are trying to make whole the fishermen who have been harassed by the damage of their ships and the seizure of their ships so that they will not have to bear this burden. One purpose of the bill is to take that amount out of the foreign aid, if there is any.

But this would do the same thing we do for the tuna fishermen whose ships are affected by some action by a foreign country beyond their control. I think it is time for all of this to come to a head.

I am willing to take the amendment to conference to see what we can work out with a good, tough bill, to stop all these instances.

Mr. KENNEDY. Mr. President, I appreciate the statement of the distinguished chairman of the committee.

I hope that the amendment will be agreed to in conference. We will be glad to work with the chairman. He has always been extremely interested in protesting fishing interests in the Northeast and we will be glad to work with him. I hope this measure is taken to conference.

Mr. MAGNUSON. I think the House bill was a little more limited than it should be on the one matter because they wanted to get it passed quickly and they did not go into these other matters at great length. I am sure we can work this out in conference.

Mr. STEVENS. Mr. President, will the Senator from Massachusetts yield to me?

Mr. KENNEDY. I yield.

Mr. STEVENS. Mr. President, I associate myself with the amendment of the Senator from Massachusetts and join in comments made by the Senator from Rhode Island the Senator from Massachusetts.

I wish to ask one question with respect to a problem we had with the *Viking King* and the *Viking Queen* last year, the two most modern vessels in the Alaskan fleet. A Russian trawler got hold of their crab pots and pulled their cables out and stripped their trawling gear.

One thing mentioned to me last week was that although Russia is prepared to pay the actual cost of the gear they have not paid anything in terms of the interest costs the owners have incurred as a result of the money they had to put out to get repairs made, and the losses they incurred while the vessels were laid up.

I know the amendment of the Senator from Massachusetts makes reference to the actual cost incurred by owners arising out of actual damages to vessels. Would the Senator agree this would be an actual cost involved in this type of operation, interest paid on money borrowed for repair of vessels?

Mr. KENNEDY. It would be so covered; not only the actual cost of repairs but those related items as well. That is specifically included in the amendment. I think the Senator's examples apply not only to the Alaskan fleet but to the Northeast, as well.

Mr. STEVENS. I thank the Senator. Yesterday I placed in the RECORD a statement concerning 225 foreign vessels, all of which are larger than any vessel from Florida or Alaska, fishing in Alaska waters this year, and all of them have the potential for this kind of harm. We have had considerable difficulty.

I am pleased the chairman has decided to take the amendment to conference, and I hope it will be agreed to.

Mr. KENNEDY. Mr. President, I am prepared to yield back the remainder of my time.

Mr. MAGNUSON. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Massachusetts.

The amendment was agreed to.

Mr. STEVENS. Mr. President, I wish to join the distinguished chairman of the Committee on Commerce (Mr. MAGNUSON) in expressing support for H.R. 7117 and urging its favorable consideration by the Senate.

This bill, H.R. 7117, would make several amendments to the Fishermen's Protective Act of 1967. The principal objective of the amendments made by H.R. 7117 is to expedite the reimbursement of U.S. vessel owners for charges paid by them to obtain release of the vessels and crews illegally seized by foreign countries.

Mr. President, as my colleagues in the Chamber may recall, fishing vessels of the United States have for some two decades been subject to seizure and assessment of monetary penalties by various South American countries who have been

seizing such vessels in international waters on the basis of jurisdictional claims not recognized by the United States. Perhaps the most persistent and flagrant violators of these internationally recognized rights of U.S.-flag fishing vessels on the high seas have been Ecuador and Peru. Chile also has made a similar jurisdictional claim. These so-called CEP states—that is, Chile, Ecuador, and Peru—having no shelf off their coast, have claimed—

Exclusive sovereignty and jurisdiction over the [200 nautical mile] zone and exclusive sovereignty and jurisdiction over the seabed and subsoil.

Mr. President, neither H.R. 7117 nor the act which it amends, the Fishermen's Protective Act of 1967, go to the root of the problem which they seek to address in my opinion. Rather, these provisions simply would make whole the owners and operators of U.S. fishing vessels subject to such seizures.

Nothing would be done to correct the flagrant practice of such illegal seizures except with respect to the provisions of section 3 of H.R. 7117 which would require the Secretary of State to take such action as he deems appropriate to make and to collect any such reimbursement claim paid against the offending foreign country.

Mr. President, quite frankly while I support the provisions of H.R. 7117, I personally am not wholly satisfied with the approach that it takes. We in the United States are blessed with a very valuable fisheries resource, and I might add that insofar as concerns resources of the Continental Shelf, the preponderance of these are located off the shores of my own State of Alaska. My own personal preference would be to see the United States unilaterally extend its own jurisdiction by widening the present contiguous fisheries zone so that each point on the boundary line would be 200 nautical miles from the nearest point on the interline or at a point corresponding to a depth of 550 meters, whichever alternative produces the greatest breadth. Such legislation has been introduced by me as S. 46 and an alternative proposal as S. 872, both of which presently are pending before the Committee on Commerce.

In conclusion, Mr. President, I do support H.R. 7117 and urge its passage. However, I am not satisfied that this should be the only remedial action taken, and I would urge at some earlier date that this Congress undertake consideration of appropriate legislation to extend our jurisdictional claim and thereby provide needed protection for our valuable fisheries resources.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 7117) was read the third time and passed.

The PRESIDING OFFICER. The Chair wishes to inquire if the Senator from

Washington desires technical corrections to be made in the engrossment of the amendments.

Mr. MAGNUSON. Yes.

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

TRIBUTE TO SENATOR MAGNUSON

Mr. MANSFIELD. Mr. President, I simply wish to extend the Senate's gratitude to the distinguished senior Senator from Washington (Mr. MAGNUSON). As the chairman of the Committee on Commerce he has again established his record as a legislator surpassed in his dedication and skill. More than anything, it was outstanding advocacy and sharp persuasiveness that led to the Senate's overwhelming approval of this measure.

These are attributes that have characterized Senator MAGNUSON's outstanding record of public service. Today, achievement marks another triumph for him; this time achieved in behalf of this Nation's fishing interests for which WARREN MAGNUSON has fought throughout his public life. The Senate is deeply in his debt again.

AUTHORIZATION FOR APPROPRIATIONS TO THE ATOMIC ENERGY COMMISSION

Mr. MANSFIELD. Mr. President, I move that the Senate turn to the consideration of Calendar No. 768, S. 3607.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 3607) to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Joint Committee on Atomic Energy.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

Mr. PASTORE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PASTORE. 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. PASTORE. Mr. President, we are dealing here today with S. 3607, which would authorize appropriations to the Atomic Energy Commission for fiscal year 1973. It was ordered reported without dissent by the Joint Committee on Atomic Energy on May 16. The bill would authorize appropriations totaling \$2,602,975,000 for operating expenses and plant and capital equipment for the coming year. That amount is approximately 4.5 percent less than was requested by the AEC.

I ask unanimous consent to include in the RECORD at this point the section-by-section analysis contained in the committee report beginning at page 44 which describes in considerable detail the provisions of the bill.

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

SECTION-BY-SECTION ANALYSIS

SECTION 101

Section 101 of the bill authorizes appropriations to the Atomic Energy Commission, in accordance with the provisions of section 261 of the Atomic Energy Act of 1954, as amended, for "Operating expenses" and "Plant and capital equipment."

Section 101(a) of the bill deals with the authorization of appropriations for "Operating expenses." The Commission's authorization request under this heading was presented to the committee in terms of costs to be incurred during fiscal year 1973, adjusted in total to the obligations to be incurred during the fiscal year.

The Joint Committee is recommending authorization of \$2,109,980,000 for "Operating expenses," not to exceed \$126,400,000 in operating costs for the high-energy physics program category. It is the Joint Committee's intent that the amount specified for any program or category shall be exceeded only in accordance with specific arrangements which have been developed between the Commission and the committee. These arrangements include provisions for periodic reporting to the committee of changes in estimates of authorized programs. These informal procedures, embodied in an exchange of correspondence between the Atomic Energy Commission and the committee, have operated efficiently. It is the Joint Committee's belief that legislative measures or other formal devices that would impose legal limitations upon the reprogramming of Commission funds are not necessary at this time. It is the committee's intent that the procedures specified in this exchange of correspondence shall remain in effect during fiscal year 1973.

It is intended that costs incurred pursuant to the authorization contained in this act shall be generally in accordance with the analysis of the proposed bills submitted by the AEC and other background and explanatory materials furnished by the Commission in justification of the AEC's fiscal year 1973 authorization bill.

Plant and capital equipment obligations are provided in two sections of the bill. Under section 101(b), authorization is provided for new construction projects and capital equipment not related to construction. This authorization, together with the changes in prior-year project authorizations provided for in section 105, comprise the total authorization for plant and capital equipment provided in this bill. The AEC's request for authorization for these purposes was presented on the basis of new obligational authority required. New construction projects authorized under subsections (1) through (10) of section 101(b) of the bill total \$222,025,000.

It is intended that the projects under this authorization be related, as in previous years, to the analysis of the proposed bills submitted by the AEC and other background and explanatory materials furnished by the Commission in justification of the AEC authorization bill. It is not intended to prevent technical and engineering changes which are considered necessary or desirable by the Commission consistent with the scope and purpose of the project concerned.

Pursuant to section 101(b)(11), appropriations are authorized for capital equipment not related to construction in the amount of \$164,080,000. This equipment is

necessary to replace obsolete or worn-out equipment at AEC installations. Additional equipment is required to meet the needs of expanding programs and changing technology. Examples of typical equipment include machine tools, computers, and office equipment. The Joint Committee expects to receive a report from the Commission at least semiannually on obligations incurred pursuant to this authorization.

SECTION 102

Section 102 of the bill provides limitations similar to those in prior authorization acts.

Subsection (a) provides that the Commission is authorized to start projects set forth in certain subparts of subsection 101(b) only if the currently estimated cost of the project does not exceed by more than 25 percent the estimated cost for that project set forth in the bill.

Subsection (b) provides similar limitations for projects in other subparts of subsection 101(b), except that the increase may not exceed 10 percent of the estimated cost shown in the bill.

Subsection (c) provides limitations on general plant projects authorized by subsection 101(b)(10), whereby the Commission may start such projects only if the currently estimated cost of such project does not exceed \$500,000 and the maximum currently estimated cost of any building included in such project does not exceed \$100,000; provided that the building cost limitation may be exceeded if the Commission determines that it is necessary in the interest of efficiency and economy. Additionally, section 102(c) provides that the total cost of all general plant projects shall not exceed the estimated cost set forth in subsection 101(b)(10) by more than 10 percent.

Under arrangements previously agreed to by the Commission and the Joint Committee, the Commission shall report to the Joint Committee and the Appropriations Committee after the close of each fiscal year concerning the use of general plant project funds, and such report shall identify each project for which the proposed new authority has been utilized.

SECTION 103

Section 103 of the bill authorizes the Commission to undertake engineering design (titles I and II) on construction projects which have been included in a proposed authorization bill transmitted to the Congress by the Commission. It is understood that this work would be undertaken on projects which the Commission deems are of such urgency that physical construction should be initiated as soon as appropriations for the projects have been approved.

SECTION 104

Section 104 of the bill provides authorization for the transfer of amounts between the "Operating expenses" and the "Plant and capital equipment" appropriations as provided in the appropriation acts. The AEC appropriation acts have, in past years, provided that not to exceed 5 percent of the appropriations for "Operating expenses" and "Plant and capital equipment" could be transferred between such appropriations, provided, however, that neither appropriation could be increased by more than 5 percent by any such transfer. It is understood that any such transfer shall be reported promptly to the Joint Committee on Atomic Energy.

SECTION 105

Section 105 of the bill amends prior AEC authorization acts as follows:

(a) Section 101 of Public Law 91-44, as amended, is further amended by striking from subsection (b) (1), project 70-1-b, bedrock waste storage, the figure "\$1,300,000" and substituting therefor the figure "\$4,300,000".

(b) Section 101 of Public Law 91-273, as amended, is further amended by (1) striking

from subsection (b) (1), project 71-1-e, gaseous diffusion production support facilities, the figure "\$45,700,000" and substituting therefor the figure "\$72,020,000", (2) striking from subsection (b) (1), project 71-1-f, process equipment modifications, gaseous diffusion plants, the figure "\$10,400,000" and substituting therefor the figure "\$34,400,000", (3) striking from subsection (b) (6), project 71-6-a, National Nuclear Science Information Center, the words "AE only" and substituting therefor the words "American Museum of Atomic Energy", and further striking the figure "\$600,000" and substituting therefor the figure "\$3,500,000", and (4) striking from subsection (b) (9), project 71-9, fire, safety, and adequacy of operating conditions projects, the figure "\$45,700,000" and substituting therefor the figure "\$69,000,000".

(e) Section 101 of Public Law 92-84, as amended, is further amended by (1) striking from subsection (b) (1), project 72-1-f, component preparation laboratories, the figure "\$3,000,000" and substituting therefor the figure "\$25,300,000", (2) striking from subsection (b) (2), project 72-2-b, weapons neutron research facility, the words "(AE only)" and further striking the figure "\$85,000" and substituting therefor the figure "\$4,400,000", (3) striking from subsection (b) (3), project 72-3-b, national radioactive waste repository, the words "Lyons, Kansas" and substituting therefor the words "site undetermined", and further adding after the words "Provided, That" the words "with respect to any site in the State of Kansas", and (4) striking from subsection (b) (5), project 72-5-a, radiobiology and therapy research facility, the words "(AE only)" and further striking the figure "\$345,000" and substituting therefor the figure "\$1,600,000".

SECTION 106

Section 106 rescinds, except to the extent funds have already been obligated, the authorization for rebuilding of the gaseous diffusion plant cooling tower at Portsmouth, Ohio (project 70-2-a, Public Law 91-44, \$1,000,000) and research and development test plants associated with project Rover (project 70-4-b, Public Law 91-44, \$1,000,000 and project 71-3-b, Public Law 91-273, \$1,000,000.) Of the amount rescinded, \$2,000,000 was applied to reduce new obligational authority requested for fiscal year 1972 and \$990,000 from project 70-4-b is being similarly applied relative to fiscal year 1973.

TITLE II

SECTION 201

Title II provides for a cooperative Federal-State effort to provide funding of a program of remedial action to limit possible exposure from radiation resulting from an extensive usage of uranium mill tailings as a construction-related material—subgrade, backfill and mortar component—in the area of Grand Junction, Colorado. Section 201 asserts the recognition by the Congress of the moral propriety of Federal participation in this program notwithstanding the very low probability, in the opinion of the Joint Committee, of any legal liability on the part of any Federal agency. Uranium mill tailings have a uranium content so low as to not qualify as source material under the Atomic Energy Act of 1954, as amended, and therefore are not within the regulatory jurisdiction of the Atomic Energy Commission. Radium and its decay products radon daughters, which are the source of the radiation emanating from mill tailings, have never been within AEC regulatory jurisdiction.

Nonetheless, the mill tailings at issue resulted from production of uranium concentrate by private producers under contracts with the Government to provide materials deemed essential to the national security and defense. In section 201, the Congress "recognizes and assumes the compassionate responsibility of the United States" to assist in providing a remedy to protect

the health and welfare of the affected people where no other remedy at law is apparent. Such action constitutes awareness that at times undesirable conditions can develop outside the legal concepts of fault and liability. This concept, of course, is not new. In 1955 the Congress passed Public Law 84-378, the Texas City Disaster Relief Act, upon which Title II is patterned. While the condition being addressed in Title II in no way approaches disaster proportions, clearly prudence dictates action to limit unnecessary future exposure to that population.

SECTIONS 202, 203, AND 204

Section 202 authorizes the AEC to enter into a cooperative arrangement with the State of Colorado to provide not in excess of 75 percent of the costs of a State program to assess the conditions and take appropriate remedial action to limit radiation exposure resulting from construction uses of uranium mill tailings. Such action may appropriately take a variety of forms such as removal of tailings from under or around structures, application of sealants to structure basements, or addition of external or internal ventilation facilities to name but a few. The basis for determination of the need for remedial action is to be guidelines established by the Surgeon General of the United States and the selection of appropriate action is to be made by the Atomic Energy Commission after consultation with State officials and others as appropriate. The State will administer the performance of remedial action which will be undertaken by the State or its contractors and payment therefor will be undertaken by the State or its contractors and payment therefor will be a State function.

The legislation requires that the United States be held harmless against claims that might arise out of performance of remedial action and that a release from any possible liability of the United States relative to the mill tailings be obtained upon performance of remedial action or waiver thereof. Any tailings removed as part of remedial action become the responsibility of the State of Colorado. State law will govern the respective rights of persons affected by this legislation relative to title to property, rights of heirs, trespass, and so forth.

It is anticipated that the AEC will establish by rule or regulation guidelines for administration of its responsibilities under this legislation. These would include required reporting procedures by the State, accounting methods and procedures to be employed, inspection by the AEC of work performed under the State program, and others deemed necessary by the Commission. The public notice and participation provisions of section 553, Title V, United States Code, are made specifically applicable to the promulgation of such rules and regulations notwithstanding the exceptions in subsection (a)(2) thereof relative to matters of agency management or personnel, public property, loans, grants, benefits, or contracts.

The arrangement, which is to include at least the above provisions, is to be submitted

to and lie before the Joint Committee for 30 days while Congress is in session before becoming effective. Section 101(a) of the bill includes, as part of the authorization of appropriations for AEC operating expenses for fiscal year 1973, the amount of \$5,000,000 to be applied to the source materials program for implementation of this Title II.

TITLE III SECTION 301

Section 301 would amend section 161 of the Atomic Energy Act of 1954, as amended, to authorize the Commission to charge Federal agencies fees for the licensing of nuclear power reactors. Under the new authority, the Commission would be authorized to prescribe and collect from any other Government agency, which applies for or is issued a license for a utilization facility designed to produce electrical or heat energy pursuant to sections 103 or 104 b. (that is, a nuclear power reactor) any fee, charge or price which it may require, in accordance with the provisions of sections 483a of Title 31 of the United States Code or any other law, of applicants for, or holders of, such licenses.

The Commission adopted regulations, effective October 1, 1968, requiring payment of fees by applicants for and holders of licenses to construct and operate power reactors at the time of application for the construction permit, issuance of the construction permit and operating license, and annually thereafter. These regulations were promulgated in furtherance, and under the authority, of Title V of the Independent Offices Appropriations Act of 1952 (65 Stat. 290; 31 USC 483a), which states that it is the sense of Congress that any license or permit issued by a Federal agency to any person except those engaged in the transaction of official business of the Government, shall be self-sustaining to the fullest extent possible, and that the head of each agency is authorized to prescribe fees therefor. In view of the exception for persons engaged in the transaction of official business of the Government, and the absence of other statutory authority to charge Government agencies license fees, the Commission provided an exemption to Government agencies from the requirement for payment of fees.

Under the proposed authority, anticipated revenues from issuance of construction permits and operating licenses to Federal agencies are \$900,000 for fiscal year 1973 and \$1.14 million in fiscal year 1974.

Mr. PASTORE. Mr. President, very briefly, the bill provides for \$2,109,980,000 for operating expenses, the components of which are listed in the table on page 3 of the committee report. The report also contains a detailed discussion of each program. The committee's recommendation relative to operating expenses is a net increase of \$41,550,000. Of this amount, \$15.5 million would provide additional electric power and maintenance for the gaseous diffusion plants which are

our Nation's sole source of enriched uranium for nuclear powerplants as well as the primary source for the entire free world. An additional \$5 million is recommended to provide financial assistance to the State of Colorado for a State program to limit radiation exposure resulting from the past usage of uranium mill tailings as construction material.

The authority for participating in that program is contained in title II of the bill. The committee has also recommended increases of \$3.5 million for safety research under the reactor development program, \$7 million for the redirected space propulsion program in order to take the fullest advantage possible of the technology developed under the now terminated NERVA program, and \$3.7 million for an additional test in the development of a hardened, low-radioactivity nuclear engineering explosive being developed for sequential firing as part of the program to release natural gas deposits now trapped in nonpermeable rock formations. That program has the potential for doubling our natural gas reserves and I need not belabor the magnitude of our imminent natural gas supply problems.

Included within the AEC's budget is the amount of \$126,400,000 for the high energy physics program. My colleagues will recall that the AEC is the principal funding agent for this activity for the entire Federal Government, and this program represents almost 5 percent of the entire AEC budget.

With regard to the plant and capital equipment portion of the budget, the committee's recommendations are set forth in the table appearing on pages 35 and 36 of the committee report and include \$222,025,000 for new construction projects, \$164,080,000 for capital equipment not related to construction, and \$106,890,000 in increases in authorization for previously authorized projects. The committee's recommendation reflects a reduction of \$163,425,000 below the amount requested by the Commission.

Mr. President, since the tables I have referred to present the budget picture in a clear and easily understood fashion, I ask unanimous consent to have printed at this point in the RECORD the tables contained in the committee's report at pages 3 and 4 and at pages 35 and 36.

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

AUTHORIZATION OF OPERATING EXPENSES 1

[In thousands of dollars]

Program	AEC authorization request	Committee recommendations	Change	Page no.	Program	AEC authorization request	Committee recommendations	Change	Page no.
Nuclear materials.....	426,600	447,100	+20,500	7	Space electric power development.....	34,970	34,970	0	18
Weapons.....	877,700	877,700	0	12	Terrestrial electric power development.....	1,000	500	-500	19
Reactor development.....					Naval propulsion.....	149,800	149,800	0	20
Civilian power reactors.....	177,500	180,500	+3,000	13	Total, reactor development.....	468,000	481,000	+13,000	
Cooperative power.....				15	Physical research.....				21
General reactor technology.....	44,500	44,500	0	16	High energy physics.....	126,400	126,400	0	22
Nuclear safety.....	53,300	56,800	+3,500	17	Medium-energy physics.....	16,000	16,000	0	23
Operational services.....	1,930	1,930	0	17	Low-energy physics.....	25,300	25,300	0	23
Subtotal, civilian power related.....	277,230	283,730	+6,500		Mathematics and computer.....	4,650	4,650	0	24
Space nuclear propulsion.....	5,000	12,000	+7,000	18					

Footnote at end of table.

AUTHORIZATION OF OPERATING EXPENSES—Continued

[In thousands of dollars]

Program	AEC author- ization request	Committee recom- mendations	Change	Page no.	Program	AEC author- ization request	Committee recom- mendations	Change	Page no.
Physical research—Continued					Nonnuclear technology.....	3,000	3,000	0	29
Chemistry.....	46,950	46,950	0	24	Community.....	5,000	5,750	+750	29
Metalurgy and metals.....	24,500	24,500	0	25	Regulation.....	35,000	35,000	0	31
Controlled thermonuclear.....	38,000	38,000	0	25	Program direction and administration.....	121,000	120,100	-900	32
Total, physical research.....	281,800	281,800	0		Security investigations.....	7,300	7,300	0	33
Biology and medicine.....	93,800	93,800	0	25	Cost of work for others.....	18,400	18,400	0	33
Training, education, and information.....	12,400	12,400	0	27	Revenues applied.....	-328,685	-328,685	0	34
Isotopes development.....	5,900	5,900	0	27	Changes in selected resources.....	52,885	57,385	+4,500	34
Civilian applications of nuclear explosives.....	6,800	10,500	+3,700	28	Unobligated balance brought forward.....	-18,470	-18,470	0	35
					Total authorization.....	2,068,430	2,109,980	+41,550	

1 Includes amounts submitted in amendment of Mar. 3, 1972.

PLANT AND CAPITAL EQUIPMENT AUTHORIZATIONS 1

[In thousands of dollars]

Program	AEC request 2	Committee recom- mendations	Change	Program	AEC request 2	Committee recom- mendations	Change
New construction projects.....	299,750	222,025	-77,725	Project 71-9, fire, safety, and adequacy of operating conditions projects, various locations (from \$45,700 to \$69,000).....	23,300	23,300	0
Capital equipment not related to construction.....	167,080	164,080	-3,000	Project 72-1-f, component preparation laboratories, multiple sites (from \$3,000 to \$26,000).....	23,000	22,300	-700
Increases in prior-year authorizations:				Project 72-2-b, weapons neutron research facility, Los Alamos Scientific Laboratory, New Mexico (from \$585 to \$4,400).....	3,815	3,815	
Project 70-1-b, bedrock waste storage (AE and site selection drilling only), Savannah River, S.C. (from \$1,300 to \$16,300).....	15,000	3,000	-12,000	Project 72-5-a, radiobiology and therapy research facility, Los Alamos Scientific Laboratory, New Mexico (from \$345 to \$1,600).....	1,255	1,255	0
Project 71-1-e, gaseous diffusion production support facilities (from \$45,700 to \$107,120).....	61,320	26,320	-35,000	Total plant and capital equipment authorization.....	656,420	492,995	-163,425
Project 71-1-f, process equipment modifications, gaseous diffusion plants (from \$10,400 to \$69,000).....	59,000	24,000	-35,000				
Project 71-6-a, National Nuclear Science Information Center (American Museum of Atomic Energy), Oak Ridge, Tenn. (from \$600 to \$3,500).....	2,900	2,900	0				

1 A table showing the Atomic Energy Commission's appropriations request for fiscal year 1973 and the effects of the authorization recommendations of the Joint Committee on this appropriations request is set forth as an appendix to this report on pp. 53-54.

2 Includes amounts submitted in amendment of Mar. 3, 1972.

The following table presents a capsule summary of the authorization requested by the Commission for fiscal year 1973 and the effect of the committee's recommendations thereon:

Program	AEC request	Committee recommendations	Change
Operating expenses.....	\$2,068,430,000	\$2,109,980,000	+\$41,550,000
Plant and capital equipment.....	656,420,000	492,995,000	-163,425,000
Total.....	2,724,850,000	2,602,975,000	-121,875,000

XVIII. PLANT AND CAPITAL EQUIPMENT
AEC request

The Commission requested authorization totaling \$656,420,000 for plant and capital

equipment in fiscal year 1973, including \$248,200,000 for 34 new construction projects, \$51,550,000 for general plant projects, \$189,590,000 for increases required for 8 previously authorized projects, and \$167,080,000 for

capital equipment not related to construction. The following table shows the various projects for which authorization is requested, and the committee's recommendation on each request.

PLANT AND CAPITAL EQUIPMENT

[In thousands of dollars]

Project	AEC request	Committee recom- mendations	Change	Project	AEC request	Committee recom- mendations	Change
Nuclear materials:				Weapons:			
73-1-a. In-tank solidification systems auxiliaries, Richland, Wash.....	2,500	2,500	0	73-3-a. Weapons production, development, and test installations.....	10,000	10,000	0
73-1-b. Waste management effluent diversion control facilities, separations areas, Richland, Wash.....	1,000	1,000	0	73-3-b. Laser fusion laboratory, Los Alamos Scientific Laboratory, New Mexico.....	5,200	5,200	0
73-1-c. Expansion of weighing and sampling facility for gaseous diffusion plant, Portsmouth, Ohio.....	1,400	1,400	0	73-3-c. Laser fusion laboratory, Lawrence Livermore Laboratory, California.....	6,800	6,800	0
73-1-d. Component test facility, Oak Ridge, Tenn.....	21,200	20,475	-725	73-3-d. Classified facilities, sites undesignated.....	15,000	15,000	0
73-1-e. Radioactive waste management improvements, Savannah River, S.C.....	1,300	1,300	0	73-4-a. New sewage disposal plant, Mound Laboratory, Miamisburg, Ohio.....	700	700	0
73-1-f. Safety improvements, reactor areas, Savannah River, S.C.....	2,000	2,000	0	73-4-b. Land acquisition, Rocky Flats, Colo.....	8,000	8,000	0
73-1-g. Contaminated soil removal facility, Richland, Wash.....	1,400	1,400	0	Reactor development:			
73-1-h. Rover fuels processing facilities, National Reactor Testing Station, Idaho.....	3,250	3,250	0	73-5-a. Liquid Metal Engineering Center facility modifications, Santa Susana, Calif.....	3,000	3,000	0
73-1-i. Radioactive solid waste reduction facility, Los Alamos Scientific Laboratory, N. Mex.....	750	750	0	73-5-b. Modifications to EBR-II, National Reactor Testing Station, Idaho.....	4,000	4,000	0
73-2-a. Atmospheric pollution control facilities, heavy water plant, Savannah River, S.C.....	4,300	4,300	0	73-5-c. Modifications to power burst facility, National Reactor Testing Station, Idaho.....	1,500	1,500	0
73-2-b. Improved sanitary waste treatment facilities, Savannah River, S.C.....	1,100	1,100	0	73-5-d. Modifications to TREAT facility, National Reactor Testing Station, Idaho.....	1,500	1,500	0
				73-5-e. Research building safety modifications, Mound Laboratory, Miamisburg, Ohio.....	3,000	3,000	0
				73-5-f. Pu-238 fuel form fabrication facility, Savannah River, S.C.....	8,000	8,000	0

Project	AEC request	Committee recommendations	Change	Project	AEC request	Committee recommendations	Change
73-5-g. Modifications to reactors.....	2,000	3,000	+1,000	71-1-e. Gaseous diffusion production support facilities.....	61,320	26,320	-35,000
73-5-h. S8G prototype nuclear propulsion plant, West Milton, N.Y.....	125,000	56,000	-69,000	71-1-f. Process equipment modifications, gaseous diffusion plants.....	59,000	24,000	-35,000
Physical research:				71-6-a. National Nuclear Science Information Center (American Museum of Atomic Energy) Oak Ridge, Tenn.....	2,900	2,900	0
73-6-a. Accelerator improvements, zero gradient synchrotron, Argonne National Laboratory, Illinois.....	400	400	0	71-9. Fire, safety, and adequacy of operating conditions projects, various locations.....	23,300	23,300	0
73-6-b. Accelerator and reactor improvements, Brookhaven National Laboratory, New York.....	975	475	-500	72-1-f. Component preparation laboratories, multiple sites.....	23,000	22,300	-700
73-6-c. Accelerator improvements, Cambridge Electron Accelerator, Massachusetts.....	75	75	0	72-2-b. Weapons neutron research facility, Los Alamos Scientific Laboratory, New Mexico.....	3,815	3,815	0
73-6-d. Accelerator improvements, Lawrence Berkeley Laboratory, California.....	525	525	0	72-5-a. Radiobiology and therapy research facility, Los Alamos Scientific Laboratory, New Mexico.....	1,255	1,255	0
73-6-e. Accelerator improvements, Stanford Linear Accelerator Center, California.....	1,025	1,025	0	Subtotal, construction projects.....	489,340	328,915	-160,425
73-6-f. Accelerator and reactor improvements, medium and low-energy physics.....	600	600	0	Capital equipment not related to construction:			
Biology and medicine:				Nuclear materials.....	25,700	25,700	0
73-7-a. High-energy heavy ion facility (BEVALAC), Lawrence Berkeley Laboratory, California.....	2,200	2,000	-200	Weapons.....	63,380	63,380	0
73-8-a. Replacement of laboratory service systems, Oak Ridge National Laboratory, Tennessee.....	1,200	1,200	0	Reactor development.....	25,600	25,600	0
Administrative:				Physical research.....	41,800	40,300	-1,500
73-9-a. Addition to headquarters building (AE only), Germantown, Md.....	7,300	1,500	-5,800	Biology and medicine.....	5,200	5,200	0
General plant projects.....	51,550	49,050	-2,500	Training, education and information.....	900	900	0
Subtotal, new construction projects.....	299,750	222,025	-77,725	Isotopes development.....	800	800	0
Increase in prior-year project authorizations:				Civilian applications of nuclear explosives.....	700	700	0
70-1-b. Bedrock waste storage (AE and site selection drilling only) Savannah River, S.C.....	15,000	3,000	-12,000	Regulation.....	800	800	0
				Administrative.....	2,200	2,200	0
				General reduction.....		-1,500	-1,500
				Subtotal, capital equipment.....	167,080	164,080	-3,000
				Total plant and capital equipment authorization.....	656,420	492,995	-163,425

Mr. BENNETT. Mr. President, I want to compliment the distinguished chairman of the Joint Committee on his excellent summary of the provisions of S. 3607 as reported by the Joint Committee. I wish to associate myself with his remarks and reiterate the fact that this bill was very carefully considered by the committee and has the full support of the committee. Every effort has been made to insure that the program as recommended yields the best return for each taxpayer's dollar. I believe that it does. The committee also has sought to maintain the maximum congressional control, particularly relative to construction projects and that is reflected by the recommended reduction by \$163,425,000 in the plant and capital equipment portion of the budget. The recommended authorization for construction projects is essentially at the level of new obligatory authority being requested by the AEC.

There is one significant exception to that general rule, however, and that is relative to the two construction projects which comprise the Cascade improvement program to increase the capacity of our gaseous diffusion plants. In that case, while the committee has recommended a reduction of \$70 million in the authorization, we urge the appropriation of \$30 million more than requested by the AEC. As my colleagues will recall, the committee and the Congress have been urging a more rapid implementation of that program than has been recommended by the administration, and we continue to feel that it is imperative that these facilities be modernized at the optimum rate practicable. As our distinguished chairman mentioned, the committee also has recommended that \$15 million be added to the budget to restore electrical power to the gaseous diffusion plants as part of the program of bringing the existing plants to full-rated ca-

capacity. Both of these actions are considered necessary and prudent if we are to insure the availability of enrichment capacity sufficient to meet both the domestic and free world demand for nuclear fuel. The committee's comments on these two recommendations appear in the committee report at pages 8 and 41.

Mr. President, I concur with our distinguished chairman that this bill is a sound piece of legislation. The program of the commission has received the most careful scrutiny by the committee not only in 10 public hearing sessions and 3 executive hearing sessions but also through many hours of careful study. I believe the recommendations of the committee reflect the proper ordering of priorities and are responsive to the needs of the public and the rapidly maturing nuclear industry as well, and I urge passage of this bill.

Mr. PASTORE. Mr. President, this is a sound bill and as a reading of the committee reports will reveal, it has been carefully considered by the joint committee. The report spells out in detail the fiscal year 1973 Atomic Energy Commission program as recommended by the committee and, as I indicated earlier, the bill has been approved by the committee without dissent.

In due time, I shall urge the passage of the bill. I understand that the Senator from Pennsylvania has an amendment, which I am ready to accept, and in order to allow him to come to the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PASTORE. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. SCOTT. Mr. President, I submit

an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 1, line 7, delete "\$2,109,980,000" and insert in its place "\$2,110,480,000".

Mr. SCOTT. Mr. President, my amendment would increase the Atomic Energy Commission's authorized operating expenses by \$500,000, to a new total of \$2,110,480,000. The purpose of the amendment is to fund fully, at the \$1 million administration requested level, the terrestrial electrical power development program which provides for the development of a radioisotopic power system for use in a cardiac pacemaker. Joining me on this amendment are Senators SCHWEIKER, WILLIAMS, BIBLE and BAKER.

During the Senate's consideration of this bill last year, I offered the very same amendment. This year, the cut came about largely due to some unfortunate misunderstandings between the contractor and the Joint Committee on Atomic Energy. I understand that those differences have now been clarified and I am hopeful that my amendment will be adopted once again. The distinguished chairman of the committee, Mr. PASTORE, said last year that any decision on this matter "ought to be on the side of saving human life." I trust that he still harbors those same good feelings.

Mr. President, this money will allow the program to terminate on schedule, as this is the fifth and final year. The ARCO Nuclear Co. in Leechburg, Pa., has done an outstanding research job on the cardiac pacemaker and they should be allowed to complete their work. I am told that their work this year will allow the orderly transition from animal implants to human implants—certainly good news for those 80,000 Americans who need and use cardiac pacemakers to help them to

live with a malfunctioning heart. In order to allow for a further elaboration of this excellent program, I ask unanimous consent to include in the RECORD certain explanatory material, in addition to an article in last night's Evening Star discussing the nuclear pacemaker.

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

ARCO NUCLEAR CO.,
Leechburg, Pa., May 18, 1972.

Senator HUGH SCOTT,
U.S. Senate Office,
Washington, D.C.

Subject: AEC Authorization Bill 3607 Radio-isotope Powered Cardiac Pacemaker.

DEAR SENATOR SCOTT: As a direct result of the restoration of funds last year for the Nuclear Pacemaker Program, we have been able to make good progress and are nearing the end of the program and the planned benefits to the public. However, the Joint Committee on Atomic Energy has just recommended that the funds for this program be reduced to one half (\$500,000) of the amount requested by the Atomic Energy Commission for Fiscal Year 1973. The funds which were cut need to be restored in order that the objectives of the program can be achieved expeditiously and the benefits reach the public in the next couple of years. At the full funding level recommended by the AEC Fiscal Year 1973 would essentially be the final year of the program which is now about 80% completed. It seems very wasteful to slow down the program just when it is close to a successful conclusion in such a worthwhile field. In making its recommendation the Joint Committee made the following statements for each of which I have included our comments:

1. "The Joint Committee has learned that a patent has been issued to one of the contractors under the AEC Cardiac Pacemaker Program."

This is correct, and of course the patent is available by licenses from the government to industry and the public.

2. "The Joint Committee also has been advised that the Program Manager of the Cardiac Pacemaker Program and the Manager of the Nuclear Energy Conversion Technical Center, where the pacemaker research was conducted have both resigned from that contractor. The Committee expresses concern that just when the technology has been developed to the point of patentability, loss of key leadership may cause the program to falter. The Commission is urged to see that this does not occur."

The former Program Manager of the Cardiac Pacemaker Program did resign. Substantially prior to this in a regularly scheduled corporate personnel adjustment, we had, with the AEC's concurrence, given the present Program Manager essentially full responsibility for the project activities. The present Program Manager, while younger, has had just as much program experience, has a higher educational level, and has an outstanding record of achievement. The Manager of the Energy Conversion Technical Center also recently resigned and we have been interviewing a number of excellent candidates for his replacement. We expect to make a choice shortly. As is common knowledge, many very high quality scientific and engineering managers are currently available on the job market. In any case, we last fall added an experienced executive, a Metallurgist by training, to be responsible over-all for our Energy Conversion activities on site, and we have no doubt that our leadership of this unit is stronger than it was last year.

3. "Careful examination of the AEC Pacemaker Program as proposed for the coming year indicates that a portion of the one million dollars requested for continued research will be applied to development of

production line techniques in preparation of manufacturing documentation. It is the view of the Committee that this effort should more appropriately be the responsibility of manufacturers desirous of entering the business of manufacturing pacemakers."

This statement must be the result of some misunderstanding since no development of production line techniques is planned for the coming year. This work has all been completed. The budgeted work does include around \$20,000 to complete the generation of data on device fabrication. It also includes \$140,000 for analysis of the production line techniques and for documenting them in a manner which will make them usable to industry in general. Having done the work it would seem wasteful to leave it in an undocumented state which would be difficult for a company with modest resources to utilize. Additional production effort in the budget is for fabricating units for test and implantation purposes.

4. "The AEC effort to develop a procedure for licenses and appropriate license assumptions should be continued. The Committee strongly recommends that the AEC and this contractor proceed with implantation and evaluation of the AEC pacemaker in human patients, such as those patients who have volunteered and complete the program for safety evaluation."

We certainly appreciate the Committee's approval of the principle objectives of the Program but do not believe these can be accomplished in a satisfactory manner at the reduced funding level and neither reduction of the support activities nor the work scheduled to bring the benefits of this project to the public appears to be advisable since they would result in a substantial reduction of the benefits right at the end of a lengthy and successful program.

One further point they may need to be clarified is the change which took place during the last year in our company name. Previously, the work was carried out by the Energy Conversion Division of NUMEC. With the sale of the rest of NUMEC, the Energy Conversion Division was transferred to ARCO Nuclear Company. NUMEC was, and ARCO Nuclear Company is, a fully-owned subsidiary of the Atlantic Richfield Company. The change in name does not reflect any change in basic corporate responsibility.

As a consequence of the separation of this unit from the NUMEC ones at the same site we have been able to adopt a smaller and simpler accounting and business system and as a result have increased the percentage of our personnel in the scientific and engineering program. Since the transfer to ARCO Nuclear, and apart from the managers mentioned above, we have added 2 Ph.D. Physicists, 1 M.S. and 2 B.S. Mechanical Engineers, 1 B.S. Metallurgical Engineer, 1 B.S. Ceramics Engineer, 1 B.S. Chemist, and 1 M.S. Electrical Engineer, while losing only 1 B.S. and 1 M.S. Mechanical Engineer. We believe there is no question that our staff and capability, equipment and leadership have been strengthened substantially in these moves.

I sincerely hope that this information is of interest to you and that you will use it to help us bring this worthwhile program to a successful conclusion. I have attached a summary of the accomplishments that we made last year and what we will accomplish in the coming year if the required funds are restored. Your help last year was instrumental in restoring the funds and permitting this worthwhile program to be carried forward. If you have any questions concerning this matter please do not hesitate to call or write at your convenience.

Sincerely,

S. A. KOLENIK,
Program Manager.

PROGRAM SUMMARY

There are approximately 80,000 men, women, and children in the United States who need and use cardiac pacemakers to

help them live with a malfunctioning heart. This number increases every year by 25/30,000 people. Their average age is 71 years, and they as a group average 6 years of life with a pacer. The United States census shows the number of people in the older age brackets is growing much more rapidly than the population as a whole and thus there is a strongly growing need for devices to increase further the useful life span of our citizens. At present, the average battery implant operates successfully for only 2 years, and the average patient is required to have 3 or more implants with the associated surgical risks and costs. A 10-year nuclear battery pacer should eliminate need for this additional surgery, hospital time, and expense for most users.

The AEC nuclear battery program is aimed at ensuring an effective, reliable unit for the users and safety for the public as they associate with these nuclear pacemaker users. The major responsibility of the program has been the development of safety and reliability standards. It has been found that it will be necessary for such a nuclear unit to withstand industrial fires of 1900°F, cremation at 2100°F, free fall at terminal velocity, direct impact from a hand gun bullet, crushing, and drowning without rupture or breach of the fuel capsule.

The other major responsibility of the AEC program is the design and fabrication of a unit which will meet these standards, and the demonstration that it can be manufactured economically.

The AEC program in FY 1973 will provide units for human implant which have demonstrated this safety and efficacy to the users and the public. During FY 1973 to facilitate the transition of these devices into general use, a system cost reduction analysis will be made and published which will demonstrate the economical production of nuclear batteries to these necessary standards of safety and reliability. Such economical feasibility will be further demonstrated in FY 1973 by fabrication of pacers using electronics obtained from commercial pacer manufacturers.

This has been a highly successful program so far. It is about 4/5 done, and the FY 1973 part of the program will bring it essentially to completion. There is still need for the program because commercial sources have not yet proposed to make available pacers which will meet the required standards.

OBJECTIVES TO BE ACHIEVED IN FISCAL YEAR 1973

1. PERFORM HUMAN IMPLANTATION

From the same pilot production run, which will be completed in FY 1973 and which will demonstrate the technical and economical feasibility of these nuclear devices, a group of 25 systems will be completed and reserved for human implantation. This so-called pilot production group was fabricated in a continuous run or single lot to assure that each of the reliability, animal and laboratory tests applied to individual units would be applicable to the whole group, thus permitting a proven reliability demonstration before moving on to the stage of initial human implantation. When it has been proven statistically through animal implantations and laboratory tests that a reliability significantly better than that of present battery-powered pacemakers has been achieved, the human implantations will be carried out. This is anticipated to take place at about the midpoint of FY 1973 after the animal implant program is completed and sufficient evaluations performed to allow human implants.

2. CLINICAL EVALUATION IN HUMAN PATIENTS

Following the selection of suitable clinics and the actual implantations, a complete program of clinical evaluations will be carried out. This program will be established

by the combined efforts of the National Heart and Lung Institute, AEC, the private clinics selected to perform the implants, and ARCO Nuclear Company. A detailed experimental protocol will be established and an associated written document will be published upon which future such experiments by private medical organizations can be based.

3. COMPLETE SAFETY TESTING AND ANALYSIS

The safety testing and analysis required to qualify implantable nuclear devices for widespread use will be conducted. These tests include industrial fire, cremation, free fall impact, crush, bullet impact, drowning, corrosion, power tool, and automobile accidents. The information obtained by these tests and analyses will provide the base upon which regulatory criteria and procedures can be established in order that such nuclear devices can be released for widespread use. Also, a detailed study will be completed to establish the probability levels for all potential serious accidents.

4. SYSTEM COST REDUCTION ANALYSIS

Following completion of the pilot production run and finalized manufacturing documentation, a detailed cost reduction analysis will be conducted. The production start-up difficulties and fixturing costs will be accounted for as well as the benefits of the anticipated learning curve in order to accurately extrapolate true larger quantity unit cost. This analysis is very important in the demonstration of the economical feasibility of producing implantable nuclear devices of the highest standards and reliability.

5. MANUFACTURING DOCUMENTATION

A complete set of detailed manufacturing documents will be prepared. These will include all production techniques, inspection procedures, quality assurance criteria and procedures, testing plans, sampling plans, all drawings, materials, and analysis used to fabricate the implantable nuclear powered cardiac pacemakers as part of this program. Since all of this information belongs to the American public, it will be available to any private organization that wants to fabricate such devices including all existing commercial pacemaker manufacturers.

6. INITIATE TRANSITION TO GENERAL USE

A small group of systems will be fabricated for use with synchronous and demand types of pacer circuits obtained from various commercial pacer manufacturers. These are the most common types of pacer circuits used today, and they require much more power than the simple fixed rate circuit used for the pilot production units. This will demonstrate the flexibility and maximum usefulness of the nuclear battery developed since it will be demonstrated that it has enough power and a high enough output voltage to properly operate almost all existing commercial pacemaker circuits, as well as many other non-pacemaker types of implantable circuits. This effort will also introduce a large number of commercial pacer manufacturers to the details of what is required to transition the nuclear battery to general use. Extensive liaisons with various commercial pacer manufacturers is, therefore, anticipated for this effort.

7. QUALIFY NUCLEAR BATTERY FOR HUMAN USE

Sufficient reliability studies and testing and the execution of FDA requirements test program will be performed. Also, the establishment of nuclear battery standards and safeguards to assure high reliability, patient safety, and safety to the general population. In addition, a small group of systems will be taken through the procedures established to obtain a general users license to demonstrate the feasibility of introducing the nuclear device into the general population.

8. ANALYSIS OF OTHER APPLICATION

An analysis will be completed which will demonstrate that the technology developed

as part of this program can be applied to other types of medical devices which are presently being developed by the medical and engineering community. Such other devices include such worthwhile application as heart attack monitors, implantable cardiac de-fibrillation, phrenic nerve stimulators, carotid sinus stimulator, pain control devices, blood pressure controller, accelerated bone healing devices, cerebral stimulation to restore visual and auditory functions, bladder control, and stimulators to restore muscle strength to paralyzed limbs. Many of these devices are only possible because of the potential use of nuclear batteries which have enough power to operate the new devices over long periods of time while still being small enough to be implantable.

ACHIEVEMENTS IN FISCAL YEAR 1972

As a result of the restoration of Program funding the following achievements were made.

Pilot production techniques were established as well as a set of preliminary safety standards, reliability standards, quality assurance standards, operating procedures, and qualification testing methods. Using the upgraded qualification testing methods, extensive engineering studies and actual animal implantation test results, the system design was greatly improved over the initial system. The pilot production of nuclear pacemaker systems was initiated as well as the animal implant program required to achieve qualification for human implantation. An extensive safety test program was initiated, which included extensive cremation testing. Based on this testing, a recommended safety standard was formulated for cremation conditions, based on actual cremation conditions. This was the first data of this type ever developed. Several fueled systems were fabricated and subjected to actual cremation conditions. A special standard was developed for electronic circuits for use with nuclear batteries. Using this standard, a group of pilot production electronic circuits were fabricated and placed on life tests for statistical demonstration of adequate reliability for human use. A more suitable fuel form was introduced as well as a complete fuel specification for future use. Preliminary license work was conducted to lay the ground work for experimental human implantations next year. Life test data continued to demonstrate the feasibility of meeting the 10 to 20 year design life of the nuclear pacemaker.

[From the Washington Evening Star, May 24, 1972]

ATOM-POWERED HEART CLOSE (By Judith Randal)

OAK RIDGE, TENN.—The Atomic Energy Commission predicts that within eight to ten years a human being could be walking around with a completely implanted artificial nuclear-powered heart.

Meanwhile, barring unforeseen complications, it will grant the first American license for nuclear-fueled heart pacemakers sometime in the next two months.

At a science writers' seminar held here at the AEC's Oak Ridge National Laboratory, scientists said yesterday that an atom-powered heart—under development since 1964—should be ready for preliminary reliability tests by the end of this year.

But this does not mean, they stressed, that it will be put into patients or even into animals at that time.

What it does mean, they explained, is that the power unit—fueled by plutonium 238—will be tested in a laboratory situation to make sure that it is capable of driving the part of the artificial heart that actually pumps blood out to the body.

To date, such pumping units have been operated by air-driven components that are not suitable for internal implantation.

Dr. William E. Mott, the physicist who

heads the AEC's thermal applications branch in Germantown, Md., told reporters that a number of criteria must be met before the nuclear device is ready for testing on human beings. The device, he said, must be responsive to the body's changing energy needs and compatible with its tissues.

In addition, the power cell of the heart will have to be rugged enough to withstand accidents that could split open the radioactive component and expose both the patient and the public to radiation. To date, he said, none of these problems appears to be insurmountable.

Mott estimated that the operation to implant a heart will cost about \$10,000 and the device itself about \$31,000. Amortized over its expected 10-year lifespan, this works out to be about \$3,000 annually.

An issue that the AEC and its partner in the venture, the National Heart and Lung Institute, must face, Mott said, is whether the public will support this kind of life-saving measure at the cost that will be involved.

Assuming, as had been estimated by NHLI, that 15,000 to 45,000 Americans a year could benefit from such therapy by the year 2000, he said, the total annual bill might come to \$800 million.

As for cardiac pacemakers, present models used in this country operate on chemical batteries. Although they are effective in providing a regular and sufficiently powerful beat to correct the condition known as heart block which deprives the body of sufficient blood, they have the disadvantage of having to be surgically replaced about every two years.

This shortcoming is corrected by atomic-powered pacers and some 30 such devices with an expected lifetime of eight to ten years have been implanted in European patients since 1970.

Dr. Andrew Gage, a cardiac surgeon at the Veterans Administration hospital in Buffalo, N.Y. has applied to the AEC for permission to install French "pacers" in 10 to 20 patients. AEC officials said yesterday that the request will probably be granted in the next two months.

Present plans also call for the first trials of an American pacemaker—developed under AEC auspices—at the Beth Israel Hospital in Newark, N.J. early in 1973.

At yesterday's meeting, James C. Maloro of the AEC's regulatory staff said that changes in the Atomic Energy Act will be required before the new pacers can be used on patients except on an experimental basis.

He explained that this will involve both the waiving of individual licenses for everyone needing such a device and international agreement on safety and reliability standards so that patients will be free to travel abroad.

Present pacemakers he said, cost about \$1,000 and those powered by atomic fuel will probably cost at least three times that much. However, since the surgery to implant and re-implant batteries at two-year intervals runs, to \$800 to \$900, the longer-lived atomic devices are probably cheaper in the long run and protect the patient against the rigors of repeated surgery.

Mr. SCOTT. The distinguished manager of the bill is well aware of this program. The electronic pacemaker is a most important substitute for the model presently being used. It is more compact, it is smaller, but more than that, it is powered by nuclear energy. This pacemaker fits into the chest cavity of the patient, and the attendant plastic cord and small screw fit into an arterial section, as I understand, and provide electronic stimulation for the heart.

I have been told that research is going on to provide for what would amount to a great advance in this system, an electronic heart itself, which we hope some

day will be accomplished. Meanwhile, this money ought to be in the bill to assure continuing research and development in this field.

Mr. PASTORE. Mr. President, if the Senator will yield, I am perfectly willing to accept the amendment. It is a good amendment. The committee had certain qualms about this cut that we made of \$500,000. It can be argued each way. But I think the safe thing to do is to put the money in, and then, if it need not be used, it will not be, because we are dealing here with something which will be a boon to a lot of people who have heart conditions which require a pacemaker, and if we can achieve a very effective one, propelled by nuclear power, it would have a very lasting effect, and they would not have to be removing it from the body as often as they do now.

For that reason, I am perfectly willing to accept the amendment.

Mr. SCOTT. I thank the distinguished manager of the bill, and again point out that this may be the precursor for far more important electronic means of supplementing failing human organisms.

Mr. PASTORE. That is correct.

Mr. SCOTT. I urge the adoption of my amendment.

Mr. SCHWEIKER. Mr. President, several months ago I introduced S. 3201, a bill to expand the scope of the National Heart and Lung Institute and to provide special emphasis on the prevention of arteriosclerosis and other cardiovascular diseases. Parts of my bill were included in S. 3323, the National Heart, Blood Vessel, Lung and Blood Act of 1972, which passed the Senate without opposition on April 7.

I stated then the case for an intensified attack on heart disease, and what important benefits could be derived from a relatively small investment of Federal research funds.

Today I would like to briefly discuss a related matter.

There are approximately 80,000 men, women, and children in the United States who need and use cardiac pacemakers to help them live with a malfunctioning heart. This number increases annually by 25,000 or more.

At present the average lifespan after installation of a pacemaker is 6 years. The battery-operated pacemakers today, however, require battery replacement about every 2 years, subjecting these people to the risks, trauma, and costs of serious surgery, three or more times in what is probably their last decade of life.

The Atomic Energy Commission has been funding research into nuclear powered pacemakers for some years now, and a number of these programs are very close to successful completion.

One of these programs, carried on by Arco Nuclear Co. of Leechburg, Pa., is now about 80 percent completed, and full-funding for fiscal 1973, of \$1,000,000 is essential to permit the program to be brought rapidly to completion.

Several important tasks still remain which would essentially qualify this nuclear pacemaker for human application. It would be very unfortunate, in my judgment, to reduce the Atomic Energy Commission's original request for \$1,000,000 at all, and thereby endanger this essen-

tial program when it is so near to fruition.

I would, therefore, strongly urge support for the amendment the distinguished majority leader, Senator SCOTT, has offered on behalf of myself and the distinguished Senator from New Jersey, Senator WILLIAMS, to reinstate full funding for this very important program.

The PRESIDING OFFICER. Is all remaining time yielded back?

Mr. SCOTT. I yield back the remainder of my time.

Mr. PASTORE. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. HART). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Pennsylvania. (Mr. SCOTT).

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendments 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. Who yields time?

Mr. PASTORE. Mr. President, I yield whatever time he may require to the Senator from Colorado (Mr. DOMINICK).

AEC AUTHORIZATION BILL—TITLE II

Mr. DOMINICK. Mr. President, on February 9, 1972, Senator ALLOTT and I introduced S. 3150, a bill to provide Federal financial assistance to limit radiation exposure resulting from the use of uranium mill tailings in the area of Grand Junction, Colo. At the same time Mr. ASPINALL introduced an identical measure in the House of Representatives.

The bill was designed to provide the fiscal framework for correcting a situation which has developed in our State for which existing law appears to afford no remedy.

The intent of S. 3150 has been incorporated into S. 3607, the AEC authorization bill as title II, now pending before the Senate.

Mill tailings are the residual materials accumulated as the result of the processing of uranium ore. The problem arose when in the 1950's and early 1960's these tailings were used as construction material and were later found to be the source of low-level radiation in some homes and public buildings.

There has been considerable coverage of this subject by the media during the past year—a large portion having little or no foundation in fact—and the result has been the creation of uncertainty and doubt surrounding the town of Grand Junction. Real estate values and the ease of transfers of property have suffered, but not so much as the peace of mind of the people in that area.

In October of last year, the Subcommittee on Raw Materials of the Joint Committee on Atomic Energy, chaired by Representative WAYNE ASPINALL, of Colorado, and on which I serve, held comprehensive hearings to develop the facts on this issue. While the subcommittee did not seek to affix either legal liability or responsibility, it became obvious that there was no clear course of ac-

tion by which the radiation exposure problem could be resolved without a disproportionate burden on the homeowners. The Federal and State agencies involved—the AEC and the Colorado Department of Public Health—each asserted lack of authority and control of events leading to the use of the tailings and a similar lack of authority to effectuate a remedy.

Title II of S. 3607 will remove that obstacle as to the AEC. It recognizes the fact that these tailings were the residue of a significant Federal program designed to enhance our national defense and security—to provide nuclear materials for our stockpile. It authorizes the AEC to financially assist the State in a program of remedial action to limit future radiation exposure which could result from the unfortunate use of these mill tailings.

Under the bill, the AEC will be authorized to provide up to 75 percent of the cost for necessary remedial action. The State must establish and administer an appropriate program to undertake the necessary action which must be approved by the Commission. The standards to be applied in evaluating the appropriate action will be those promulgated by the Surgeon General of the United States. Much study and data collection has been conducted and is being continued with the assistance of the Environmental Protection Agency.

The Colorado Legislature on April 6, 1972, following the lead of our committee, passed legislation which indicates Colorado will assume its part in this Federal-State cooperative program.

Mr. President, title II of the AEC authorization bill is in the highest tradition of Federal-State cooperation to assure the health and safety of our people. It reflects recognition of the fact that there are times when adverse consequences can result without the fault or blame of anyone, yet something must be done by someone. This is not a new concept. Perhaps the best known example is the Texas City disaster in 1947, to which the Congress addressed itself with basically similar legislation in 1955.

Mr. President, I wish to thank the distinguished chairman of the Joint Committee on Atomic Energy (Mr. PASTORE) as well as the other members of the committee for the expeditious handling of this urgent problem. I know I can also speak for the citizens of my State in the Grand Junction area who are most appreciative of the efforts of the committee in bringing about a resolution of this problem.

Mr. ALLOTT. Mr. President, it is with a great deal of pleasure that I rise in support of S. 3607, a bill to authorize appropriations to the Atomic Energy Commission. I want to give special thanks to the chairman of the Joint Committee on Atomic Energy, the senior Senator from Rhode Island (Mr. PASTORE) and also to my colleague, Senator DOMINICK, for their efforts in reporting S. 3607.

I am particularly pleased that the committee has included as title II, S. 3150, a bill which Senator DOMINICK and I introduced in February of this year. Title II will provide necessary Federal financial assistance to limit radiation exposure from the use of uranium mill tail-

ings in the area of Grand Junction, Colo. There is no denying the necessity of this legislation, and the speed which the Joint Committee has displayed in reporting the bill is to be highly commended.

Mr. President, let me take just a moment to trace the history of the uranium mill tailings problem in the Grand Junction area. During the 1950's and early 1960's uranium mill tailings were used and became a favorite type of construction material in the Grand Junction area. There are several reasons for this; easy access, excellent construction qualities and inexpensive costs are just a few. At that time, for a variety of disputed reasons, no one suspected any danger from using the tailings in construction. During the late 1960's the Colorado Department of Public Health and the Atomic Energy Commission became concerned that the use of tailings in this way may have a detrimental effect on public health. This concern resulted in terminating further use of the tailings after 1966, without prior approval by the State department of health.

Since that decision in 1966, the various governmental agencies involved, have been working to first define the problem and second, to propose a solution. Until fairly recently, this work had been progressing in an orderly fashion. During the past year considerable media attention has been given to the subject. This attention, while in some ways good, has in many ways created something of an unjustified fear in the Grand Junction area. The media attention has caused the various Government agencies to expedite and coordinate their respective endeavors. This has been good. The adverse effects can be seen in the unjustified fear of the citizens of the Grand Junction area. It can also be seen in many economic aspects of this area. Property values have declined and general concern has been expressed about the future effects on the properties where the presence of tailings has been noted.

It is because of these uncertainties that I believe it is imperative that Congress reach a speedy solution to this problem. Passage of S. 3607 will accomplish just this.

Title II recognizes the traditional concept of Federal-State cooperation in solving problems. The State of Colorado has acted during the past month in passing a similar piece of legislation to meet its initial share of the responsibility. Congress should do no less. Passage of S. 3607 will allow action to commence in reaching a solution to this problem.

Once again I congratulate the floor manager of the bill and the members of the Joint Committee on Atomic Energy and state my full support of this measure.

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

Mr. BENNETT. Mr. President, I yield back the time of the minority.

The PRESIDING OFFICER. All time has been yielded back.

The bill having been read the third time, the question is, Shall it pass? On this question the yeas and the nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Idaho (Mr. CHURCH), the Senator from Mississippi (Mr. EASTLAND), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), 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 Utah (Mr. MOSS), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Illinois (Mr. STEVENSON) are necessarily absent.

I also announce that the Senator from Louisiana (Mr. ELLENDER) is absent on official business.

I further announce that if present and voting, the Senator from Illinois (Mr. STEVENSON), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Georgia (Mr. GAMBRELL) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON) and the Senator from Maryland (Mr. MATHIAS) are absent on official business.

The Senator from Vermont (Mr. AIKEN), the Senator from Massachusetts (Mr. BROOKE), the Senator from Kentucky (Mr. COOK), the Senator from New Hampshire (Mr. COTTON), the Senator from Hawaii (Mr. FONG), the Senator from Arizona (Mr. GOLDWATER), the Senator from Illinois (Mr. PERCY), the Senator from Iowa (Mr. MILLER), the Senator from Ohio (Mr. TAFT), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), the Senator from Iowa (Mr. MILLER), the Senator from Ohio (Mr. TAFT), the Senator from South Carolina (Mr. THURMOND), and the Senator from Hawaii (Mr. FONG) would each vote "yea."

The result was announced—yeas 71, nays 0, as follows:

[No. 188 Leg.]

YEAS—71

Allen	Ervin	Nelson
Allott	Fannin	Packwood
Baker	Fulbright	Pastore
Bayh	Griffin	Pearson
Beall	Gurney	Pell
Bennett	Hansen	Proxmire
Bentsen	Hart	Randolph
Bible	Hatfield	Roth
Boggs	Hollings	Saxbe
Brock	Hruska	Schweiker
Buckley	Hughes	Scott
Burdick	Inouye	Smith
Byrd	Jackson	Sparkman
	Javits	Spong
	Jordan, Idaho	Stafford
	Kennedy	Stennis
	Long	Stevens
	Magnuson	Symington
	Mansfield	Talmadge
	McIntyre	Tower
	Metcalf	Tunney
	Mondale	Weicker
	Montoya	Williams
	Muskie	Young

NAYS—0

NOT VOTING—29

Alken	Gambrell	McGovern
Anderson	Goldwater	Miller
Bellmon	Gravel	Moss
Brooke	Harris	Mundt
Church	Hartke	Percy
Cook	Humphrey	Ribicoff
Cotton	Jordan, N.C.	Stevenson
Eastland	Mathias	Taft
Ellender	McClellan	Thurmond
Fong	McGee	

So the bill (S. 3607) was passed, as follows:

S. 3607

An act to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes

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

Sec. 101. There is hereby authorized to be appropriated to the Atomic Energy Commission in accordance with the provisions of section 261 of the Atomic Energy Act of 1954, as amended:

(a) For "Operating expenses", \$2,110,480,000 not to exceed \$126,400,000 in operating costs for the high energy physics program category.

(b) For "Plant and capital equipment", including construction, acquisition, or modification of facilities, including land acquisition; and acquisition and fabrication of capital equipment not related to construction, a sum of dollars equal to the total of the following:

(1) NUCLEAR MATERIAL.—

Project 73-1-a, in-tank solidification systems auxiliaries, Richland, Washington, \$2,500,000.

Project 73-1-b, waste management effluent diversion control facilities, separations areas, Richland, Washington, \$1,000,000.

Project 73-1-c, expansion of weighing and sampling facility for gaseous diffusion plant, Portsmouth, Ohio, \$1,400,000.

Project 73-1-d, component test facility, Oak Ridge, Tennessee, \$20,475,000.

Project 73-1-e, radioactive waste management improvements, Savannah River, South Carolina, \$1,300,000.

Project 73-1-f, safety improvements, reactor areas, Savannah River, South Carolina, \$2,000,000.

Project 73-1-g, contaminated soil removal facility, Richland, Washington, \$1,400,000.

Project 73-1-h, Rover fuels processing facilities, National Reactor Testing Station, Idaho, \$3,250,000.

Project 73-1-i, radioactive solid waste reduction facility, Los Alamos Scientific Laboratory, New Mexico, \$750,000.

(2) NUCLEAR MATERIAL.—

Project 73-2-a, atmospheric pollution control facilities, heavy water plant, Savannah River, South Carolina, \$4,300,000.

Project 73-2-b, improved sanitary waste treatment facilities, Savannah River, South Carolina, \$1,100,000.

(3) ATOMIC WEAPONS.—

Project 73-3-a, weapons production, development, and test installations, \$10,000,000.

Project 73-3-b, laser fusion laboratory, Los Alamos Scientific Laboratory, New Mexico, \$5,200,000.

Project 73-3-c, laser fusion laboratory, Lawrence Livermore Laboratory California, \$6,800,000.

Project 73-3-d, classified facilities, sites undesignated, \$15,000,000.

(4) ATOMIC WEAPONS.—

Project 73-4-a, new sewage disposal plant, Mound Laboratory, Miamisburg, Ohio, \$700,000.

Project 73-4-b, land acquisition, Rocky Flats, Colorado, \$8,000,000.

(5) REACTOR DEVELOPMENT.—

Project 73-5-a, Liquid Metal Engineering

Center facility modifications, Santa Susana, California, \$3,000,000.

Project 73-5-b, modifications to EBR-II, National Reactor Testing Station, Idaho, \$4,000,000.

Project 73-5-c, modifications to Power Burst Facility, National Reactor Testing Station, Idaho, \$1,500,000.

Project 73-5-d, modifications to TREAT facility, National Reactor Testing Station, Idaho, \$1,500,000.

Project 73-5-e, research building safety modifications, Mound Laboratory, Miamisburg, Ohio, \$3,000,000.

Project 73-5-f, Pu-238 fuel form fabrication facility, Savannah River, South Carolina, \$8,000,000.

Project 73-5-g, modifications to reactors, \$3,000,000.

Project 73-5-h, S8G prototype nuclear propulsion plant, West Milton, New York, \$56,000,000.

(6) PHYSICAL RESEARCH.—

Project 73-6-a, accelerator improvements, zero gradient synchrotron, Argonne National Laboratory, Illinois, \$400,000.

Project 73-6-b, accelerator and reactor improvements, Brookhaven National Laboratory, New York, \$475,000.

Project 73-6-c, accelerator improvements, Cambridge Electron Accelerator, Massachusetts, \$75,000.

Project 73-6-d, accelerator improvements, Lawrence Berkeley Laboratory, California, \$525,000.

Project 73-6-e, accelerator improvements, Stanford Linear Accelerator Center, California, \$1,025,000.

Project 73-6-f, accelerator and reactor improvements, medium and low-energy physics, \$600,000.

(7) BIOLOGY AND MEDICINE.—

Project 73-7-a, high-energy heavy ion facility (BEVALAC), Lawrence Berkeley Laboratory, California, \$2,000,000.

(8) BIOLOGY AND MEDICINE.—

Project 73-8-a, replacement of laboratory service systems, Oak Ridge National Laboratory, Tennessee, \$1,200,000.

(9) ADMINISTRATIVE.—

Project 73-9-a, addition to headquarters building (AE only), Germantown, Maryland, \$1,500,000.

(10) GENERAL PLANT PROJECTS.—\$49,050,000.

(11) CAPITOL EQUIPMENT.—Acquisition and fabrication of capital equipment not related to construction, \$164,080,000.

SEC. 102. LIMITATIONS.—(a) The Commission is authorized to start any project set forth in subsections 101(b) (1), (3), (5), (6), and (7) only if the currently estimated cost of that project does not exceed by more than 25 per centum the estimated cost set forth for that project.

(b) The Commission is authorized to start any project under subsections 101(b) (2), (4), (8), and (9) only if the currently estimated cost of that project does not exceed by more than 10 per centum the estimated cost set forth for that project.

(c) The Commission is authorized to start any project under subsection 101(b) (10) only if it is in accordance with the following:

(1) The maximum currently estimated cost of any project shall be \$500,000 and the maximum currently estimated cost of any building included in such project shall be \$100,000, provided that the building cost limitation may be exceeded if the Commission determines that it is necessary in the interest of efficiency and economy.

(2) The total cost of all projects undertaken under subsection 101(b) (10) shall not exceed the estimated cost set forth in that subsection by more than 10 per centum.

SEC. 103. The Commission is authorized to perform construction design services for any Commission construction project whenever (1) such construction project has been included in a proposed authorization bill transmitted to the Congress by the Com-

mission and (2) the Commission determines that the project is of such urgency that construction of the project should be initiated promptly upon enactment of legislation appropriating funds for its construction.

SEC. 104. When so specified in an appropriation Act, transfers of amounts between "Operating expenses" and "Plant and capital equipment" may be made as provided in such appropriation Act.

SEC. 105. AMENDMENT OF PRIOR YEAR ACTS.—(a) Section 101 of Public Law 91-44, as amended, is further amended by striking from subsection (b) (1), project 70-1-b, bedrock waste storage, the figure "\$1,300,000" and substituting therefor the figure "\$4,300,000".

(b) Section 101 of Public Law 91-273, as amended, is further amended by (1) striking from subsection (b) (1), project 71-1-e, gaseous diffusion production support facilities, the figure "\$45,700,000" and substituting therefor the figure "\$72,020,000", (2) striking from subsection (b) (1), project 71-1-f, process equipment modifications, gaseous diffusion plants, the figure "\$10,400,000" and substituting therefor the figure "\$34,400,000", (3) striking from subsection (b) (6), project 71-6-a, National Nuclear Science Information Center, the words "AE only" and substituting therefor the words "American Museum of Atomic Energy", and further striking the figure "\$600,000" and substituting therefor the figure "\$3,500,000", and (4) striking from subsection (b) (9), project 71-9, fire, safety, and adequacy of operating conditions projects, the figure "\$45,700,000" and substituting therefor the figure "\$69,000,000".

(c) Section 101 of Public Law 92-84, as amended, is further amended by (1) striking from subsection (b) (1), project 72-1-f, component preparation laboratories, the figure "\$3,000,000" and substituting therefor the figure "\$25,300,000", (2) striking from subsection (b) (2), project 72-2-b, weapons neutron research facility, the words "(AE only)" and further striking the figure "\$585,000" and substituting therefor the figure "\$4,400,000", (3) striking from subsection (b) (3), project 72-3Xb, national radioactive waste repository, the words "Lyons, Kansas" and substituting therefor the words "site undetermined" and further adding after the words "Provided, That" the words "with respect to any site in the State of Kansas", and (4) striking from subsection (b) (5), project 72-5-a, radiobiology and therapy research facility, the words "(AE only)" and further striking the figure "\$345,000" and substituting therefor the figure "\$1,600,000".

SEC. 106. RESCISSION.—(a) Public Law 91-44, as amended, is further amended by rescinding therefrom authorization for the following projects, except for funds heretofore obligated:

Project 70-2-a, rebuilding of gaseous diffusion plant cooling tower, Portsmouth, Ohio, \$1,000,000.

Project 70-4-b, research and development test plants, Project Rover, Los Alamos Scientific Laboratory, New Mexico, and Nevada Test Site, Nevada, \$1,000,000.

(b) Public Law 91-273, as amended, is further amended by rescinding therefrom authorization for a project, except for funds heretofore obligated, as follows:

Project 71-3-b, research and development test plants, Project Rover, Los Alamos Scientific Laboratory, New Mexico, and Nevada Test Site, Nevada, \$1,000,000.

TITLE II

SEC. 201. The Congress recognizes and assumes the compassionate responsibility of the United States to provide to the State of Colorado financial assistance to undertake remedial action to limit the exposure of individuals to radiation emanating from uranium mill tailings which have been used as a construction related material in the area of Grand Junction, Colorado.

SEC. 202. The Atomic Energy Commission is hereby authorized to enter into a cooperative arrangement with the State of Colorado under which the Commission will provide not in excess of 75 per centum of the costs of a State program, in the area of Grand Junction, Colorado, of assessment of, and appropriate remedial action to limit the exposure of individuals to radiation emanating from uranium mill tailings which have been used as a construction related material. Such arrangement shall include, but need not be limited to, provisions that require:

(a) that the basis for undertaking remedial action shall be applicable guidelines published by the Surgeon General of the United States;

(b) that the need for and selection of appropriate remedial action to be undertaken in any instance shall be determined by the Commission upon application by the property owner of record to the State of Colorado within four years of the date of enactment of this Act and recommendation by and consultation with the State and others as deemed appropriate;

(c) that any remedial action shall be performed by the State of Colorado or its authorized contractor and shall be paid for by the State of Colorado;

(d) that the United States shall be released from any mill tailings related liability or claim thereof upon completion of remedial action or waiver thereof by the property owner of record on behalf of himself, his heirs, successors, and assigns; and further, the United States shall be held harmless against any claim arising out of the performance of any remedial action;

(e) that the State of Colorado shall retain custody and control of and responsibility for any uranium mill tailings removed from any site as part of remedial action;

(f) that the law of the State of Colorado shall be applied to determine all questions of title, rights of heirs, trespass, and so forth; and

(g) that the Atomic Energy Commission shall be provided such reports, accounting, and rights of inspection as the Commission deems appropriate;

Provided, That before such arrangement or amendment thereto shall become effective, it shall be submitted to the Joint Committee on Atomic Energy and a period of thirty days shall elapse while Congress is in session (in computing such thirty days, there shall be excluded the days on which either House is not in session because of adjournment for more than three days): *Provided, however*, That the Joint Committee on Atomic Energy, after having received the arrangement or amendment thereto, may by resolution in writing waive the conditions of, or all or any portion of, such thirty-day period.

SEC. 203. The Atomic Energy Commission shall prescribe such rules and regulations as it deems necessary and appropriate to carry out the provisions of this title II. Notwithstanding the provisions of subsection (a) (2) of section 553 of title 5, United States Code, such rules and regulations shall be subject to the notice and public participation requirements of that section.

SEC. 204. For the purpose of carrying out the provisions of this title II, there is included in subsection 101(a) of this Act authorization of appropriations in the amount of \$5,000,000.

TITLE III

SEC. 301. Section 161 of the Atomic Energy Act of 1954, as amended, is amended by adding at the end thereof the following new subsection:

"w. prescribe and collect from any other Government agency, which applies for or is issued a license for a utilization facility designed to produce electrical or heat energy pursuant to section 103 or 104b, any fee, charge, or price which it may require, in accordance with the provisions of section 483a of title 31 of the United States Code

or any other law, of applicants for, or holders of, such licenses."

Mr. PASTORE. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TRIBUTE TO SENATOR PASTORE

Mr. MANSFIELD. Mr. President, it is with the greatest pleasure that I rise to congratulate the distinguished senior Senator from Rhode Island (Mr. PASTORE) for the magnificent manner with which he handled the AEC authorization measure today. The efficiency and dispatch with which this matter was greeted and its unanimous approval by the Senate are all a great tribute to Senator PASTORE and his outstanding skill and ability. The Senate is deeply grateful. Senator PASTORE may add another outstanding achievement to his already overabundant record of public service.

FOREIGN RELATIONS AUTHORIZATION ACT OF 1972

The PRESIDING OFFICER (Mr. ALLEN). At this time under the previous order, the Senate will return to the consideration of the unfinished business, S. 3526, which the clerk will state.

The legislative clerk read as follows:

S. 3526, to provide authorizations for certain agencies conducting the foreign relations of the United States, and for other purposes.

ORDER FOR FURTHER TRANSACTION OF ROUTINE MORNING BUSINESS TODAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a resumption of the period for the transaction of routine morning business, with statements limited to 5 minutes, the period not to last beyond 30 minutes; and that the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.) may be recognized at the beginning, however, for 15 minutes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered; and the Senator from Virginia (Mr. HARRY F. BYRD, JR.) is now recognized for not to exceed 15 minutes.

IMPORTATION OF CHROME ORE FROM RHODESIA

Mr. HARRY F. BYRD, JR. Mr. President, next week, probably on Wednesday, the Senate will vote on amendment No. 1196 to the pending legislation; namely, the Foreign Relations Authorization Act of 1972, S. 3526.

The amendment to which I have referred would keep the law as it is now in regard to the importation of chrome ore from Rhodesia.

Last year, Congress enacted legislation which said that the President of the United States could not prohibit the importation of a strategic material, if such

material was being imported from a Communist-dominated country.

That legislation passed the Senate in September. It then passed the House of Representatives by a vote of 251 to 100, and it was signed into law by the President and became effective this past January 1. That is the history.

The Foreign Relations Committee in the Foreign Relations Authorization Act of 1972 now seeks to repeal what Congress did last year. That seems to me to be a very illogical proposal. The legislation enacted by Congress last year only became effective January 1 of this year. So, I see no particular logic in what the Foreign Relations Committee is attempting to do.

When Congress acted as it did last year in regard to permitting the importation of a strategic material—and as a practical matter it applies mainly to chrome from Rhodesia—the reason that Congress acted as it did last year was so that the United States would no longer be dependent on Communist Russia for a strategic war material.

It was in 1966 or 1967 that President Johnson, by unilateral action, placed an embargo on trade with Rhodesia. Rhodesia is the No. 1 chrome-producing nation in the world. As a result of that embargo, put on unilaterally by the Chief Executive, and without the approval of Congress, the United States could no longer import chrome from Rhodesia. As a result, the United States has become dependent on Communist Russia for 60 percent of our imports. Congress last year did not regard this embargo as logical and it passed the legislation which I have already described.

Mr. President, the State Department released several days ago a letter addressed to one of the Members of the Senate in which the State Department expressed approval of the effort to repeal the legislation which Congress enacted last year. The reason that the State Department gives is that the measure adopted last year has put the United States in violation of its international obligations.

What the State Department is saying that is because the United Nations has decreed an embargo on trade with Rhodesia, the United States must adhere to that embargo even though it makes the United States dependent on Communist Russia for a vital and strategic material. I must say that I do not subscribe to the reasoning enunciated by the Department of State.

The State Department last year fought the proposal to end our dependence on Russia for this strategic material. So I am not at all surprised that the State Department is taking the action that it is taking today.

I speak as one who favors the United Nations. I came back from war duty in the Pacific in 1945 by way of San Francisco at the time that the United Nations was being formed. So, I have felt a rapport with that organization through the years. However, when it comes to the defenses of the United States, then I say that the first consideration must be given to our own Nation.

Congress last year appropriated \$77 billion for national defense. It is now

being called upon by the present administration to appropriate \$83 billion for defense this upcoming fiscal year.

It certainly does not seem very logical to vote these huge sums of tax money to arm ourselves against potential aggressors—and the No. 1 potential aggressor is the Soviet Union—and at the same time pass legislation which would make the United States dependent on Communist Russia for vital war material.

I point out that when Congress took action last year to remove the embargo on the importation of chrome from Rhodesia, at the time the roll was called in the Senate and in the House of Representatives, representatives from 46 of the 50 States voted to end the United States dependence on Russia for this strategic material.

It is not a regional matter. It is a national matter. It is not a State Department matter. It is a national defense matter.

I emphasize again that an analysis of the rollcalls of the Senate and the House of Representatives shows that Representatives from 46 of the 50 States supported the proposal to eliminate the embargo on trade with Rhodesia insofar as the importation of chrome is concerned.

A drive is now being made to have Congress rescind its action of a year ago. That drive is being spearheaded by the New York Times and the Washington Post, two very influential newspapers.

They are putting all the heat they can on Members of Congress. I cannot speak for anyone except myself but I do not expect to let the New York Times and the Washington Post dominate my vote so long as I am a Member of the Senate. I recognize how influential they are, and I recognize how determined they are.

Mr. President, in the debate on this matter the statement has been made that we must have an embargo on trade with Rhodesia because their internal policies are not to the liking of the United Nations or to many Members of Congress. I must say I am not totally in sympathy with their policies.

But the problem which exists between Great Britain and Rhodesia which led to the embargo is a matter to be determined by those countries. Why should the United States inject itself into the matter? Whether Rhodesia is independent of Great Britain or continues as a colony of Great Britain is a matter to be determined by them, as I see it.

Several nights ago, for the second time, I went to see the musical comedy "1776" which is a magnificent show dealing with the American independence and the Constitutional Convention that led to the creation of the United States. What Rhodesia is seeking today is what the United States sought in 1776.

Rhodesia is seeking independence from Great Britain. Whether she should have independence or should not have independence is certainly not a matter for me to say; I think it is a matter to be determined by those countries, and I do not think it is appropriate for the United States to inject itself into the matter and attempt to force Rhodesia through a trade embargo to subject herself to the desires of Great Britain.

The basic question at hand, and the

one which the Senate will be called upon to vote on next week—probably next Wednesday—deals not with the internal affairs of Rhodesia.

Mr. President, it deals not with whether Rhodesia should or should not be independent of Great Britain, but the fundamental question is whether the United States shall be dependent on Communist Russia for a vital war material.

I have no quarrel with those who feel there is nothing wrong about the United States being put in that position. I happen to feel otherwise. I happen to feel it is a very foolish policy, by which this Nation is being placed in a position of dependence for 60 percent of its chrome imports, a vital war material, on Communist Russia.

I hope when the roll is called next week the Senate will stand this year just as it did last year to permit the importation of this strategic material from Rhodesia, despite the embargo placed on trade with that country by the United Nations.

Insofar as the action of the American Government is concerned, I want to point out again that the embargo on trade with Rhodesia was not the work of the Congress of the United States; it was put on unilaterally by the Chief Executive. Many Members of the Senate who will vote contrary to the way I am going to vote next week have been those who have been the loudest in their demands that Congress reassert itself and cease giving so much power to the President. I certainly believe that way. I think we should cease giving additional power to the President.

I do not approve of the trade embargo which was placed on Rhodesia unilaterally by the President, with Congress having no say.

In conclusion, I want to point out that the only time Congress has had an opportunity to vote on this matter was last year when Congress overwhelmingly voted to rescind the embargo which was unilaterally placed on this country by the Chief Executive 6 or 7 years ago.

The issue is clear cut.

AUTHORITY FOR ALL COMMITTEES TO FILE REPORTS TOMORROW BETWEEN 9 A.M. AND 2 P.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all committees may have authority to file reports tomorrow between the hours of 9 a.m. and 2 p.m.

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

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest what I assume and hope will be the final quorum call of the day.

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

Is there further routine business to be transacted at this time?

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider two nominations which were reported earlier today and which are at the desk.

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

U.S. DISTRICT JUDGE

The PRESIDING OFFICER. The clerk will state the first nomination.

The legislative clerk read the nomination of Otto R. Skopil, Jr., of Oregon, to be a U.S. district judge for the district of Oregon.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

The legislative clerk read the nomination of James M. Burns, of Oregon, to be a U.S. district judge for the district of Oregon.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. HRUSKA. Mr. President, I ask that the President be immediately notified of the confirmation of the nominations.

The PRESIDING OFFICER. Without objection, the President will be so notified.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, on Tuesday, May 30, the Senate will again reconvene. The meeting time will be at noon. The period for the transaction of routine morning business will not exceed 15 minutes, with a time limitation of 3 minutes on statements therein.

The Senate will then proceed to consider the Federal Hazardous Substances Act, S. 1478, with an agreement thereon limiting time on the bill to 2 hours; time on any amendment in the first degree to 1 hour; and time on any amendment to an amendment, debatable motion, or appeal, to 30 minutes. Rollcall votes are expected on that bill and in connection with amendments thereto.

Upon the disposition of S. 1478, the Senate will proceed to the following amendments to S. 3526, the State authorization bill, in the order stated and with the time limitation on each as indicated:

Amendment No. 1176, by Mr. DOMINICK, 1½ hours.

Amendment No. 1174, by Mr. BROOKE, 2 hours.

An amendment by Mr. PERCY, the number of which I am not aware of at the moment, 1 hour.

Amendment No. 1196 by the distinguished senior Senator from Virginia, HARRY F. BYRD, JR., 2 hours.

Rollcall votes have already been ordered on each of those four amendments. Any of the foregoing amendments which are not reached on Tuesday will spill over into Wednesday and will be taken up in the order enumerated.

So, for the information of Senators, Tuesday will be a reasonably long day beginning at noon, in accordance with House Concurrent Resolution 619, which was adopted on yesterday. Several rollcall votes will occur during the day on Tuesday. It would be purely a guess, but I would venture the guess that there would be at least three votes, and possibly from that number on up to half a dozen votes. Of course, the situation could change and I could be wrong.

So, insofar as Tuesday is concerned, that about states the case.

On Wednesday, May 31, the Senate will continue with action on the unfinished business, S. 3526, the State authorization bill, with rollcall votes during the day.

It is entirely possible that action could be completed on the State authorization bill on Wednesday, but, if not, the Senate will continue action on the State authorization bill on Thursday. There is a good possibility that action will surely be completed by Thursday, but if not, the Senate will continue action on the State authorization bill, S. 3526, into Friday.

Senators know that conference reports are privileged matters and may be called up at any time. Appropriation bills will be coming along rather frequently during the next several days—the next 30 days, as a matter of fact.

So, as a final note, I would add that the Kleindienst nomination will follow action on S. 3526, the State authorization bill, in accordance with the statement by the distinguished majority leader. That being the case, the Kleindienst nomination could be expected to be called up by late Wednesday of next week, but if not then, certainly Thursday or Friday of next week, I should think.

A final reminder: There will be several rollcall votes Tuesday. Roll call votes are expected on Wednesday.

ADJOURNMENT UNTIL TUESDAY, MAY 30, 1972

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the provisions of House Concurrent Resolution 619, as amended, that the Senate stand in adjournment until 12 o'clock noon on Tuesday next.

The motion was agreed to, and at 1:35 p.m. the Senate adjourned until Tuesday, May 30, 1972, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate May 25, 1972:

CORPORATION FOR PUBLIC BROADCASTING

The following-named persons to be Members of the Board of Directors of the Corporation for Public Broadcasting for terms expiring March 26, 1978:

Michael A. Gammino, Jr., of Rhode Island, reappointment.

Joseph D. Hughes, of Pennsylvania, reappointment.

Gloria L. Anderson, of Georgia, vice Oveta Culp Hobby, term expired.

Theodore W. Braun, of California, vice Joseph A. Beirne, term expired.

Neal Blackwell Freeman, of New York, vice Zelma George, term expired.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 25, 1972:

U.S. COAST GUARD

The following-named officer of the U.S. Coast Guard for promotion to the grade of rear admiral:

Ricardo A. Ratti.

U.S. DISTRICT COURTS

Otto R. Skopli, Jr., of Oregon, to be a U.S. district judge for the district of Oregon.

James M. Burns, of Oregon, to be a U.S. district judge for the district of Oregon.

EXTENSIONS OF REMARKS

A CAPITAL LEARNING EXPERIENCE: STUDENT INTERNS IN GOVERNMENT—A PROMISING NEW APPROACH

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. PUCINSKI. Mr. Speaker, recently more than 300 student leaders from 38 States visited Washington to express interest in the pending higher education legislation, meet their elected Representatives, and discuss among themselves the response of the Federal Government to their sense of social concern and desire to participate actively in public affairs. These young people have made a major contribution toward helping us reach agreement in conference on the higher education bill.

As a conferee, and as a member of the Subcommittee on Higher Education, I have a profound respect for the contribution of these young people.

The National Student Lobby which has helped bring these young people together has properly sensed the contribution that young people can make to the legislative process. It is for this reason that Congress should pay close attention to the unanimous interest shown by these young people in proposals to expand Federal assistance for work-study and internships, arrangements for short-term or part-time employment, or volunteer service by students while they are attending college. Every Member of Congress knows how greatly student interest in internship assignments has grown in recent years. Hardly any of us is in a position to accept all the offers we receive from students and their home institutions for summer internships and, increasingly often, similar opportunities during the school year. Thus I am led to wonder if the Federal Government is yet doing enough to accommodate this new thrust of student interest. It seems to me that Washington, with its enormous array of Government bureaus, almost all of which are carrying out studies or experimental programs from which students could learn a great deal, should be a center for various experimental efforts to combine higher education and public affairs on a scale not hitherto attempted.

It has been with the greatest of interest that I have learned of a proposal for a summer student program combining internships with organized courses. The program will run on a small scale in the summer of 1972 for around 100 students, each of whom will have a full-time internship assignment, paid or unpaid, in an agency or office in Washington whose

work is somehow relevant to the study of a major theme of public policy. The program is being cosponsored by three organizations: Mount Vernon College, a local 2-year women's college—although some of the seminars will be offered by Georgetown University and Catholic University; Organization Response, a nonprofit collaborative of scholars and scientists working to promote innovation in institutions of learning; and the National Student Educational Fund, a nonprofit educational organization representing over 100 student governments around the country.

The title of the program is "A Capital Learning Experience." The program will offer a number of study areas, including "Science and the Citizen," "New Towns," "Technology Assessment and the Quality of Life," "Dynamics of American Foreign Policy," "Environmental Quality," "Institutional Change in Higher Education and Research," "Health Care and Public Policy," "Television and Popular Education in America," and "Urban Ethnology Field Techniques."

At the end of the summer the organizers of the program will hold an open conference for other educational institutions, Government agencies, associations, students, and others who might be interested in participating in a similar venture during the academic year or next summer. Present plans call for the conference to be sponsored by the office of program development, George Washington University, which is administering a grant to the university from the National Endowment for the Humanities which provides, in part, for the establishment of a work-study office in the consortium of universities to serve local institutions and, perhaps, other colleges and universities elsewhere.

Increasingly often students are interested in seeking and receiving regular academic credit for the studies they carry out in agencies and offices. Unless a suitably qualified scholar or scientist is familiar with their work such credit can be hard to arrange. And yet, if the learning is genuine, and the student completes the assignment he or she has undertaken, it seems like a very good idea to secure academic recognition for it. To do so might help to relieve the strain on faculty time and facilities in institutions of higher education, while also recognizing that the entire community has at least a potential contribution to make to higher education.

The organizers of "A Capital Learning Experience" believe that a promising way for students to arrange to receive credit for their summer study efforts would be to enroll in a seminar related to the topic they are working on

in their host agencies or offices. The instructor of each seminar will be prepared to help students secure credit, not just for their classroom work in a weekly seminar, but also for the work they have carried out in an agency or office, so long as it is directly relevant to the topic of the seminar. The range of initial offerings is fairly broad and might become more extensive in the future. Agencies are encouraged to contact the organizers of the program about student interns they have already selected for this summer who might want to enroll.

The organizers of the program have invited students seeking internship opportunities to file with them brief statements of their capabilities and interests. Agencies or offices hoping to find suitably qualified junior staff members for the summer of 1972 might contact the National Student Educational Fund or Organization Response if they are prepared to offer an internship to a suitably qualified student to carry out a project in one of the policy areas chosen for this summer.

The organizers of the program are careful to point out that the internship prospects they have identified are only that—possibilities, and no more. If agencies are interested, the prospects could be turned into actual appointments in a large number of cases. Oftentimes agencies have interesting projects which cannot be carried out for lack of help. A structured program through which these opportunities could be advertised or brought to the attention of students would have a great deal to commend it.

The National Student Educational Fund is a private, nonprofit organization representing student governments all over the country. One of its primary purposes is to help students become involved in research and policy-oriented internships in the Washington area. Toward that end the fund is prepared to enter into simple contracts with Government agencies and other organizations whereby the fund could administer blocks of internship stipends, at considerable savings to agencies in redtape, flexibility, and simplicity. The advantage to agencies is that positions created for full-time, year-round employees would not have to be encumbered for students on short-term assignments. Such contracts could include provision for health insurance and tuition.

In 1892 the universities of the District of Columbia secured legislation authorizing Government agencies to offer their students access to facilities for study and research. By the act of March 3, 1901 (20 U.S.C. 91) the statute was broadened to include students from colleges and universities elsewhere. Because